



MOUNT OLYMPUS COMMUNITY COUNCIL
Churchill Jr. High School Library
May 7, 2019, 6:00 PM

Pledge of Allegiance

Council Members Present:

North: Richard Williamson (minutes), Brian Jorgensen

South: David Baird (Chair), Joan Haven (Vice Chair), Chuck Pruitt, John Knoblock,
Phong Nguyen, Kumar Shah, Ken Smith

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Introduction of Council Members

Previous meeting minutes for March and April 2019 both had motions for approval. MOCC voted unanimously for approval of those minutes. Special thanks to Chuck Pruitt and Brian Jorgensen for helping record the minutes.

Reports:

1. MAYOR'S REPORT (Jeff Silvestrini):

- 150th Anniversary Golden Spike Celebration
 - See <https://spike150.org/>
 - See <https://move.utah.gov/golden-spoke/>
 - See <https://www.facebook.com/MillcreekCity/posts/2326767740696017>
 - “Millcreek is joining the Celebration on May 11th with a ride that will begin at the Grandeur Peak Trailhead at 10:00 am with a short presentation about the railroad in Parleys Canyon that connected Salt Lake City to Park City in the late 1880's. Light refreshments will be served and riders will leave around 10:30 am to meet the main group of Golden Spoke riders by 11:30 am at the Redwood Trailhead Park.”
- Zone change for a (rebuild) of UFA fire station #112 on Jupiter Dr. will be the third modern fire station in Millcreek and will make it seismically-sound.
- Brickyard Plaza: Millcreek is actively working with SLC toward a consensus for jurisdictional control.
- Millcreek property tax collect rate was about 98% this past year. Probably there will not be a property tax increase for this coming year.
- This past snow season was more than anticipated which exceeded SLC's snow plow budgets, and the contracted price for snow removal services through SLC for 2020 also increased.

- Millcreek City Council held a Special Public Meeting on May 1st at City Hall regarding the 3900 South Reconstruction Project from 2300 East to I-215. Public comment was accepted at the open house and public hearing. “The public can also respond anytime from May 1-13, 2019 by sending comments to 3900 South Project, H.W. Lochner, 3995 S. 700 E. #450, Murray, Utah 84107 or by emailing the project team at 3900SouthProject@gmail.com.” An environmental impact study will be underway.
- 900 E. Improvement Project from 3900 S. to 4500 S. Public hearing was April 4th. The work is anticipated to begin in starting next year.
- Mayor recommends pay increases for both UPD and UFA to be competitive with local job markets. Currently these services are in the bottom ½ of pay scale for similar professions according to a salary study, and it is recommended that Millcreek offer more salary incentives toward the top 1/3, to recruit and retain these well-trained professionals, most qualified to do the job.
- Tentative City Budget, “Monday, May 13, 2019, at approx. 7:00 p.m., at Millcreek City Hall, 3330 S. 1300 E., Millcreek, Utah, the following public hearing will be held before the City Council: to consider the fiscal year 2019-2020 general fund and capital improvement project fund tentative budget. A copy of the associated information for the hearing is on file for review at Millcreek City Hall. The public is invited to attend the hearing and make comments.” <https://millcreek.us/ArchiveCenter/ViewFile/Item/190>
- Mayor welcomes public comment on the City Center Master Plan, and expressed his support toward these future developments. See <https://millcreek.us/254/City-Center-Master-Plan>

2. UPD REPORT (presented by Jared Nichols of UPD)

- Review of crime statistical report for last month
- UPD emergency response times are around “2 minutes”
- Question by Joan Haven (MOCC Co-Chair) about fireworks or gunshot noises last Saturday night 5/4/19, but no information was passed to Officer Nichols.
- David Baird (MOCC Chair) praised the UPD for their dedicated service and also stated that crime reporting through various methods may show increased social media attention but the statistics show that Millcreek and Mt. Olympus community have lower crime statistics in comparison.

3. No UFA Report today

4. Patrice Arent (House District 36) had report presented by intern Elise Scott about legislative bills.

- Discussion on various issues including Clean Air Caucus May 14th at 6:30, Anti-idling Initiative, Hate Crimes bill, State Teleworking program, Tax Reform, and the Spike 150 Celebration event, etc.

BUSINESS:

1. **Ms. Barrel** presented to MOCC a discussion on “Renewable Energy Initiative 100” and asked for more community involvement. More information TBD

2. **Francis Lilly**, Millcreek AICP, Director reviewed the RCOZ C Special Exception for a Residence, 4586 South Thousand Oaks Drive, (excerpts below taken from Mr. Lilly’s RC-19-001 report dated 30 Apr 2019)
 - “**Gary and Nazeli Manukyan** are seeking to construct a new residence on a vacant lot located at 4586 South Thousand Oaks Drive. Their architect, Jamie Walker, asserts that the lot features difficult topography, and it is on this basis that they are seeking a special exception to the city’s Residential Compatibility Overlay Zone standards.”
 - 1. An exception to the maximum height of 30 feet for residences in the R-1-10 zone. This height exception would extend only for a portion of the residence.
 - 2. An exception to the RCOZ requirement for side setbacks. Normally, combined side yard setbacks must be 25 percent of the total lot width, which in the case of the subject property is 120 feet, and no side yard set back may be less than eight feet. Strict application of the RCOZ standards would require combined side yard setbacks of 30 feet; the applicants are requesting that the normal R-1-10 setback of 10 feet per side yard be applied to their project.
 - 3. An exception to the RCOZ height envelope requirement. In RCOZ, buildings are limited by a height envelope that starts at a point eight feet above ground at each point on the property line of the lot and extending on a line at a 45-degree angle from the vertical toward the interior lot, up to the maximum height allowed in RCOZ. Under very specific circumstances, dormers and gables may exceed the height envelope. In the applicant’s case, the height envelope penetrates the north side of the garage structure, which would not be allowed under RCOZ standards.
 - 4. An exception to the front yard setback of 30 feet as normally required in the R-1-10 zone. The applicant is proposing an 18 foot setback, the maximum allowable reduction in the RCOZ standards.
 - The City’s RCOZ standards are intended to promote public welfare and balance neighborhood compatibility with the private property interests of those who wish to expand, develop, improve or otherwise make exterior modification to their residential property. The code acknowledges that there is a wide variation of circumstances incident to a residential application and the need for architectural freedom, and adopts a procedure that provides for strict application of standards, and two avenues for deviations of those standards subject to neighborhood compatibility. Specifically, “Option C allows a planning commission to consider at a public hearing a special exception for unusual or extraordinary circumstances that justify deviations from one or more of the limitations under Options A and B.” (19.71.010).
 - An RCOZ C special exception request is not like a typical application that comes before a community council for review and a recommendation: it is, per the RCOZ standards,

an evidentiary hearing. Specifically the application states: “a decision on the application shall be based on the evidence presented at the hearing. The burden of proof shall rest with the applicant. The planning commission may impose such conditions and limitations upon the approval of an exception to the requirements of this chapter necessary to prevent or mitigate adverse affects on the properties in the neighborhood of the subject properties, consistent with the standards of this chapter (19.71.050(B)).

- Specifically, the applicant must show the specific provisions from which the applicant seeks exceptions and the requested relief. In addition, the applicant bears the burden to demonstrate that: a. The proposed residence will be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area. b. The proposed residence will be compatible with existing residential development within a reasonable distance in terms of height, mass and lot coverage, with particular focus on the proximate neighborhood. c. The proposed residence will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance, with particular focus on the proximate neighborhood. d. Each point on the highest ridge of the structure will be no more than forty feet above the point on the original grade vertically below it (with allowances for chimneys and vent stacks). e. The front yard setback will be at least eighteen feet. (19.71.050 (A)(2))
- The ordinance then establishes criteria by which an applicant can show that their situation is “unusual or extraordinary” as stated in the RCOZ intent language. Specifically, the Planning Commission can evaluate the following in deciding whether or not to grant an RCOZ C special exception: a. Unusual lot shape. b. Unusual or difficult terrain. c. Drainage problems. d. Situations that appear not to be clearly addressed by the provisions of Options A or B. (19.71.050 (A)(3)).
- Mr. Lilly asked the Mount Olympus Community Council to offer the Planning Commission the following recommended findings:
 - 1. Is the lot at 4586 South Thousand Oaks Drive unusual or extraordinary?
 - 2. Will the proposed residence be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area?
 - 3. Will the proposed residence be compatible with existing residential development within a reasonable distance in terms of height, mass, and lot coverage, with particular focus on the proximate neighborhood?
 - 4. Will each point on the highest ridge be no more than forty feet above the point on the original grade vertically below it?
 - 5. Will the front yard setback be at least eighteen feet?
 - 6. Should the planning commission find that the exception should be granted? If so, are there conditions and limitation upon the approval of the exception to mitigate adverse effects on other properties in the neighborhood of the subject properties, consistent with the findings of this chapter?

Jamie Walker, from walker home design, is the architect/designer for the Manukyan family, and he presented to the MOCC a 3-D viewing and explanation of the designs and the Option C request related to the RCOZ boundaries.

To summarize details, as written on the RC-19-001 report dated 30 Apr 2019, “The applicant is proposing construction of a residence that will be two stories on the front elevation, and will not

exceed 31 feet in height. However, owing the steep topography of the property, a portion of the rear elevation of the home will be four stories above grade, not to exceed forty feet. The property is concave shaped, meaning that the lowest portion is in the middle of the slope. A section of the home will exceed the height envelope. The south elevation of the home will fit within the height envelope, but the north elevation will not, owing in part to a 40' deep garage, over a basement basketball court. While the garage has a two-car garage door, it is deep enough to park four vehicles. The applicant is proposing an 18 foot front yard setback, in order to push the house as close as possible to the grade on Thousand Oaks Drive, and maximize the allowable space under the height envelope. The applicant is proposing to reduce the side yard setbacks in order to accommodate a wider footprint and maximize a rear yard setback.”

Phong Nguyen (MOCC member) proposed to MOCC for consideration that “the concave shaped lot is unrealistic to build a [concave] house relative to the RCOZ requirements.”

Jamie Walker said that the house will all fit within the Option C exception, if approved.

David Baird (MOCC Chair) read a letter from Matt and Katie Lowe, who live at 3829 Thousand Oaks Circle, which said they oppose the Option C request. Building on such a lot is an “architectural challenge” which they are very familiar with, and said “the key lies in stepping the home down the slope. This is precisely what was intended when RCOZ was instituted. Our architect was able to design a home for us ... fits very well within the existing neighborhood, and met our design requirements.”

Joe Thomas, who lives at 4580 S. Thousand Oaks Dr. stated that he agrees with the comments made from Matt and Katie Lowe. He “strongly disagrees” with allowing an exception for Option C of these current design plans. He also stated that he had to made design sacrifices for his home plans to stay within the RCOZ standards.

Jen Hathaway, who lives at 4570 S. Thousand Oaks Circle agreed that a “3-car garage” is important for a new home, and asked for more information about the RCOZ side-boundaries, building envelope.

Kirk Jellum, who lives at 3734 E. Thousand Oaks Circle asked that the house designs be stepped to match the grade (slope of the property) within the RCOZ building envelope.

Resident who lives at 4594 Thousand Oaks Circle stated that there should be Geo study and soil sample testing done before deciding further action. His main concerns are the side yards and drainage.

Rebecca Cannon, who lives at 4541 S. Jupiter Dr, stated that the current house design is not compatible with the neighborhood, having plans for a 4-car garage (extending into the building envelope). She also requested that the top (main level) only be 1 story above street level (not two stories).

Jeanine Flint, who lives at 3853 Thousand Oaks Circle, stated that her house was build in the 1970's, and requests the architect/designer will shrink the home design to stay within the RCOZ

envelope. She stated that the current plan was not a compatible design with previous homes in the area.

Sheila Gelman, who lives at 3858 Thousand Oaks Circle recommends the architect and home design should fit within the RCOZ envelope.

Resident who lives at 4553 Thousand Oaks Circle stated that exceptions like the Option C will lead to more exceptions, and they do not agree with the Option C request.

Mrs. Potter who lives at 4594 Thousand Oaks Circle also shared her concerns about the option C proposal.

David Baird (MOCC Chair) asked for any last comments, then closed the Public discussion for MOCC consideration and MOCC voting on the following questions from Mr. Lilly:

- 1. Is the lot at 4586 South Thousand Oaks Drive unusual or extraordinary?
 - Motion presented that the lot was “NOT” extraordinary
 - 5 yea, 3 nay, 1 non-vote (“not having seen the property”)
 - Joan H. added, “the lot is unusual for the entire City, it is not unusual for the immediate neighborhood where others have been able to build within code.”
- 2. Will the proposed residence be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area?
 - Motion presented that proposed plan does “NOT” fit in harmony with this chapter, the general plan, and any other land use. (questioning the side yards and RCOZ envelope boundaries)
 - 8 yea, 1 nay
- 3. Will the proposed residence be compatible with existing residential development within a reasonable distance in terms of height, mass, and lot coverage, with particular focus on the proximate neighborhood?
 - Motion presented that the proposed plan is “NOT” compatible with the existing residential development
 - 9 yea (unanimous with MOCC members present)
- 4. Will each point on the highest ridge be no more than forty feet above the point on the original grade vertically below it?
 - No motion required by current plans, as >40 ft maximum height was not discussed.
- 5. Will the front yard setback be at least eighteen feet?
 - Motion presented to keep the front yard setback at least 18 ft.
 - 9 yea (unanimous with MOCC members present)
- 6. Should the planning commission find that the exception should be granted? If so, are there conditions and limitation upon the approval of the exception to mitigate adverse effects on other properties in the neighborhood of the subject properties, consistent with the findings of this chapter?

- Motion that MOCC deny this current request for Option C application for the plans presented as is, but that MOCC may consider additional (design) requests that are compatible with RCOZ standards and surrounding homes.
 - 9 yea (unanimous with MOCC members present)

David Baird (MOCC Chair) stated to Mr. Lilly that the MOCC does NOT currently recommend the Option C request from Mr. and Mrs. Manukyan as presented today. MOCC recommendation for redesign and for staying within the RCOZ envelope was encouraged.

3. **Chuck Pruitt** (MOCC member) made a Motion to adjourn, and was seconded.

MOCC vote: 1 yea. 7 nay.

4. **Francis Lilly** made the final presentation for the proposed GP-19-001 – Adoption of a City Center Master Plan.

After viewing the Power-point presentation and having discussion, MOCC Motion was made to “accept the proposed City Center Master Plan with the addition of an emergency evacuation plan to be included and outlined.”

MOCC vote: 9 yea (unanimous with MOCC members present)

Motion to adjourn: 9 yea (unanimous with MOCC members present)

Meeting adjourned at 9:15 pm

Note:

Next MOCC meeting will be held Tuesday, June 4 2019, at Churchill Jr. High School Library

Agenda items for the next MOCC meeting will include the following:

Millcreek Road corrective sitework update (David Baird/Francis Lilly)

Chipper Days Discussion (John Knoblock)

Neff’s Canyon Adopt A Trail Program (John Knoblock)

MOCC Election Improvement Discussion (David Baird)

MOCC Insurance Update (David Baird)

Jupiter Jump Update (David Baird)