

Approved 9.15.2015

**MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 1, 2015, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.**

PRESENT: Mayor Troy Walker, and Councilmembers Bill Colbert, Bill Rappleye, Jeff Stenquist, Alan Summerhays, and Marsha Vawdrey

STAFF PRESENT: David Dobbins, City Manager; Russ Fox, Assistant City Manager; Mike Barker, Deputy City Attorney; Rachele Conner, City Recorder; Tracy Cowdell, City Attorney; Keith Morey, Community Development Director; Rhett Ogden, Recreation Director; and Bryan Roberts, Police Chief

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**Dinner**

**Ribbon Cutting: Ballard Corner Memorial Park**

The Council and staff attended the ribbon cutting for the opening of the Ballard Corner Memorial Park. This is the second anniversary of the death of Sergeant Derek Johnson. He was killed in the line of duty on September 1, 2013. A memorial was placed in the park as a remembrance of his sacrifice for the residents of Draper.

**Study Meeting**

**1.0 Discussion: Conditional Use List**

1.1 This item will be discussed in a future meeting.

[6:40:33 PM](#)

**2.0 Adjourn to a Closed Meeting**

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**2.1 Councilmember Rappleye moved to adjourn to a closed meeting to discuss the character and professional competence or physical or mental health of an individual. Councilmember Colbert seconded the motion.**

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**2.2 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

**Business Meeting**

[7:01:03 PM](#)

**1.0 Call to Order**

1.1 Mayor Walker called the meeting to order and welcomed those in attendance.

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**2.0 Comment/Prayer and Pledge of Allegiance**

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2.1 The prayer was offered by Pastor Bill Young of the Rock Church.

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2.2 The flag ceremony was presented by Scout Troop #1002 and was led by Ethan Shearer.

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**3.0 Public Comments**

3.1 No one came forward to speak.

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**4.0 Consent Items**

- a. **Approval of August 18, 2015, City Council Minutes**
- b. **Approval of August 25, 2015, Minutes** of the Joint City Council/Parks, Trails, and Recreation Committee Meeting
- c. **Approval to Surplus City Assets**  
The Public Works Department has identified approximately 16,000 red pavers and 65 42" reinforced concrete pipe that are no longer needed and now have been determined to be surplus items. Staff: Bob Wylie
- d. **Approval of Snow Crest Final Plat** for a four-lot subdivision on 2.98 acres in the RA2 zone, located at 13000 S. 1300 E. Staff: Keith Morey
- e. **Approval of Agreement #15-166**, this is an agreement between Draper and Sandy City to share in the costs of constructing improvements to the Draper Parkway Detention Basin located near 1000 East. The construction project will bid out in October and was designed by Hansen, Allen, and Luce, Inc. and funded by Sandy City. The project proposes that Sandy stop draining into the Draper canal and drain into Draper's detention basin. This basin has flaws and needs an upgrade per the Draper City Storm Drain Master Plan (2012). Staff: Glade Robbins

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4.1 **Councilmember Rappleye moved to pull Item C from the consent calendar. Councilmember Colbert seconded the motion.**

[7:10:29 PM](#)

4.2 **A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[7:10:48 PM](#)

4.3 **Councilmember Colbert moved to approve the balance of the consent items. Councilmember Rappleye seconded the motion.**

[7:11:04 PM](#)

**4.4 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

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4.5 Councilmember Rappleye noted the red brick pavers were used throughout the city in certain areas. He recommended the City retain some of the pavers to use for replacements as needed.

Mr. Dobbins explained they do plan to keep some of them.

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4.6 Councilmember Colbert stated the pavers might have been planned to be used in the Town Center for cross walks.

Mr. Dobbins advised staff looked at potential future uses for the pavers, but the upkeep and maintenance of the pavers was not cost efficient.

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**4.7 Councilmember Rappleye moved to approve Item C with the adjustment that a certain number would be retained by the City. Councilmember Vawdrey seconded the motion.**

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**4.8 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

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**5.0 Public Hearing: Ashford Assisted Care Facility Zone Change, Request for Approval of a Zone Change on 3.68 Acres in the RA1 Zone, Located at 12729 South 1300 East**

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5.1 Mr. Morey advised this is a request to rezone almost 4 acres from RA1 to Intuition Care. He displayed the Zoning Map of the area. The Land Use Map shows this area as low to medium residential. The applicant intends to have an assisted living center on the property. They have provided a potential concept idea of what they will have; however, a site plan is not needed at this point in the process. It has been suggested that this would have protected types of uses; however, this application does not fall under those protections. The Planning Commission voted to deny the application. They were partially concerned about the types of things that could go in under the institutional care designation.

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5.2 Councilmember Colbert said the intent here is to serve the elderly population. He said if they were serving a protected class they could put this in any zone.

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5.3 Tracy Cowdell, City Attorney, indicated there is a legal distinction between elderly care versus the care for those with a disability. The application as it currently stands is for assisted care for seniors. The protected class designation does not fall under this application.

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5.4 Mr. Dobbins pointed out that the protections under federal law are in place regardless of what the zoning is.

Mr. Cowdell indicated the City is not capable of zoning out the protected class facilities.

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5.5 Councilmember Stenquist said he wants to make sure the City is sure about what the institutional care code entails, so they do not open the door to other commercial uses. This request is for a residential facility where the clients will be living. He asked what other uses would be allowed if this rezone were approved.

Mr. Morey read a list of items that would be allowed. They included care facilities, schools, parks, etc. He stated the facility could have a cafeteria for the clients and employees; however, a standalone restaurant would not be allowed there. Mr. Morey noted there have been concerns expressed by the neighbors about the amount of traffic that would be generated by this use, but sadly they have found that there is not a high amount of visitors at these facilities.

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5.6 Councilmember Summerhays asked what staff's recommendation was to the Planning Commission. Mr. Morey noted staff was recommending approval but the Planning Commission recommends the City Council deny the application.

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5.7 Greg Nield, applicant, noted he has been in this industry since college. He then reviewed the services they provide at their facility, which included elderly assistance and memory care. He said they feel this location is perfect for the use because it is on an arterial road that is a collector street. It is also close to public transit. The residents will not use public transit, but the staff could. It is close to the Senior Center, and it is away from a heavy commercial area. No one would want to move into their facility if it were located in a strip mall. He displayed maps showing the locations of similar facilities in other communities and pointed out the churches and schools near each one. He then discussed the neighbors' concerns from the Planning Commission meeting, which included:

- Other uses can go in if an assisted living center is not built and the property has been rezoned
  - He advised they would not want a commercial use to go in either. He would want to keep the residential use such as the assisted living center
- Increased traffic

- Studies have shown this use to generate less traffic than that of a single-family dwelling development
- He would stagger staff shifts so they do not arrive or leave during rush hour or school traffic
- Too much noise
  - Residents go to bed between 8:00 to 9:00 p.m.
  - Doors are locked at 8:00 p.m.
- Air conditioning units are loud
  - Each resident has their own separate unit in the closet of their room. They have never received a complaint that they are too loud
- Too much light
  - In Highland they put in lights in the parking lot that point downward and there are down lights on the building. They do not have typical parking lot lights like would be found in a church parking lot
- Height of the building
  - Code requires them to be less than thirty-five feet
    - They plan to have some single-story and some two-story, but it will all be below thirty-five feet
- Commercial looking building
  - They do everything they can to keep the residential look and feel
  - They will have the best landscaping on the street
  - They have more open space than a residential development would
  - The concept plan shows the parking lot away from the neighbors
    - It will be placed along 1300 East

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5.8 Councilmember Summerhays asked how large the rooms are. Mr. Neal indicated they have three sizes. One is studio, one is a one-bedroom suite, and the other is a two-bedroom suite. The smallest unit is 400 square feet.

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5.9 Councilmember Rappleye questioned how many trip numbers there would be each day. Mr. Neal indicated between 9:00 a.m. to 5:00 p.m. they would have 15-20 staff members at the highest peak during the day. In the evening they would typically have 4 staff members. The staff typically stays at the location during their entire shift.

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**5.10 Mayor Walker opened the public hearing.**

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5.11 Rachael McKinnon, resident, noted this is a very worthy plan; however, she is concerned that none of the promises the developer is making tonight are enforceable.

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5.12 David Simister, resident, noted none of the items the developer talked about has any bearing on the rezone request. None of the neighbors want the change. He has horses, and he cannot take his horses out on 1300 East anymore because of everything the City has

done to increase the traffic on 1300 East. The neighbors call the street I-13. The traffic will increase quite a bit with this use. They will have to have garbage, food, and service trucks there every day to take care of seventy residents.

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5.13 Ann Jepsen, resident, said she built her home twenty-four years ago, and the purpose was to have horse property. When they first moved here, the properties were designated as one acre, and they keep getting smaller. She understands the concept of assisted living, but she would prefer this property remain residential.

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5.14 Cherise Dodson, resident, said as a mother of a 16 year-old child, she is concerned with the traffic on 1300 East. It is the only access in and out of her neighborhood, and it is becoming increasingly difficult to access the street. This use does not keep with the charm and character of the neighborhood.

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5.15 Howard Bird, resident, said 1300 East has more of its share of institutions. Adding another one would be deleterious to the neighbors. He would like to see no further encroachment on the single-family residences in the area.

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5.16 Margaret Bird, resident, expressed her gratitude to the Council for listening to the residents. No one in the neighborhood is in favor of this action. They have a strong and close neighborhood, and they would like to keep it that way. She was told there would be seventy residents in the facility, and the surrounding homes are zoned one acre. She asked the Council to think about how they would feel if this were going in across from their homes.

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5.17 Sylvia Lloyd, resident, agreed with what has been said so far. They moved to Draper because of the country feel. They have horses, but they cannot ride along 1300 East to access the hills anymore.

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5.18 Allene Ross, resident, stated Don Lien has been a great neighbor. She has had many opportunities to move, but she loves Draper, and it is home to her family. She is concerned about the traffic. She has a hard time getting out of her driveway as it is. She said she understands the need for assisted living centers, as her parents were both in the Beehive home for the past two years. The residents do not leave, but they have visitors which bring in a lot of traffic. She thanked the Council for listening to the neighbors. This area is their home, and they want to maintain the residential feeling.

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5.19 Alex Pulsipher, resident, said he has lived here for almost twenty years, and he would never dismiss the concerns of his fellow community members. However, he lives near the

Wentworth Assisted Living Community, and there has not been an issue with the traffic in his area. He has not seen another property in Draper that fits this use as well as the proposed property does. He owns assisted living centers in other communities. There are many people that have Alzheimer's and dementia, and there is a need for this type of facility. He reiterated that this is a great location for this use.

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5.20 NE Garfield, resident, said 1300 East has changed over the past thirty years, and the changes have not been for the better. He stated the reason is that all of the people in this room are now allowed to live there and joked that they should not have allowed them in all those years ago. This residential facility is a wonderful fit for this area, and adding more houses would cause more of a problem.

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5.21 Steven Green, resident, said he has lived on 1300 East for forty years. Something is going to happen to this property. The owner cannot afford the taxes on that ground anymore. This assisted living center will have less traffic than a residential development would, and this street cannot handle more traffic.

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5.22 Kathi Hansen, resident, said she is adamantly against any rezone in this residential neighborhood to any form of a commercial zone due to the effect it will have on the general small town neighborhood feel of the community, as well as the negative impact on the property values. However, if this Council goes against the wishes of the majority of the residents they represent, they should only change the zoning conditionally upon the approval of a building plan in which the population has had a chance to approve or have a say in. She said she moved here four years ago to get the small town feel, and she is appalled that seventy units are going to be constructed outside her kitchen window.

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5.23 Sean Hansen, resident, thanked Mr. Garfield for such a great area to live in. He noted the majority of the residents here this evening are against the zone change. The question is not whether the facility will meet the requirements. The question is whether it should be there in the first place. This is a residential area, which is why his family moved here. The decrease in property values is a big concern to him, and he wants to maintain the residential feel of the neighborhood they moved into.

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5.24 Mike Dowland, resident, said he went to see the Highland facility and spoke with the surrounding neighbors. Those neighbors did not like the facility. He asked the neighbors what would make it better, and the consensus was to have it 1-story with increased setbacks. He indicated he met with the applicant and some of the neighbors and proposed those changes. The applicant told him it would have to be a 2-story structure in order to make it profitable. The applicant said he wanted to be in a residential area so the clients would feel more at home. Mr. Dowland expressed his opinion that a 200-300 foot long, 2-story building, with 70 plus units is not a residential look for his property. It looks more

like a hotel. He said he shares 430 feet of fence line with this property and asked that the Council deny this request like the Planning Commission did. He indicated when he was in Highland they stopped and looked at another assisted living facility that was in a commercial area. It blended in well with the church, schools, and dentist office, and had little impact on the neighbors.

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5.25 Michael Ross, resident, said his biggest concern is putting a two-story structure on the property and it taking away the residential feel. He said the additional zoning changes that were mentioned earlier could happen to meet the demands of people who have property they want developed. He is concerned it would open up further development along 1300 East to a type of commercial zone as it goes to the south. He asked the City Council to consider the residents who have lived in the area for twenty-five to thirty years. He expressed his opinion that this is not the appropriate place for a two-story structure.

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5.26 Susan Bracken, resident said she lives across the street. Don has been a wonderful neighbor and has taken care of that property beautifully. She said there could be an easement and a buffer with trees, but it will take ten to twenty years in order to attain the height they would need to give the neighbors a pleasant look. She has lived here twenty-one years, and the City Council should consider what the neighbors are saying. They are not opposed to assisted living centers for seniors. They might need that type of facility some day; however, they do not want it across the street.

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5.27 Harold Peterson, resident, stated he went with Mike Dowland to Highland to visit the facility there. Every one of the neighbors they talked to about the facility there was negative about their response. They pointed out that it hurt their property values, and the building looked down into the homes of the people living to the east of the facility. When the neighbors met with the developer, they asked him whether he could make the north and south building one-story and install a higher fence to block the view from the higher buildings. The developer's response was that he had to have a two-story structure. The neighbors are very concerned about this rezone and whether it would open the door to other commercial facilities being approved in the future. They are also concerned with the property values. If the City Council approves this, there should be a development agreement in place. He encouraged the City Council to vote no on the rezone and asked them if they would want this in their backyard.

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5.28 William Wagner, Holladay resident, noted his wife owns property in the area of 1300 East. They are developing their property as a cul-de-sac under RA2 zoning, and they expect it to be a credit to the neighborhood and to Draper. They endorse the Planning Commission recommendation that the City Council deny this rezone proposal. The Draper Land Use Plan shows the zoning as residential consistent with the resident only objectives. Rezoning to the IC zone is contrary to those objectives. He indicated the development of the assisted care facility is a commercial for profit business with related

business activities associated with the comings and goings of staff, supply deliveries, guest visits to the residents, ambulances, lighted parking areas, and related noises. Such activities are not in keeping with the Draper General Plan, the Land Use Plan, or the current Land Use Map. The resulting commercial development would adversely impact an otherwise quiet neighborhood. He said he believes that rezoning this to IC would set a precedent for the area and open the door to other commercial development within the established residential neighborhood, which would further impact the character, health, and vitality of the neighborhood and adversely affecting property values. He respectfully requested the City Council deny this proposal.

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5.29 Sue Wagner, resident, said she is developing her property in the RA2 zone, which is a credit to the neighboring residents and Draper. She opposes the rezone and supports the denial of this application by the Planning Commission. The applicant has indicated that to be profitable, a single-story building will not work. When she worked with the Planning Commission and City Council for the development of the Crossgrove property, they went forward with the hope that what they developed would be a benefit to the surrounding neighborhood and community of Draper. Depending upon construction, an assisted care facility to the south of her property, with what may well be a two-story structure, is certainly a different matter than a two-story residential home. It would provide the residents in her development the view of a two-story wall and the residents of the facility a view of the backyards to the homes in her development. This commercial development would lower the value of her properties as well as the surrounding properties. It would also set an undesired precedent of encouraging further commercial development in the neighborhood, which is not acceptable to her. She respectfully asked the City Council to accept and endorse the recommendation of the Planning Commission to deny the zone request.

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5.30 Brent Andrewson, resident, said he just found out about this project a couple of days ago. He has not personally had a chance to digest any of the aspects of this project. He said this request is just for a zone change. As he looked at the zoning, it appears that this project could be done in the existing zone. However, if it is rezoned, they are limiting the use on the property. He asked the City Council to follow the request of the Planning Commission.

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5.31 Ben Ennis, resident, read a letter from his brother who is in support of the rezone. The letter stated that Mr. Lien can no longer afford to pay the taxes on the property, and this facility would provide needed help for Draper. Draper is changing, and this is a good use for the property.

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5.32 Julia Senkovich, resident, said she has a different perspective to bring. Her mother was at the Ashford Care Facility in Highland and recently passed away. They had looked for a nice facility in a residential neighborhood and found that with the Ashford. Their

experience was very good, and she can honestly say she did not notice any parking problems or traffic problems.

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5.33 Don Lien, property owner, said his sister was an invalid and lived on this property for forty years. He cannot see a better use for his property than an assisted care facility. He can no longer pay the taxes because it takes half of his social security.

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5.34 Steve Kramer, resident, said he lives in the SunCrest area. He stated that his wife has been a resident of a nursing home because she broke both her legs. He had to take her to South Jordan. He would have liked to have had a place in Draper. There is a new facility in Draper on Bangerter, but he would not have taken his wife there. He would prefer a nice residential facility like the one being proposed. The place in South Jordan was residential, and the patients were taken care of very well. He said it is uncomfortable for the surrounding neighbors because of the concern of lowered property values. The clients would not be able to look out the windows in to the yards of the neighbors as most of them are bedridden. These are wonderful facilities, and it is nice to have them close. He asked the City Council to take that into consideration.

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5.35 Chue Smith, resident, said she has worked at the Ashford for quite some time, and there is a wonderful staff there. Her first impression of the Ashford was that of a five-star hotel. It would be a great opportunity for Draper and would bring job opportunities to the area.

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5.36 Stacy Shaha, resident, said she respects what has been said. She is a nurse, and she loves these facilities. She is concerned with the placement of this facility, and she is impressed with the volume of people from the neighborhood who have come out to voice their concerns with the density of this project. She stated she appreciates the democratic system where the elected officials will hopefully hear the requests of the surrounding neighbors.

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5.37 Betty Ann Bruin, Midway resident, noted she was the former executive director for Draper Wentworth. The Wentworth facility has seventy-eight studio units, so it will never service the entire area. The City of Draper needs more facilities. Assisted living centers stay under the radar and do not make a lot of noise. The traffic is minimal. She said she used to work with Mr. Nield, and he does the best job, and he hires the best employees. She expressed her opinion that this facility could be the crown jewel of Draper and an asset for the neighborhood. It is also a great opportunity for the youth to learn from the elderly.

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5.38 Eric Towner, resident, said for the last ten years he has been selling, purchasing, and developing real estate. He is not tied to the development, but he has sold a lot of property

in the area. He stated his parents are aging, and there is a strong need for a facility like this. As he meets with developers and investors, there is not a desire to purchase lots for \$750,000 homes on 1300 East. It would be nice if it were not as busy as it is. There will continue to be a push to rezone properties on 1300 East, and this is the least impact of all the choices he can see. This is a fantastic opportunity for the community.

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5.39 Sterling Tholen, resident, said there are people who are building \$700,000 to \$1 million homes in Crossgrove Court. He represents clients interested in building a home there. The potential residents are disappointed that this is even being proposed and have said they will rescind their offer if this application is approved. He has family members who have been in these types of facilities, and not all of them are in residential neighborhoods. There are many visitors, and parking was often been a problem. He said he is opposed to this application.

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5.40 Michael Nelson, resident, advised he does not envy the Council's decision making process they will undergo this evening. They were elected to bridge the neighbor's desires with the community's needs to grow responsibly. He said he is a land planning professional, so he understands the City's responsibility to look at the overall needs of the city and to plan accordingly. He sees in the IC zone that it is specifically established to address the needs of a residential style care center that can assist within a residential community. An IC zone is a compassionate medium ground between residential and large scale care facilities. It allows the aging population of Draper a place to live their sunset years in an environment they have been accustomed to their entire lives. The IC zone is meant for parcels such as this and allows the community to interact with another community that will exist within this facility. That will better all people in Draper.

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5.41 Gary Wright, Highland resident, said he lives next to the Ashford Care Center in Highland. It has been a great thing, and the people who are against this facility have no idea what they are pushing away from themselves. His bedroom window, deck, and patio, are adjacent to the backyard of the Ashford. The parking lot of the Ashford is right out his window. He does not have a problem with light or noise, and his property values have not been diminished at all. The Highland residents had the same concerns the residents here have, and none of them happened. There have been four people who have sold their homes in his neighborhood in the past year, and everyone has gotten their full asking price. He stated two of them actually got more than the asking price and sold within ninety days.

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5.42 Catherine Horsley, resident, stated she has five children so these meetings are hard to get to. There would be some definite pros with this facility. Her grandma lived in assisted living centers in Provo and South Jordan, and she was one of the grandchildren that visited and caused traffic problems. She lives just down the street from the proposed facility. None of her children are sixteen yet, but she is already concerned about teaching

them to drive because 1300 East is too busy. She has a problem with rezoning parcels and having a “patchwork quilt” in Draper. This is a residential area, and she wants to raise her children in a residential neighborhood. She asked the City Council for the consideration.

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5.43 Brenda Andrewson, resident, said she has to enter and exit off 1300 East to get to her home. She said she appreciated the people who are visiting who have commented in favor of this proposal, but it is the actual neighbors who will be affected by it. If approved, this will be painful, and the traffic will increase. She asked the City Council to not rezone this property.

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5.44 Bob Nash, resident, said this looks like a beautiful facility; however, when he moved to Draper, they looked at the Land Use Plan. The people that have spoken this evening are great people who care about others, He asked this Council not to change the zoning for this project. They trusted the General Plan, and there have already been a lot of rezones on 1300 East. He asked where this will stop. He loves living in Draper and expressed his opinion that 1300 East has already done its part. There are two schools, three churches, and the Beehive house. The proposed facility is beautiful; however, 1300 East is not the right place for it. He asked the City Council to follow the recommendation of the Planning Commission.

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5.45 Greg McKinnon, resident, said he moved here seven years ago. He commutes to work two hours round trip because he wants to be a draper resident. He said if this goes through, he will feel like it has been a bait and switch. He moved here because it was a residential zone. The action tonight is a change of zone. Most of the people who have been in favor of the rezone have a professional or monetary interest in the Ashford coming in or they are not Draper residents. The vast majority of the actual neighbors are against this application. Ashford wants to come in because this is a beautiful neighborhood. They would be an asset to the Ashford, but it is not mutually beneficial. Once it is rezoned, any corporation could come in and build a “cookie cutter” elderly care center. This is about rezoning, and he is against it.

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5.46 Mark Matthews, resident, said he has come with a biased opinion in support of the applicant. He complimented the neighbors and applicant for the respectful way they have presented their comments. He said he works in an office park that shares the parking lot with the Wentworth of Draper. He feels bad about the location of the facility because of all of traffic going in and out of the office park. The seniors that live in that facility deserve better than that. He encouraged the City to make the IC zone more available throughout Draper so the seniors that live there can have a residential experience like they have enjoyed their entire lives.

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5.47 Michele Weeks, resident, said she recently walked this area and spoke with the residents about their concerns. This facility may not go over thirty-five feet in height, but the length of the facility distorts the look of the entire area. The surrounding properties are one-acre lots, and this will look like a hotel. She agreed that this is not the right place to have an assisted living center.

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5.48 Lynn Johnson, resident, stated this is a great place to raise children. The Ashford looks like a great idea, but he would rather see it in an area that is already zoned for it. This area has a zoning the neighbors are really happy with, and the City should not “fix” something that is not broken.

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5.49 Jan Clayton, resident, said the whole subdivision she lives in is landlocked and feeds onto 1300 East. It is already crowded, and the residents have a hard time getting out onto 1300 East. Her mother is currently in the Beehive Home, and they have a major traffic/parking problem there. She would hate to see her neighborhood change from what they have enjoyed for thirty-one years.

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5.50 Benjamin Gordon, resident, stated he is against the rezone. He and his wife were attracted to the neighborhood because of the residential nature. He said 1300 East is already a busy road, and traffic will only increase with this facility.

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**5.51 Mayor Walker closed the public hearing.**

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5.52 Councilmember Stenquist asked for clarification about whether this facility would be allowed under the current zoning. Mr. Morey stated it could not be built without a rezone.

[9:00:12 PM](#)

5.53 Councilmember Summerhays asked how many parking spaces there would be. Mr. Morey noted they have not gotten that specific yet because the action tonight is for a rezone. There is no site plan at this time.

[9:00:38 PM](#)

5.54 Councilmember Colbert thanked the public for coming out for this item. He said he has not made a decision about this yet because it is a hard decision. His brother is in a memory care facility, and there is a need for these types of places. Mr. Colbert said he is concerned that this is a zone change. He needs to base his decision on whether this is appropriate or not. There are facilities that fall under the Americans with Disabilities Act (ADA) that can be built in any residential area that serve a protective class, but this does not fall under that criteria. This community does need to find more areas for this use. He lives in the SunCrest area, and there is land up there that would work. The facility his

brother is currently in is a single-story building that requires driving through residential neighborhoods to get to. Many of the residents do not get visitors, but his brother is lucky enough to have family nearby to visit him. Councilmember Colbert said this proposal being a two-story facility could impact the neighbors, and he can see that it will not really fit in. He said he is not sure whether they could enter into a development agreement for this application that would nail down the details. They do not have that with just a zone change.

[9:04:08 PM](#)

5.55 Councilmember Summerhays agreed with Councilmember Colbert. He stated the Council usually does not receive this many people at the Council meetings. He commended everyone for their nice demeanor when making their comments.

[9:04:50 PM](#)

5.56 Councilmember Rappleye thanked the residents who came out this evening. He spent ten years on the Planning Commission, and he has seen and heard a lot of things. There were many comments about this being a zoning decision and not a decision about the Ashford, and they are exactly right. There is a good chance that the Ashford is what would be built, but there is no guarantee.

[9:05:51 PM](#)

5.57 Mayor Walker expressed appreciation for the demeanor of those speaking. He said the Council knows the neighbors care about what happens and the Council does as well. There is no motion tonight, so the City Council will take action on this in two weeks. He said the public comment portion of the meeting is over, so it will just be a Council vote on the 15<sup>th</sup>.

\*\*\* *The Council took a break at 9:06 p.m.*

\*\*\* *The meeting resumed at 9:20 p.m.*

[9:20:42 PM](#)

**6.0 Public Hearing: Quilter's Lodge Zone Change, Request for Approval of a Zone Change on 3.03 Acres in the CN Zone, Located at Approximately 12244 South 900 East**

[9:21:13 PM](#)

6.1 Mr. Morey explained the City Council previously approved this project, but the Quilters Lodge has expanded their business plan and space in their building. Because of this, they need additional parking. This zone change will allow the business to have angled parking. They are adjacent to the Town Center zone, which allows angled parking. There are other properties in the area that would like to be included in the Town Center zone, so the Council might see more applications. The Planning Commission recommended approval of this request. He displayed a concept plan that showed the parking spaces.

[9:23:45 PM](#)

6.2 Councilmember Summerhays asked how many parking spots they had before.

[9:24:52 PM](#)

6.3 Ed James, applicant, said they had ten stalls approved in the original site plan, and the zone change would give them twenty-two stalls. The TC zone works because it preserves some of Draper's historical background. Along 900 East there are several historical buildings. Half of the street already allows angled parking as a non-conforming use, so those properties are very interested in a rezone to the TC zone as well.

[9:26:30 PM](#)

6.4 Councilmember Summerhays asked how the building has changed. Mr. James indicated the footprint has not changed at all. They just changed some of the uses inside the building, which requires more parking.

[9:27:36 PM](#)

**6.5 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

[9:28:16 PM](#)

**6.6 Councilmember Rappleye moved to approve the Quilter's Lodge Zone Change. Councilmember Vawdrey seconded the motion.**

[9:29:17 PM](#)

6.7 Councilmember Vawdrey stated it makes sense to have this building a part of the Town Center because it does seem to be a part of the old Draper.

[9:29:27 PM](#)

6.8 Councilmember Rappleye said he would like to do a study down 12200 South to see if it should have the same zoning. There are older homes, and the property is worth so much now that residential does not make sense there anymore.

[9:30:27 PM](#)

6.9 **A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[9:30:41 PM](#)

**7.0 Public Hearing: The Cove at Kimballs Lane Preliminary Plat, Request for Approval of a Preliminary Plat for a 59-Unit Subdivision on 7.5 acres in the RM2 Zone Subject to a Previously Approved Development Agreement**

[9:31:09 PM](#)

7.1 Mr. Morey indicated the City Council approved a development agreement for this development in February of this year. In an effort to try to work with the surrounding

neighbors, the applicant has created a buffer by giving the property owners some bordering property. Mr. Morey indicated he is not sure if there was money exchanged or not. The action tonight is to approve the preliminary plat. He displayed the site plan for those present. There have been some minor changes since the Council saw this in February. The developer will be constructing a fence along the property boundary near the trail, and it will be dedicated to the City.

[9:37:31 PM](#)

7.2 Duane Rasmussen, applicant, stated he has worked with staff in creating the development agreement and the site plan. He clarified that the trail on the north has an existing fence that separates the potential trail from the homeowner. The Police Department has requested they use wrought iron on the fence on the south edge of the trail so they can have a visual of the trail. The units that back onto the Porter Rockwell trail will have a two rail split fence there to separate the public space from the private space. There will be trail access from the south end and the north end.

[9:39:16 PM](#)

**7.3 Mayor Walker opened the public hearing.**

[9:39:27 PM](#)

7.4 Griffith Lynn Kimball, resident, advised he is not sure what is required in reference to a tot lot or park with the development; however, with all of the families that will live there it would be a good amenity to have. He then noted the thirty-five miles per hour speed limit signs are gone from the area. Mr. Kimball indicated he is not sure there is sufficient parking inside the development, but there is not any parking available on 11800 South without encroaching on the traffic lane and wanted to bring that to the Council's attention.

[9:41:53 PM](#)

7.5 Patty Phillips, resident, expressed concern with the increased traffic on 11800 South. The road curves where it goes to the Trax station, and the street parking is hazardous. She is afraid they will have more of an issue with this development.

[9:43:03 PM](#)

7.6 Bob Askew, resident, said he and his wife own a large home; however, they want to downsize. They have not found a lot of homes in Draper that meet his needs. He wants a home owner's association and wants to be near Trax and the trails. This is an area he is considering, and it would take his vehicle off the road a lot because he will take Trax. He expressed his opinion that this is the type of development people of similar age are looking for, and he fully endorses it.

[9:44:07 PM](#)

7.7 Daniel Schlehuber, resident, said he is a fan of high density; however, he is concerned about the density in terms of lot size. This area was rezoned from two to four units to four to eight units. He did some calculations and determined that without the streets they could have ten units. He said he feels they need to build communities for families, and he is

concerned with the lack of green space in this development. There is also a lack of parking, which would force vehicles out to the streets to park. He asked the City Council to send this back to the developer with a request to lower the overall number of units. He would like to see more open space for the kids. He requested the Council consider the traffic issues and have the developer come up with a better plan for Draper.

[9:46:39 PM](#)

**7.8 Mayor Walker closed the public hearing.**

[9:46:48 PM](#)

7.9 Councilmember Stenquist asked Mr. Morey to address the density question. Mr. Morey indicated they are talking about the difference between gross density and net density. The City always calculates the density with the roads removed, which is what the City Code requires. He said the City Council has already seen this project and approved it with the development agreement. Tonight the Council is being presented with a preliminary plat, and if the applicant has met all of the terms of the City Code and the development agreement, the Council should approve the preliminary plat.

Councilmember Stenquist indicated the City Council contractually obligated themselves to agree to that many units when they approved the development agreement.

[9:48:32 PM](#)

7.10 Councilmember Colbert stated there is very little green space in the multi-family development. He does see a tot lot on the plans. The parking has been an issue, and the City has had a problem with that in the past.

Jennifer Jastremsky noted this development has more than the required parking. The City required two parking spaces per single-family dwelling and two parking spaces per townhome unit plus guest parking.

[9:50:15 PM](#)

7.11 Councilmember Summerhays stated he would like to make it perfectly clear that no one can park on Kimballs Lane.

[9:50:35 PM](#)

7.12 Councilmember Rappleeye indicated that road is a problem. There should be an area with signage for no street parking. The area is too narrow. He wants the speed limit signs replaced as well.

[9:51:33 PM](#)

7.13 Councilmember Colbert said it bothers him that there are six units set together on Kimballs Lane. He asked whether those can be broken up a little bit.

[9:52:18 PM](#)

7.14 Mayor Walker advised that due to a lack of a motion from the City Council, this item will be on the September 15, 2015, agenda for Council consideration.

[9:52:32 PM](#)

**8.0 Public Hearing: Providing Local Consent for a Full-Service Alcoholic Beverage License for Bake 360 located generally at 725 East 12300 South**

[9:52:45 PM](#)

8.1 Mr. Morey explained the applicant is requesting a full-service alcohol license. They are allowed to sell alcohol with food only, alcohol sales cannot exceed thirty percent of the gross sales, and alcohol preparation cannot be seen by patrons. State licenses are limited to a certain amount; however, there is no limit on the number of licenses in Draper and eight licenses have been issued in Draper so far. Mr. Morey reviewed the current number of licenses the City has as follows:

- Full service license
  - City currently has eleven licenses
  - There is no City limit
- Limited
  - City currently has six licenses
  - There is no City limit
- Beer
  - City currently has three licenses
  - Limit not to exceed one license per 4,000 population
- Dining Club
  - City currently has four
  - The limit is four
- Social Clubs
  - City currently has one
  - The limit is two

He stated if the Council wanted to allow additional licenses, they need to instruct staff to do something to increase the number allowed.

[9:55:04 PM](#)

**8.2 Mayor Walker opened the public hearing.**

[9:55:18 PM](#)

8.3 Roy Olsen, applicant, said he has recently expanded into a full café, and he is trying to offer the patrons a few beverages they are asking for. He does not want the hassle of a complete bar.

[9:56:09 PM](#)

8.4 Michele Weeks, resident, stated she likes to eat in restaurants, and she likes to go out. When a restaurant can offer alcoholic beverages to their customers they are better able to keep the food prices down.

[9:56:54 PM](#)

**8.5 Mayor Walker closed the public hearing.**

[9:57:00 PM](#)

**8.6 Councilmember Colbert moved to provide local consent for a full-service alcohol license for Bake 360. Councilmember Rappleye seconded the motion.**

[9:58:41 PM](#)

**8.7 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[9:58:54 PM](#)

**9.0 Action Item: Questar Easement Agreement, for Approval of an Agreement with Questar Gas for a Gas Line Easement**

[9:59:09 PM](#)

9.1 David Dobbins, City Manager, stated staff has been working on an agreement with Questar for some time to allow them to install a gas line on property owned by Draper City. He displayed a map showing the alignment that has been worked out. Questar will provide \$456,000 to the City in consideration of the easement, temporary work space, and the reclamation and restoration obligations. They will go in and install their pipeline through this corridor through the Equestrian Center. They will grade it to within 12 inches of the final grade. The City will then go in and finish the grading and install an asphalt path from the Equestrian Center and up the canyon. Providing this path will allow more people to walk to areas that are currently not accessible for them. It is not ADA compliant, and it is not necessary that it be. It will be a good trail to take a small child up the asphalt path which is easier than dirt.

[10:03:15 PM](#)

9.2 Councilmember Summerhays asked if the line is close to where the WaterPro tanks are. Mr. Dobbins stated it is.

Councilmember Summerhays then asked whether the line will go all the way to the silica pits. Mr. Dobbins explained it comes up the existing road and then heads in the southeast direction.

[10:05:30 PM](#)

**\*\*\* Councilmember Summerhays moved to allow the meeting to go past 10:00 p.m. Councilmember Colbert seconded the motion.**

[10:05:52 PM](#)

**\*\*\* A roll call vote was taken with Councilmembers Colbert, Rappleye, Summerhays, and Vawdrey voting in favor. Councilmember Stenquist voted no. The motion carried with a majority vote of 4 to 1.**

[10:06:42 PM](#)

9.3 Mr. Dobbins continued saying Questar is purchasing a permanent twenty-foot easement. The City squeezed it down as far as they could. Not all of the property in question is owned by Draper City. Some of it is owned by Salt Lake County, Metro Water,

WaterPro, and Draper Irrigation. Questar has worked with all of the property owners to make this happen. He pointed out that while they are in some areas, they will go outside the twenty-foot easement; however, they will be required to restore those areas.

[10:08:03 PM](#)

9.4 Rick Hellstrom, Questar, advised he walked the canyon with the Parks Department, and they have minimized the areas of damage.

[10:08:58 PM](#)

9.5 Councilmember Stenquist indicated he is glad they have been able to work together on this. Some of these areas are very dear to his heart. He understands how destructive the construction period will be, so he appreciates Questar's efforts to minimize the impact.

[10:10:22 PM](#)

9.6 Mr. Dobbins said there might be some changes to the final agreement in terms of the revegetation and responsibilities. He asked that the motion include that there might be some changes to the final agreement.

[10:11:55 PM](#)

9.7 Mayor Walker questioned whether the upper trail will stay open during construction. Mr. Hellstrom stated they are planning to leave that access open during the process.

Mayor Walker expressed appreciation for Questar's willingness to deal fairly with the City in terms of the trail restoration.

[10:14:27 PM](#)

**9.8 Councilmember Vawdrey moved to approve the Questar easement agreement subject to final staff approval, keeping the trail open, and to authorize the Mayor to sign the document. Councilmember Stenquist seconded the motion.**

[10:15:01 PM](#)

9.9 Councilmember Vawdrey stated she trusts that those who are familiar with this area have made the appropriate negotiations to make this project as painless as possible.

[10:15:51 PM](#)

**9.10 A roll call vote was taken with Councilmembers Colbert, Rapple, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[10:16:07 PM](#)

**10.0 Action Item: Resolution #15-44, Authorizing the Mayor to Enter Into a Lease Agreement with T-Mobile for a Stealth Wireless Telecommunication Facility at Steep Mountain Park**

[10:16:27 PM](#)

10.1 Russ Fox, Assistant City Manager, stated the Council has discussed this item several times. He reviewed the location of where the light and facility would go. They are

proposing a forty-foot pole that would enclose the antenna. It would have lights for the basketball court. The equipment building would attach to the restroom facility and would use the same building materials. The lease agreement is a \$1,500 per month lease for fifteen years with five-year renewal options after that.

[10:18:53 PM](#)

10.2 Councilmember Colbert asked whether the lights shine on the tennis courts. Mr. Fox explained it is a light for the path and basketball court.

Councilmember Colbert then questioned whether the lights would be turned off at a particular time. Mr. Fox stated no, but they can probably set something up. The distance from the closest home is almost 190 feet away.

[10:20:20 PM](#)

10.3 Matt Schutjer, T-Mobile, stated they have been trying to fill the gap in this area for many years. This is the least impactful proposal they could come up with. It will provide security lighting for the area, and they can put the lights on timer and will be controlled by the Parks Department. The pole will be black unless the Council would like something different. Black tends to look the best.

[10:22:17 PM](#)

10.4 Councilmember Summerhays asked whether the equipment building would have to have power. Mr. Schutjer advised there would be power to the building, and they are building it by the restroom. It is 10' x 18'.

[10:23:21 PM](#)

10.5 Mr. Fox stated he forwarded a few emails to the Council from the neighbors concerned about the pole. This decision does not require a conditional use permit, so there will not be a public hearing at any point.

[10:24:02 PM](#)

**10.6 Councilmember Rappleye moved to approve Resolution #15-44 and authorize the Mayor to sign the lease agreement. Councilmember Vawdrey seconded the motion.**

[10:24:33 PM](#)

10.7 Councilmember Rappleye indicated there is always fear with this type of thing, but when it gets put in, it is not even noticeable. It also gives the City an opportunity to create more revenue.

[10:25:29 PM](#)

**10.8 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[10:25:56 PM](#)

**11.0 Action Item: Interlocal Agreement for Transportation Funding, for Approval of an Interlocal Agreement with Salt Lake County for Lone Peak Parkway Funding**

[10:26:22 PM](#)

11.1 Mr. Dobbins indicated that last year the City entered into an agreement with Salt Lake County for funding for Lone Peak Parkway. This year, there is \$1.5 million available to Draper to help construct another portion of the road, and there will be another \$500,000 available in the spring of 2016 to help fund the remainder of the project.

[10:27:14 PM](#)

**11.2 Councilmember Stenquist moved to approve the Interlocal agreement with Salt Lake County for transportation funding for Lone Peak Parkway. Councilmember Colbert seconded the motion.**

[10:27:25 PM](#)

**11.3 A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

[10:27:35 PM](#)

**12.0 Council/Manager Reports**

[10:27:44 PM](#)

12.1 Councilmember Rappleye thanked staff for the work that has been done on the parks. They look a lot better.

Councilmember Rappleye then stated he had a man stop him in his front yard that wanted to use a phone to call his wife because they had gotten separated. Councilmember Rappleye asked what the cell phone number was. The phone number said it was not accepting calls. The guy then just walked off. Councilmember Rappleye said he felt uncomfortable about the situation. He suggested they have a discussion in the future about having the ability to call the Sergeants on duty when situations like this arise because he did not feel it was important enough to call dispatch.

Chief Roberts indicated Valley Emergency Communications does have non-emergency lines for situations like this. That might be the best way to handle it.

[10:31:07 PM](#)

12.2 Councilmember Colbert asked whether they ever received the \$8 million from the State for SunCrest Drive. Mr. Dobbins stated no because it is all tied to the sales tax increase that is going on the ballot for a vote.

[10:31:52 PM](#)

12.3 Councilmember Vawdrey asked for the status of the Brickerhaven Trail. Mr. Ogden indicated the City can abandon the trail if they want to, due to how it was acquired. They can give it back to the residents; although, he is not sure all of them want it. The City can also look at paving it so there is less maintenance. The Parks and Trails Committee recommends the City abandon it.

[10:33:42 PM](#)

12.4 Mayor Walker stated they talked earlier about striping 1300 East and Pioneer Road. He asked when that will be done. Mr. Dobbins explained it will be after construction work is finished.

[10:34:16 PM](#)

12.5 Mr. Fox indicated he has not received anything from the Traverse Ridge Special Service District in terms on wanting to contract with the City for snow removal, so staff will bring forward a resolution on the 15<sup>th</sup> stating that the City is not going to contract with them.

Mayor Walker stated he thought it was the will of the Council to maintain Traverse Ridge and SunCrest Drive, and the City would do that in lieu of paying the District the \$150,000. He asked whether the Board understood that.

Mr. Fox explained they talked about that, and the resolution will address that the City is removing the lane miles for reimbursement for Traverse Ridge and SunCrest Drive. He advised he will keep the Council posted on the progress.

[10:36:08 PM](#)

12.6 Chief Roberts advised the Police Department is hosting the Utah High School Mountain Bike Series. It will be at the bike Park, and they will have upwards of 1,200 middle school and high school student participating in that. There will be approximately 2,000 adults accompanying the students. It will be on September 11 and 12, 2015. The Draper Community Foundation in partnering with the Police Department to get the message about underage drinking out. They will hold après conference on Saturday.

Councilmember Stenquist indicated this will be the largest event ever held in Draper.

[10:42:24 PM](#)

13.0 **Adjourn to a Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual**

[10:42:28 PM](#)

13.1 **Councilmember Vawdrey moved to adjourn to a closed meeting to discuss litigation, property acquisition, and the character and professional competence or physical or mental health of an individual. Councilmember Rappleye seconded the motion.**

[10:42:46 PM](#)

13.2 **A roll call vote was taken with Councilmembers Colbert, Rappleye, Stenquist, Summerhays, and Vawdrey voting in favor. The motion passed unanimously.**

13.3 The meeting adjourned at 10:42 p.m.