

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, JULY 19, 2016, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy Walker, and Councilmembers Bill Rapple, Jeff Stenquist, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; Rhett Ogden, Recreation Director; Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

Dinner

Study Meeting

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1.0 Presentation: Vegetation Removal Efforts and Community Protection Plan

1.1 Riley Pilgrim, Unified Fire Authority, and Brianna Binnebose, Utah Division of Forestry, Fire and State Lands, reviewed how the vegetation removal efforts are going in Draper. The City and State partnered together to have goats brought in this summer to eat the vegetation in the SunCrest area to assist with wildfire prevention. They presented a map of the areas they have done work in and the areas they would like to work on in the future. They asked for the City's continued support of their efforts in Draper. The Corner Canyon area is their biggest focus right now.

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2.0 Discussion: Splash Pad

2.1 Rhett Ogden, Parks and Recreation Director, briefed the City Council on the status of the splash pad. The City sent out an RFP for the actual design of the splash pad and the park on June 28, 2016, and it will close at the end of July.

The proposed schedule for the project is as follows:

- Proposals due (RFP) – July 28, 2016
- Proposals evaluated & scored – August 15, 2016
- Contract awarded (design) – August 31, 2016
- Final design/bid package comp. – November 2016
- Project bid advertisement – December 2016
- Contractor selected – January 2017
- Construction begins – January – June 2017
- Projected park opening – June 2017

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3.0 Council / Manager Reports

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- 3.1 Mr. Ogden displayed the proposal the City Council approved a couple of years ago for the parking lot at Steep Mountain Park. He stated he was asked to come up with different options for parking. He presented options for parallel on-street parking (30 stalls) and angled on-street parking (50 stalls). Staff recommends staying with the original plan because it creates a safer environment and the additional parking should accommodate the additional traffic another field might bring.

Subsequent to staff and Council discussion, Councilmember Stenquist, Councilmember Vawdrey, Councilmember Rappleye, and Councilmember Summerhays were in favor of staying with the original plan. Councilmember Weeks preferred to have on-street parking.

Mr. Ogden then reviewed a plan for expanding the parking at the Cycle Park. The City needs projects to spend the impact fees on, and this would be a good project. The City would need to match the cost at 25 percent. The City Council allocated money to the Equestrian Board last year, and they will not be using all of those funds. The Council can use some of that money for the match. The cost would be approximately \$100,000.

Councilmember Vawdrey, Councilmember Rappleye, and Councilmember Summerhays were in favor of expanding the parking. Councilmember Stenquist did not want the parking lot to be so big, and Councilmember Weeks was not sure how she felt about it.

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- 3.2 David Dobbins, City Manager, indicated the City Council had received an email from a resident who lives on a corner lot. The City typically requires the homeowners on corner lots to maintain the park strip that borders their property. There are multiple property owners in this area that are maintaining the park strip, but this resident believed that the City was maintaining a lot of the park strips. He and the Mayor met with this individual today and explained to her that most of the park strips in her neighborhood belong to a homeowners association (HOA), so they are maintained by the HOA. The resident does not want to maintain the park strips by her property. If the City takes over the maintenance of this area, other property owners will expect the same thing. This will cause a larger problem with staffing and funding.

Mr. Dobbins then briefed the City Council on the Coyote Hollow issue. The trailhead was put in prior to the homes being built in this area. There are no parking signs on some of the streets; however, the parking in this area has never been enforced. Staff is proposing to post no parking signs in the cul-de-sac that would prohibit parking from 10:00 p.m. to 6:00 a.m. and have the officers enforce all of the parking restrictions in this area. This will not resolve the issue of people riding on the trails after 10:00 p.m.; however, it will help the on-street parking issues. The Council and staff discussed options for signage locations. The consensus was to sign the cul-de-sac road with no parking between 10:00 p.m. and 6:00 a.m. They will also start enforcing the current no parking restrictions.

Business Meeting

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1.0 Call to Order: Mayor Troy K. Walker

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2.0 Thought/Prayer and Pledge of Allegiance

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2.1 Mike Skalla offered the prayer.

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2.2 Brad Davis led the Pledge of Allegiance.

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3.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

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3.1 Paul Harrison, resident, stated he is representing his neighborhood on a shared complaint. They are asking Draper City to actively limit the traffic through their neighborhood going to the Coyote Hollow Trailhead. Other trailheads are available at Potato Hill, Red Rock, and the Equestrian Center. Of the 350 people who are in corner canyon each day, many access the canyon through the Coyote Hollow neighborhood. Mr. Harrison stated the neighbors have counted the number of trucks and cars with bicycle racks driving along their streets, and there are approximately 180 cars per hour on any given Saturday morning. The cars and trucks drive in excess of 35 to 45 miles per hour, thereby making the streets unsafe for children. Mr. Harrison presented photos showing cars and trucks parked on both sides of the street, which limits emergency access. If one of the houses in that neighborhood caught on fire or someone had a heart attack, the emergency services would not be able to get to the house in time because of the cars blocking the road. Once blocked, the drivers can't be located because they are up in the canyon. Mr. Harrison presented a photo of the Pearson home fire in April 2015. The home burnt to the ground, in part because fire engines could not get through the traffic of parked cars on residential streets to get to the fire sooner. He displayed another photo of two homes that burnt down in South Jordan. In presenting a third photo taken a week ago, Mr. Harrison explained that a biker was injured in Corner Canyon; EMT services were dispatched, but upon getting to the neighborhood, they were delayed by traffic in the neighborhood. Mr. Harrison then quoted an email that he sent to the Council on July 11, 2016, pertaining to the aforementioned issue. He implored the Council to take action on this issue.

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3.2 Susan Davis, resident, noted that she lives in the same cul-de-sac as Mr. Harrison. Ms. Davis proposed some solutions to Mr. Harrison's stated concerns, to reduce the amount of traffic that goes through their neighborhood to the mountain trails. The first solution was to close the Coyote Trail Head to bicycles. She stated that bicycles can enter at one of the other entrances, such as the Equestrian Park, where there is already plenty of parking. Bicycle closure at this trailhead would limit the number of cars through their neighborhood. Ms. Davis's second proposed solution was to mark the curb closer to the Draper temple with red paint to indicate no parking. Furthermore, she suggested posting parking with permit only signs on the residential side of the street where the temple is located. Other signs could include no parking, no fires, and no overnight camping allowed on Coyote Hollow Court and in the cul-de-sac, all of which have occurred in their neighborhood. Ms. Davis stated that closure and no-parking enforcements are both needed. The hours of park use should be from 6:00 a.m. to 10:00 p.m. Any hours outside of this time frame would require additional law enforcement, and Ms. Davis was not sure that this would be the best use of the City's resources. The third solution was to abandon expansion of the Coyote Hollow trailhead, as documented in the Open Space Plan. Any expansion will increase the number of people through the neighborhood. Ms. Davis stated this issue is related to traffic, not parking. The residents would like the Council to respond in writing to Mr. Paul Harrison, the chairman of the concerned citizens of Coyote Hollow, within one week detailing the Council's intentions in addressing these concerns. She noted that this is the second time the citizens have come forward to the Council, and their intent is to work with the City. However, she stressed they also need to protect their families and children, and they will pursue other avenues if need be. Ms. Davis stated they want people to enjoy the mountains and that they appreciate the effort that has been put into providing this recreation in the area. However, entrance into the area from the Coyote Hollow trailhead has proven to be dangerous. This is an issue not only for the residents in the Coyote Hollow neighborhood, but for the entire city. She invited the Council to come to her home any night of the week and witness for themselves the amount of traffic that comes past her home.

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3.3 Frank Lavery, resident, stated that he has a one-acre lot that the City helped him subdivide into half acre lots. Mr. Lavery lives in a northern, rural part of town with soft shoulders on the east side of the street. He stated that he has been informed that if he wants to continue developing his property, he has to buy the sidewalk and landscape the park strip, a stipulation with which he disagrees. He mentioned that an adjacent neighborhood only has sidewalk on one side of the street, which does not continue on to the south side, which is where his property is located. He asked the Council to help him figure out a way to resolve this issue. Mayor Walker offered to meet with him privately to further discuss his concerns and options.

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3.4 Diane Shenosky, resident, stated that she has contacted several members of the Council about finishing Rambling Road and redoing the park strips in that neighborhood. She said that she is indifferent to who owns the park strips; in her opinion, the entire road is

not aesthetically pleasing in the community. She stated that she was favorable to the \$5.00 park recreation fee being raised to \$10.00; of that amount, \$5.00 should go to the parks, and \$5.00 should go to the sidewalks and park strip. Ms. Shenosky stated that the park strip in question hasn't been refinished in 17 years. She stated that she calls every day to have it mowed, and relayed that she spoke with Mayor Walker and the City Manager today. Ms. Shenosky explained that some communities have a contract with the district to have yards mowed and trees trimmed within the respective district every week. In conclusion, she remarked that she would like to see her tax dollars go towards these services in her neighborhood.

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3.5 Don Rooks, resident, expressed concerns with the amount of bike traffic in the Coyote Hollow neighborhood. Mr. Rooks explained that bike traffic has increased significantly over the last five years that he has lived there. Bikes are up in the canyon all day and all night. He explained that residents paid a lot of money for those houses, and when he moved into the neighborhood he enjoyed the peace and quiet, which is a feature that attracted him to the area. Mr. Rooks stated that while he is not against mountain biking, he is concerned with the traffic and the hours that the trail is being used. Furthermore, a lot of cyclists park their cars in the temple parking lot, which he feels is problematic and disrespectful. He concluded that he is surprised that there hasn't been a serious accident take place.

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4.0 Consent Item

a. **Approval of July 5, 2016, City Council Meeting Minutes**

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4.1 **Councilmember Rappleye moved to approve the consent item. Councilmember Summerhays seconded the motion.**

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

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5.0 **Action Item: Draper Mill Zone Change and Land Use Amendment, Request for Approval of a Zone Change from CO1 (Professional Office) to RM2 (Multiple-family Residential) and a Land Use Map Amendment from Office/Service to Residential High Density, on a 2.64 Acre Property Located Generally at 736 West 12300 South**

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5.1 Dan Boles, City Planner, presented the staff report, as well as an aerial map of the subject property. He explained that the land use map calls for office service, which the applicant is proposing to change. The applicant is also proposing to change the zoning from CO1 to the RM2 zone, which would allow 12 units per acre. Mr. Boles presented a concept

plan, but clarified that the details of the site plan are not yet set in stone. The Planning Commission voted unanimously to forward a positive recommendation to the City Council. Mr. Boles then presented photos of the property.

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- 5.2 Councilmember Rappleye requested clarification that the maximum density is 12 units per acre, to which Mr. Boles replied in the affirmative. Mr. Boles further explained that the land use calls for a density range of 12 to 20 units per acre, but the zoning only allows for 12 units per acre.

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- 5.3 Councilmember Weeks expressed concerns with 700 West. She stated that while some impact fees could be used to widen the road, the fees would not cover everything. She asked if the applicant has any solutions to address the traffic issue, such as conducting a traffic study.

Mr. Boles responded that because of the median along 12300 South, 700 West will just be a right-in and right-out. Furthermore, it is a local street with a 60 foot right-of-way and one lane each direction. UDOT approval will not be needed for any entrances along 12300 South from 700 West. Additionally, there are also some elevation issues, based on some of the images that were presented. Mr. Boles stated that these factors will help control traffic from the limited access. Lastly, he explained that he doesn't think that the 32 units shown in the concept plan would meet the threshold to require a traffic study.

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- 5.4 Councilmember Summerhays stated that he has studied this proposal, and the property doesn't appear to have a lot of commercial activity. He mentioned several businesses that have relocated into other zones, and explained that the west side of the property is not in a good state to be developed commercially. The property in question has been for sale for many years, and it finally has a potential buyer for this residential development proposal.

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- 5.5 Russ Tolbert, applicant, stated that they would be happy to conduct a traffic study, but they feel like a commercial zone would generate more traffic than what a town home development would generate. The traffic of a commercial development would occur at different times of the day, whereas traffic in a multi-family residential development occurs mostly in the morning and evening.

Councilmember Weeks agreed with Mr. Tolbert's remarks. She stated that she has spoken with several residents in the area, and they seem to be in favor of Mr. Tolbert's proposed residential project over a commercial development. One issue the residents raised was that of traffic. She requested that Mr. Tolbert take this concern into consideration when creating a formal site plan proposal.

Mr. Tolbert agreed, and explained that they are also concerned with traffic. When he met with the neighbors, they were favorable to his proposal because they did not feel that the

property lends itself to commercial. Furthermore, they indicated that a commercial development would create more of a nuisance. Mr. Tolbert explained that one such complication with the subject property is a 12-foot high retaining wall on the far west end that faces onto 12300 South, which limits access. He stated that developing a town home community is a more feasible option when considering the retaining wall.

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5.6 Councilmember Rappleye stated he agrees with the remarks that have been made about whether or not the subject property lends itself well to commercial development. He discussed access into the property, and stated that this is a UDOT issue. There are other developments that will come onto 700 West, and they will also have issues figuring out access because both ends of that road are right-in and right-out. Councilmember Rappleye stated that while this might not create a challenge immediately, it will at some point. He noted that although a site plan hasn't been created yet, he questioned whether or not the full amount of units should be developed. He expressed the importance of building a community, and remarked that it is important to consider whether or not the units will be occupied by their owners or rented out to tenants.

Mr. Tolbert stated that they are open to considering anything. As they work with staff on design and layout, they also want to consider what will make a great community to add to Draper. However, they do have to stay within a certain price point; if they get too high in price then the units won't sell. Furthermore, putting in too many amenities creates a high HOA fee which puts a burden on the residents. He explained that it is a balancing act to work with all points of consideration while remaining competitive with market standards. The price of the land will also factor into how many units are proposed in the site plan.

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5.7 Councilmember Stenquist stated he is of the opposite opinion from that of the applicant. He said he was dismayed, because there aren't any other areas along 12300 South with residential development because of the heavy traffic on that road. He stated that there are similar challenges off of 10600 South going into South Jordan. He suggested that there might be other uses that would open up other possibilities, such as general commercial or neighborhood commercial. He stated that Draper has recently approved a lot of multi-family development, and the frontage onto 12300 South poses significant challenges.

In response to a question from Councilmember Stenquist, Mr. Tolbert clarified that the proposed development is for town homes, four-plexes, and six-plexes. It will not be a high-rise development.

Councilmember Stenquist stated Draper has had limited opportunity for frontage on a major commercial arterial road. Commercial helps the tax base, and it is important to keep viable commercial areas rather than changing them to residential. He acknowledged that while there is some debate as to whether or not the subject property is viable for commercial, he personally has not been convinced of that notion. He would like to see more evidence for the argument in order for his opinion to be swayed.

Mr. Tolbert stressed that the aforementioned retaining wall is a deterrent from developing commercially. Furthermore, the residents have indicated that they don't want commercial on the subject property. Councilmember Stenquist stated that while he has acknowledged those points, the Council is responsible for making the best decisions for the entire community.

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5.8 Councilmember Vawdrey moved to approve the Draper Mill Zone Change and Land Use Amendment. Councilmember Summerhays seconded the motion.

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5.9 Councilmember Vawdrey agreed that commercial development is not viable this far west. She stated that it is a tough site, and she opined that Mr. Tolbert's proposal makes sense for the area.

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5.10 Councilmember Summerhays reiterated that several businesses were unsuccessful in this particular area, and as such decided to relocate.

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5.11 Councilmember Rappleye agreed with Councilmember Stenquist that there may be some viability for commercial development in certain areas along 12300 South. However, he feels that the subject property is an exception; if the lot was across the street, he would feel differently on the matter. He agreed with Councilmember Summerhays that several businesses have struggled in this part of the zone for various reasons, namely with access. The subject property could possibly work as a commercial development if they could get UDOT to put in a roundabout; however, he stated that he was not hopeful that they would respond to such a request.

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5.12 Councilmember Stenquist explained that conditions five or ten years from now could be completely different than those they are currently facing. He opined that the City will continue to experience pressure from developers to convert these kinds of properties from commercial to residential. He was concerned that a precedent will be set on the north side, prompting developers to make similar proposals on the south side of 12300 South.

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

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6.0 Public Hearing: Resolution #16-38, Declaration of Surplus Property and Authorization of the Sale of the Same for Property Located Generally at 722 East Draper Heights Lane

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6.1 Mike Barker, City Attorney, stated that Russell Fox has been handling this project up to this point, and it is a pretty simple request. The applicant is requesting the City sell property to them to complete a two-part sale. Mr. Barker presented an aerial map of the surplus property, and identified 1,240 square feet of land that was sold to the property owners in May. The original intent was to put off purchasing the additional land, but they have decided to move forward with the purchase this year in an effort to complete their project sooner rather than later. They are requesting the City declare approximately 6,777 square feet behind their home as surplus, and subsequently sell it to them at the rate at which the City previously sold property in this area, which is \$9.00 per square foot. The sale of the property would be for a total price of \$60,993. Mr. Barker pointed out that the properties on either side have been in a similar situation. Staff recommends the Council declare the property in question as surplus, and authorize the sale of the same.

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

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6.3 **Councilmember Weeks moved to approve Resolution #16-38. Councilmember Rappleye seconded the motion.**

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

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7.0 **Public Hearing: Bangerter Crossing Lot 1 Plat Amendment, Request to Amend the Bangerter Crossing Subdivision Plat by Splitting Lot 1 into Two Parcels Located Generally at 115 East 13800 South**

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7.1 Mr. Boles presented the staff report, as well as an aerial map of the subject property. He explained that the Bangerter Crossing Lot 1 is on the south side of Harmon's on 13800 South. When Harmon's was constructed, a 10-lot subdivision was created, and this is one of those lots. The applicant recently presented before the Planning Commission, and received approval to put two buildings on this pad. However, they now want to split the lot, which is in the Commercial Regional Zone. The Land Use Map calls for a Community/Neighborhood Commercial development. One of the lots is a half acre, and the other one is about nine-tenths of an acre. Mr. Boles presented drawings of the current plat.

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7.2 Councilmember Summerhays asked who made this request. Mr. Boles answered that the owner of the property has petitioned to subdivide the plat.

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

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7.4 Councilmember Rappleye stated that he thinks this is a good idea. There is a successful shopping center in that area due to the rapid growth, and it is close to build out.

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7.5 Councilmember Rappleye moved to approve the Bangerter Crossing Lot 1 Plat Amendment. Councilmember Vawdrey seconded the motion.

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

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8.0 Public Hearing: 136 Center CSD Text Amendment and Rezone, Request for Approval of a Text Amendment and Rezone to Create a New Zoning District 136 Center CSD and Rezone the Properties Located at Approximately 13705 South 200 West to the New Zoning District

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8.1 Mr. Boles presented the staff report as well as aerial maps of the subject property, which he identified as being located west of I-15, south of Bangerter Highway, east of 200 West and north of 12705 South. The property currently has a Land Use Master Plan of Business and Light Manufacturing, as well as a small portion of Community Commercial. The zoning is currently Commercial Business Park (CBP) and Manufacturing (M1). Mr. Boles presented a possible site plan for the property. The parking standards are similar to what has been seen in some of the nearby CSDs. Office uses would have a minimum and maximum parking range of 3.5 to eight stalls per 1,000 square feet. In looking at potential uses for the property, Mr. Boles identified possible configurations for office uses, retail, hotel and a parking structure. He stated that office warehouse uses would require one stall per 1,000 square feet. He presented images of what the landscaping would look like, which has a minimum requirement of 20 percent. It was noted that the boulevard down the center of the project would include green space around the edges. The images did not show the potential build out of retail and hotel uses. Mr. Boles explained that the applicant has several signage proposals which would tie into a similar theme of that of the Vista Station. The applicant is also proposing monument signs that are closer to the actual building, as well as approval of a pole sign along I-15. Mr. Boles presented images of the proposed architecture, and noted that each building would have a set of standards. Office buildings would be more modern in nature. The primary façade materials would include granite, metal, composite metal panel, stone, concrete and tile. Multiple materials would be required, with at least 50 percent of the building being dedicated to primary materials. The building heights allowed in the CSD would be 422 feet, or 30 stories. Mr. Boles presented images of some of the garage structures, and

explained that staff has spoken with the applicant regarding their preferences on style and materials. Additional images were presented of retail elevations, hotel, and office warehouse designs. The Planning Commission recommended approval on a vote of 3 to 0, and City staff has also recommended approval.

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8.2 Councilmember Summerhays inquired as to what the applicant is requesting in terms of a tax break. Mr. Boles stated that he is unaware of such a request. Councilmember Summerhays then asked if they are planning on making a request of this nature in the future. Mr. Boles replied that he has not had this discussion with the applicant.

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8.3 Mayor Walker opened the public hearing. No one came forward to so Mayor Walker closed the public hearing.

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8.4 Nate Boyer, applicant, explained that the reason for this request is because the current zoning only provides for three or four-story buildings, and they would like to have the flexibility to construct higher buildings. Mr. Boyer explained that this Thursday, they will be presenting a proposal to a fortune 100 company that will want a building as high as 10-stories. He explained that they would like to see this particular project come to Draper rather than go to Sandy. Mr. Boyer stated that they are not trying to evade City Code. The façade on the parking garage will be nicer than any other Class A office parking garage found in the valley. They realize that this is a prominent spot on I-15, and therefore plan on building an aesthetically pleasing structure. Mr. Boyer presented one of the photos that they will be showing the company on Thursday. He stated that their site plan, which will be made possible with the proposed zone change, will be better than the site plan that was previously approved for a one-level industrial building. He presented additional photos of the various elements to their proposed commercial development. He explained that they are designing to cover the canal, and are hoping to begin construction this fall with the Salt Lake Canal Company. As part of their project, they also anticipate making improvements along 600 West.

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8.5 Councilmember Rappleye thanked the applicant, and stated that in his opinion, Boyer Company's last proposal missed the mark from the types of development projects for which they are typically known. He remarked that this proposed project is up to a more modern standard.

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8.6 Councilmember Weeks expressed several concerns with the proposal. First, she asked if there is any language in the layout which explicitly details futuristic design standards. She explained that sometimes the Council sees great designs from developers, but then those designs are lost once construction takes place. She asked if the agreement with Boyer Company contains a clause that states that the Boyer Company will deliver the

same product that they present to staff and the City Council during the review and approval process.

Mr. Boyer stated that design guidelines exist with respect to percentages on materials. He stated that the closest point of reference is that of the exhibits attached to City Code.

Councilmember Weeks stated that the City's design guidelines are not always the unique architecture as shown in photos presented in Council meetings; therefore, she is fearful that the applicant will present photos of unique architecture, and then not actually deliver that product later. She explained that she wants to ensure that everyone is on the same page.

Next, Councilmember Weeks asked to review the photos that were presented of all the parking garages. She commented that while the first two photos shown of parking garages are great, the last three other styles of garages show no similarities to the previous two. She asked how the Council might indicate that they like one style but not the other. Councilmember Weeks also expressed concern that many of the buildings are being shown as having a height of five stories, and the applicant is requesting up to 30 stories. She asked what kind of architecture the Boyer Company has in mind that would incorporate 20 or 30 stories. With regards to a hotel, Councilmember Weeks expressed favorability to the idea, and wanted to insure that space is allocated specifically for that use.

Mr. Boyer stated that they have had a lot of companies reach out to the Boyer Company to discuss hotels. Initially, they discussed allocating space for a hotel on the northwest corner, and they have since moved the discussion to the southwest corner instead. Currently the Commercial Business Park (CBP) lists hotels as a conditional use, but if this area can be rezoned to CSD they would be able to have a hotel as a permitted use.

Mr. Boles stated that they can bring this item back in a couple of weeks and work with the applicant on a few of the concerns that have been raised. There was discussion as to an appropriate motion to make tonight.

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8.7 Councilmember Summerhays asked Mr. Boyer to answer his previous question regarding whether or not they will be requesting a tax break in the future. Mr. Boyer indicated they do not intend to ask for funding from the City for this project, and that seeking public assistance is not in their agenda at this time.

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8.8 Councilmember Rappleye asked how specific the Council can and should get on determining architectural elements. He stated that part of creating the CSD is to have the developer find the customers to construct the buildings. In other words, all of these buildings haven't been sold yet.

Mr. Boles explained that part of the advantage of the CSD is that it gives the applicant a little more flexibility. On the other hand, with such flexibility comes a question of what type of product, as shown in the photos, will be delivered. The matter comes down to how much flexibility the City wants to provide the developer.

Councilmember Rappleye asked whether tenants have a say on the construction of the buildings in which they are investing, and Mr. Boles answered affirmatively. Councilmember Rappleye asked how the City can orchestrate the language so that it guarantees a separate approval process for each separate building. Mr. Boles explained that the language of the ordinance can be written tightly; however, this will not give the applicant the flexibility that they seek.

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8.9 Jennifer Jastremsky, Planner, stated the text is currently written in a way in which it references the concept elevations. Furthermore, it says that the character of the building, including materials, colors, forms, etc., shall be as shown in exhibits presented in the ordinance. Therefore, this provides some ability to make adjustments. However, generally speaking, the buildings should match those exhibits. If they don't match the exhibits, then an application can either be denied or sent back to the drawing board.

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8.10 David Dobbins, City Manager, stated in the past, pictures and text have been separate from one another. While developers should deliver a product that is along the lines of what is presented in the exhibits, the text allows flexibility for the developer to do something similar but not exactly the same product as shown in the pictures.

Councilmember Summerhays stated that this will allow businesses to have a say in the overall design of the building in which they are investing, so that it matches the theme of their company.

Councilmember Rappleye commented that this essentially gives the company a blank check to do whatever they want with the building, to which Mr. Dobbins responded by reiterating his previous statement.

[8:08:13 PM](#)

8.11 Councilmember Weeks asked a clarifying question, that if an applicant presents several pictures, and the Council likes some but not all of what they see, does the Council have the ability to make a motion to change the text amendment in order to have some, but not all elements present in the design of a development.

Mr. Dobbins answered in the affirmative, noting that the exhibits are in the CSD.

Ms. Jastremsky stated that the images presented in the presentation are the exhibits within the text, specifically. Therefore, a motion can be made based on numbered exhibits from the presentation, and then staff can amend the actual ordinance text as is needed.

Councilmember Stenquist stated that he is not hung up on the specifics, because he doesn't think that it is their role as a Council to dictate the way the building looks.

Councilmember Weeks disagreed with Councilmember Stenquist's previous remark. She noted that as a Council, they are setting Draper's overall tone, and therefore they need to establish specific architectural standards. She stated that other cities are bringing in great architectural elements, which sets a specific tone for their respective communities. If Draper City does not provide specifics, then the developer will go the cheapest route to get the most square footage for the least amount of money. This can oftentimes lead to developments that are less aesthetically pleasing.

Councilmember Stenquist stated that the City already has architectural standards in place. The developer is going to sell these buildings to companies that want to have their business in those buildings. He doesn't want to tighten down the City's requirements to the point where they take away all flexibility from developers and investors.

Councilmember Weeks explained that by providing a developer with more than one option, the City is providing the flexibility of which Councilmember Stenquist was speaking.

Councilmember Stenquist stated that the City has sufficient architectural standards already in place. He explained that he has received a lot of complaints from developers who have indicated that Draper already has a lot of standards and requirements. Councilmember Stenquist stated that he has seen buildings in other cities that he knows for a fact would not be accepted under Draper's architectural standards, because they look like boxes. In looking at pictures from the developer, it is sufficient as long as they provide a similar product that is tied to the CSD.

Councilmember Weeks stated that she reviewed the City's architectural standards a couple months ago, and tried to raise issues with the Council; however, the discussion did not continue much further. She was of the opinion that the best approach to specifying architectural preferences and dislikes was by way of photos.

[8:12:35 PM](#)

8.12 Councilmember Stenquist moved to approve the 136 Center CSD and text amendment. The motion failed for lack of a second.

Mayor Walker indicated this item will be considered at the next regularly scheduled City Council meeting.

[8:13:09 PM](#)

9.0 Council/Manager Reports

[8:13:17 PM](#)

9.1 Councilmember Summerhays stated that the State has been doing construction on some of the City's streets, and they have not been informing the affected business owners.

Some of the work has included replacing curb and gutter entrances on 12300 South on the south side of the road, with forthcoming work beginning on the north side. He asked staff if the State has given them any notice on the matter.

Glade Robbins, Public Works Director, explained that the State indicated that they would be doing work, but never specifically requested that the cities inform local businesses; normally, the State is responsible for that task. Councilmember Summerhays requested that staff inform businesses of the construction taking place. Mr. Robbins agreed to discuss the matter with both the State and local business owners.

[8:15:35 PM](#)

9.2 Councilmember Rappleye requested that staff put together some numbers on how much overtime staff put in during Draper Days, particularly the public safety personnel. Staff agreed to this request.

[8:16:01 PM](#)

9.3 Councilmember Weeks commented that Draper Days was great, and thanked everyone who participated in the event. She noted that she received six complaints from residents regarding the prayer. Councilmember Weeks explained that the prayer is very slanted towards one religion, and a lot of other cities have opened this up to other religions, or they have just nixed it altogether because it is a community event, not a religious event. Councilmember Weeks stated that she didn't know how to address the matter in the future. Staff indicated that they would pass this issue onto the community foundation, as they are the group that makes these types of decisions. Councilmember Weeks stated that she would write to her constituents and relay this information.

[8:17:28 PM](#)

9.4 Rhett Ogden, Parks and Recreation Director, reported that they approved some funding to facilitate the road closures for Hawk Hollow in the area on the back side. The Parks and Recreation Department recently received several bids, and the lowest one was double the original budget set by staff. Mr. Ogden explained that it's common for contractors to bid high this time of year. Therefore, the City can either wait a few months to rebid the project, or they can amend and increase the budget. He noted that the original budget was for \$30,000 and the lowest bid that came in was for \$58,000. The Mayor and Council agreed to wait and rebid the project later.

Mr. Ogden also reported that there has been a few more encroachment issues come up that need to be addressed. After some discussion, the Mayor and Council advised staff to approach them any time a buyer approaches the City about purchasing land.

[8:19:41 PM](#)

9.5 Mr. Dobbins reminded the City Council that Judge Bertch is up for his retention election this fall. He informed the Council that Judges are on a six-year cycle.

[8:20:06 PM](#)

10.0 Adjourn to a Closed-Door Meeting to Discuss Litigation

[8:20:06 PM](#)

10.1 Councilmember Vawdrey moved to adjourn to a closed-door meeting to discuss litigation. Councilmember Rappleve seconded the motion.

[8:20:23 PM](#)

10.2 A roll call vote was taken with Councilmembers Rappleve, Stenquist, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

10.3 The meeting adjourned at 8:20 p.m.