

Approved 08/19/2014

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, AUGUST 5, 2014, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH.

“This document, along with the digital recording, shall constitute the complete meeting minutes for this City Council meeting.”

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; Doug Ahlstrom, City Attorney; Rachelle Conner, City Recorder; Rhett Ogden, Recreation Director; Garth Smith, Human Resource Director; and Bob Wylie, Finance Director

Study Meeting

1.0 SAFETY DAYS - Draper City Park

Business Meeting

[7:02:58 PM](#)

1.0 Call to Order

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

Mayor Walker advised the City Council just returned from attending the annual Safety Days in the Draper City Park. There are displays from the Police Department, Fire Department, and Emergency Services. There are also hot dogs and hamburgers for sale. He invited everyone present to go over and walk through the booths. He expressed appreciation to the Police Department for their efforts in organizing this event.

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2.0 Comment/Prayer and Pledge of Allegiance

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2.1 The prayer was offered by Cole Owens.

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2.2 The pledge was led by Tim Carroll.

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3.0 Recognition: Jaron Windor, Miss Draper Scholarship Pageant Director and Kelsey Blaser, Miss Draper 2013-14

Approved 08/19/2014

- 3.1 Mayor Walker recognized Jaron Windor as the Miss Draper Scholarship Pageant Director and Kelsey Blaser as Miss Draper 2013-14. He presented them each with a plaque.

Mayor Walker asked Kelsey to talk about the platform she had chosen for the year. Miss Blaser indicated her platform was “Melanoma Skin Cancer”. She stated her mom was diagnosed with melanoma when Kelsey was eleven years old. She advised skin cancer is not something most people think they can die from, but they can. She said she teamed up with several groups to reach thousands of kids this year to make them aware of the problems that come with skin cancer.

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4.0 Proclamation: Juan Diego Lacrosse Team - Division I Juniors State Champions

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- 4.1 Mayor Walker read a proclamation recognizing the Juan Diego Lacrosse team for their championship win.

Mayor Walker presented the team with a framed copy of the proclamation.

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5.0 Citizen Comments

[7:18:50 PM](#)

- 5.1 Shawn Benjamin, 360 West 13165 South, noted he spoke about his neighbor receiving a notice about weed abatement at the last meeting. He thanked Keith Morey, Community Development Director, for his quick efforts in taking care of the problem. Mr. Benjamin noted his neighbor was sent the letter by mistake.

[7:20:15 PM](#)

- 5.2 Lindsay Goeckeritz, 727 Old English Road, stated she is continuing to work on the possibility of a community arts center in the Draper Park School. She shared some benefits of a community arts program, which included:

- There has been a drug problem in her neighborhood for the past few years
 - Drugs deals on the corner by her home
 - Students in community arts programs are forty-four percent less likely to use drugs than their non arts peers
- The engagement with creative activities has the potential to contribute towards reducing stress
- There are studies that show a link between Alzheimer’s and music

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6.0 Consent Items

- a. Approval of July 15, 2014, Minutes
- b. **Ordinance #1119**, Amending Section 15-1-050(g) of the Draper City Municipal Code Pertaining to Possession of Firearms at Recreation Facilities.

Approved 08/19/2014

- c. **Resolution #14-51**, Reappointing Kent Player, Jamie Pogue, and Clark Naylor as Members of the Parks, Trails, and Recreation Committee

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- 6.1 **Councilmember Rappleye moved to remove Item B from the Consent Items. Councilmember Vawdrey seconded the motion.**

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- 6.2 **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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- 6.3 **Councilmember Rappleye moved to approve Items A and C of the Consent Items. Councilmember Summerhays seconded the motion.**

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- 6.4 **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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- 6.5 Doug Ahlstrom, City Attorney, indicated he received a letter from a watchdog group that expressed concern with the Draper Municipal Code. In Utah, Cities can only regulate the discharge of firearms, but the Draper Code regulates the possession and use. The proposed change would fix that.

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- 6.6 Councilmember Rappleye stated he received an email from Matt Hogan, who is a resident in Draper. Mr. Hogan has a concealed weapons permit, and he was concerned about the proposed language, which is why Councilmember Rappleye wanted to take this item off the consent list. He wanted it clarified in the public format.

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- 6.7 **Councilmember Stenquist moved to approve Ordinance #1119. Councilmember Rappleye seconded the motion.**

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

[7:27:19 PM](#)

- 7.0 **Action Item: Ordinance #1112, On the request of Jeff Mansell for approval of a Zoning Map Amendment changing the zoning designation from RA2 (Residential Agricultural) to R4 (Residential) on approximately 5.88 acres at 1230 East 13200 South. The application is otherwise known as the Park Place Bungalows Zone Change Request.**

Approved 08/19/2014

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7.1 Dennis Workman, Planner, noted this request is located on the corner of 13200 South and 1300 East. He presented a map of the current property. This rezone is tied to a development agreement, which would provide for 20 single-family lots. Staff is recommending approval of this application.

[7:31:00 PM](#)

7.2 Mayor Walker indicated for those present that the City is making an effort to go paperless and be sensitive to the environment, so the agenda is on the City website and is linked.

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7.3 Councilmember Stenquist moved to approve Ordinance #1112, which approves a Zoning Map Amendment by changing the zoning designation from RA2 to R4 on approximately 5.88 acres located generally at 1230 East 13200 South. Councilmember Summerhays seconded the motion.

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7.4 Councilmember Stenquist noted it seems like the requests the Council is getting now are a little different than they were getting in the past. This project is definitely unique. It used to be that the R1, R2, and R3 requests met a specific thing. In this situation, it would be easy to get the impression that an R4 development would provide a certain type of product. However, with the development agreement and restriction in there, the quality of the homes will be good, and the style will be harmonious with the existing area.

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7.5 Councilmember Colbert stated he is opposed to the development. It looks like a nice project, but he does not like the increased density in this area. The higher density will cause the failure of the roundabout on 1300 East. It also changes the character of 1300 East.

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7.6 Councilmember Rappleye advised this is a different layout, and the design of the homes is very unique. Most of the homes in Draper are tall. These homes are built low and will not block views. He compared them to the architectural style of Frank Lloyd Wright. This is a difficult area because of the locations of the two schools. It has made it a very busy intersection. He expressed his opinion that this development will be harmonious with the area and will fit in well.

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7.7 Councilmember Vawdrey agreed with the increased density concerns voiced by Councilmember Colbert. She said 1300 East is a different street, and they need to be careful. However, in this particular location with the schools, she is comfortable with this project.

Approved 08/19/2014

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7.8 Councilmember Summerhays noted the three schools in this area make the development of half-acre lots difficult. He expressed his opinion that this is a perfect place for this project.

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

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8.0 **Action Item: Ordinance #1110, On the request of Bryon Prince, representing Ivory Homes for approval of a Zoning Map Amendment changing the zoning designation from RA1 (Residential Agricultural) to R5 (Residential) on approximately 3.92 acres at 491 E. Kimballs Lane. The application is otherwise known as the Cranberry Hills 18 Zone Change Request.**

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8.1 Mr. Workman noted this item was heard two weeks ago. It is a request to go from RA1 to R5. This project was approved previously as an R3 with a development agreement. The applicant has since requested to go to R5 without the development agreement. Staff recommends approval of this application.

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8.2 Councilmember Summerhays stated he was some concerns. The reason he voted for the R3 zone is because of the development agreement. He said he does not think he would have voted for it without the agreement.

[7:39:11 PM](#)

8.3 Councilmember Summerhays moved to deny the request to approve Ordinance #1110, which would approve a Zoning Map Amendment by changing the zoning designation from RA1 to R5 on approximately 3.92 acres located generally at 491 E. Kimballs Lane. Councilmember Colbert seconded the motion.

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8.4 Councilmember Colbert stated when the City Council approved this item it was done with a development agreement. This development is an access point to the development to the north, so it is integral to that development. The development agreement reinforced that and made it part of that community. The applicant is now asking for a higher density that he would not support without some consideration to the adjacent neighborhood.

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8.5 Councilmember Rappleye noted this item was approved under a different plan, and the applicant agreed to that plan. He expressed his opinion that what the Council previously approved was appropriate and it should remain in that zone.

Approved 08/19/2014

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8.6 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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9.0 **Action Item: Ordinance #1116, On the request of Al Latimer for approval of a Text Amendment changing the text of Sections 9-26-090 to allow tower signs in the freeway frontage zones without consideration of building floor area. The application is otherwise known as the Tower Signs Text Amendment Request.**

[7:41:42 PM](#)

9.1 Mr. Workman noted this is a request to change the text of the sign zone for businesses located in the freeway frontage area. He clarified that this does not apply to signs citywide or electronic message centers. He then reviewed the areas that these signs would be allowed.

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9.2 Councilmember Colbert noted he does not have an issue with the IHC sign; however, he is concerned about opening this up all the way. He asked whether there was a way to allow medical services to have this type of sign, because they provide a key service in the community, without allowing all the other kinds of businesses to have one.

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9.3 Mr. Fox noted there is no provision in the Sign Code that would allow that type of exception.

Councilmember Colbert advised that In and Out Burger has a tower sign.

[7:49:22 PM](#)

9.4 Mr. Dobbins clarified that different areas and developments have agreements that allow specific types of signage. The City could look at doing a separate agreement with IHC to allow the tower sign. They could also look at the size of the parcel and limit the language to a certain size so it does not open it up to everyone along the freeway frontage area. Staff can bring back information to the City Council that would show building size and parcel size, so the City Council could get an idea of how many signs could be installed.

Councilmember Colbert indicated they could also limit it to the red area of the sign zone.

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9.5 Mr. Fox advised they could bring other restrictions back to the Council if they are concerned about the impact. He stated the freeway frontage area is an area that was designated specifically for higher and larger signs due to the speed on the freeway and visibility.

Councilmember Colbert recommended that for tonight they limit it to Zone B. He would like to allow this for the IHC building and then look at the impact elsewhere.

Approved 08/19/2014

Mr. Dobbins noted that Sign Zone B is also located on 11400 South and the north side of 12300 South. Councilmember Colbert replied that those areas are reasonable as well.

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9.6 Councilmember Vawdrey said she has some of the same concerns as Councilmember Colbert, but she is not sure this is the right solution.

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9.7 Mr. Fox advised they came up with two options. One is to reduce the lot size from 100,000 square feet to 20,000 square feet. They could also do it by street frontage. That would restrict the number of lots that could have that type of sign. It would be better for the Council to continue this item to allow staff to describe all of the details. Councilmember Colbert stated he would like to move rapidly on this because IHC is almost finished with their building.

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9.8 Mr. Dobbins stated if they limited it to the 20,000 square feet, it would not open it up to everyone, or they could just allow it in Zone B.

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9.9 Councilmember Colbert moved to approve Ordinance #1116, which approves a text amendment to allow tower signs in the freeway frontage zones without consideration of building floor area in Zone B. Councilmember Rappleye seconded the motion.

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9.10 Councilmember Colbert said he can support this motion because it limits what the impact could be to the high traffic areas, and they can look at expanding the area at a future date.

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9.11 Councilmember Summerhays noted the cost of the signs themselves will limit the number of these signs that go up.

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

[7:59:39 PM](#)

10.0 Public Hearing: Ordinance #1117, On the request of Draper City for approval of a Zoning Map Amendment changing the zoning designation from A5 (Agricultural) to A2 (Agricultural) and CR (Regional Commercial) on approximately 23.6 acres at 11559 South 300 West. The application is otherwise known as the Riverview Chapel Rezone Request.

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10.1 Dan Boles, Planner, noted this property is located near Lone Peak Parkway. The property has a single building on it, which is a chapel. The Land Use Map designates the area as

Approved 08/19/2014

Community Commercial but it is currently zoned A5. The proposal is to go to A2 where it is adjacent to the homes, and CR in the area to the north. This change would allow the LDS church to subdivide the property and dedicate the street to the City.

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10.2 Mayor Walker opened the public hearing.

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10.3 Scott Pettit, 270 Beverlee Ann Drive, noted he is representing the Sunrise Station Homeowners Association. He stated he understands the property will not stay as it is and will eventually be developed. He asked the City Council not to rush a decision for a rezone when there is no plan in place for development. He said he wished the staff had involved the homeowners association in this process. He encouraged the City Council to review the minutes from the Planning Commission meeting prior to making their decision. He voiced concern that this application was being brought forward by City staff rather than the property owner. He expressed his opinion that the City should not be pushing items for private developers when there is no real benefit to the City. The A2 buffer zone is nothing but a diversion and will probably be rezoned in the future.

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10.4 Mike Hansen, 11627 South Nate Lane, noted the A2 zone seems to be presented as a buffer; however, the proposed CR zone is very close to that neighborhood. He reiterated that there is no development plan right now and asked the City Council to postpone a decision on this.

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10.5 Zen Kennedy, 11701 Clintwood Drive, noted he does not think this is a permanent solution for the zoning. There are a lot of businesses in this area, and it is already difficult to get out of his neighborhood because of the traffic. He does not see a need to make the commercial change to zoning until the City comes up with a way to accommodate all parties.

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10.6 Quinton Elder, 11711 Clintwood Drive, agreed with what Mr. Pettit said. He knows this land will be developed, but he does not see the need to make the zone change right now. The traffic is high for that area, and there is no developer trying to propose this change.

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10.7 Mayor Walker closed the public hearing.

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10.8 Councilmember Summerhays asked whether the City would take possession of the road immediately. Mr. Boles indicated there would have to be a plat amendment approved first.

Councilmember Summerhays then asked whether the City would have to pay for the road. Mr. Dobbins indicated they would not.

Approved 08/19/2014

Councilmember Summerhays questioned what prompted this change. Mr. Boles replied the road goes through the Church's property, and this would clean that up. The Church also wants to subdivide the property, and this change would allow for that.

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10.9 Councilmember Colbert asked why the City is the applicant rather than the property owner. Mr. Boles noted the City stands to gain the road dedication and right-of-way.

Mr. Fox indicated the Riverview Parkway Road is currently not being maintained by the Church or the City, and this is also for corridor for Lone Peak Parkway.

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10.10 Councilmember Stenquist moved to suspend the rules. Councilmember Summerhays seconded the motion.

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10.11 Councilmember Colbert noted some of the concern from the residents is what will happen to the adjacent properties.

[8:18:23 PM](#)

10.12 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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10.13 Councilmember Vawdrey moved to approve Ordinance #1117, which approves a Zoning Map Amendment by changing the zoning designation from A5 to A2 and CR on approximately 23.6 acres located generally at 11559 South 300 West. Councilmember Summerhays seconded the motion.

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10.14 Councilmember Summerhays indicated he understands the concern of the property owners in that area; however, the money the City will gain in the long run by doing this is worth it, and it makes sense to approve it.

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10.15 Councilmember Rappleye advised the comments made by Mr. Pettit were pertinent. When this property does come in for a site plan, the developer should meet with the neighbors to get their input.

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10.16 Councilmember Colbert stated the properties to the north will have to be rezoned. They should be residential because he does not think anything else makes sense. He stated there will be plenty of public notice due to the density and the zoning. He expressed his hope that it will go through a process with the neighbors and that they will come up with a solution that is compatible with the existing subdivision.

Approved 08/19/2014

[8:21:09 PM](#)

10.17 Councilmember Stenquist clarified that the parcel between the railroad tracks and the commercial property would not make sense as commercial or retail. This is the first step in this process and it would be unusual for a developer to come in with an application without understanding what the underlying zone is. There is some misunderstanding of the City's involvement in this application; however, he appreciates the work of the City staff on working with the property owner to move this forward. They have done a great job, which is exactly what the Council expects of them.

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

[8:23:28 PM](#)

11.0 **Public Hearing: Ordinance #1120, On the request of Derek Wright representing Wright Homes for approval of a Zoning Map Amendment changing the zoning designation from A5 (Agricultural) and RA1 (Residential) to R3 (Residential) on approximately 36.9 acres at 11580 South 700 West. The application is otherwise known as the Osborne Farm Rezone Request.**

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11.1 Mr. Boles indicated this request is for a rezone from A5 and RA1 to R3. This property has been used over the years for farming purposes and open space. The Land Use Map designates the area as residential low-medium density. It also has the sensitive river overlay. He provided a snapshot of the Land Use Map for 700 West and said much of the corridor is designated as residential low-medium density. There is higher density near Soccer City and towards the south closer to the commercial. There are some geological tests that would have to be done in this area due to the soils and liquefaction. They would also have to mitigate any wetlands found on the property. The Planning Commission is recommending approval.

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11.2 Councilmember Summerhays asked whether there is a way to clump the homes and have some open space.

Mr. Boles responded the applicant has produced a concept plan that does not ask for higher density, so there is no plan for open space.

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11.3 Councilmember Colbert said this is a big change for this area. He is concerned about the density. They allowed higher density in the area near 11400 South because there was some recognition that they could not have larger lots there. However, there are larger lots adjacent to this area. If the City Council starts down the path with smaller lots on 700 West, the road will have to be reconstructed to handle the increase in traffic. There is a bigger issue with this area than this one project. What happens here will affect what happens with the other properties in the area that are still available.

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11.4 Mayor Walker opened the public hearing.

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11.5 Doug Thom, 649 West Dunning Court, stated that over a period of time the residents have witnessed a constant and deliberate action to continually reduce zoning safeguards from agricultural to residential and/or commercial and continued approval of increased density. Development is inevitable, and it seems that Draper's future is being paved over in concrete. He has seen many things happen since the creation of the Master Plan. Further development will necessitate the reconstruction of 700 West, which will cost a lot of money. He asked the City Council to consider the impacts that their decision will cause to the environment, quality of life, infrastructure, schools, and roads.

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11.6 Bonnie Thom, 649 West Dunning Court, advised she is here because it is her duty. She gave a history of the development in this area and asked the City to protect the rural nature of this area.

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11.7 Bruce Waddell, 744 West 11560 South, said three of the proposed lots that showed up on the plan are on the south side of his property. He attended the Planning Commission meeting and sent an email to the City Councilmembers. He said he has lived in this area for thirty-three years. He chose his current property because of the large size of the lots. It was his expectation that this would be his retirement home; however, he is no longer sure of that. The concept of smaller acreages is not compatible with the area. Previous decisions have favored keeping larger lots. The approval of smaller lots near 11400 South were proposed to be a buffer. The concept plan for this property does not show any intent to reduce encroachment of sensitive areas in the flood plain. Larger lots are the only appropriate zoning in order to maintain the character of the neighborhood.

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11.8 Michael Tynan, 673 West Dunning Court, thanked Councilmember Colbert for his comments. Mr. Tynan indicated he purchased a home east of the subject property earlier this year. His family chose this house because of the rural setting. He said he is opposed to this rezone because it is not conducive with the immediate area. The developer is basing his argument for higher density on the Windsor Mill development. He noted if this is such a desirable place to live, it would have been developed long ago. The developer is also basing his argument on the Galena Grove subdivision, which has similar lots sizes and home prices. To this date, none of those lots or model homes have been sold. He would hate to see that happen with this seventy-nine lot development. He disagreed with City staff's findings concerning promoting developmental standards that are consistent with surrounding uses and reinforce the area's character. This development would not promote this idea. This also does not encourage land use and sense of community in the area. The proposal has already divided the neighborhood, and the increase in traffic will make it more dangerous for his children to play outside. He asked the City Council to look at how this proposal would adversely affect the existing neighborhood.

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11.9 Kelly McAdams, 661 West Dunning Court, noted he purchased his home in 2010 because it was zoned as agricultural. Before he bought his lot, he checked with Draper City planning staff and was told that smaller parcels were not allowed in this neighborhood. Since purchasing their home, they have made significant improvements to the home based on what they were told by the Planning Department. Open space and lower density areas are very rare in the Salt Lake Valley, and they should be valued and appreciated. Pollution, health issues, and congestion are already real problems. With this in mind, for City government to arbitrarily increase housing density seems irresponsible. Just because most residents of Draper are not here tonight, it does not mean they approve of the City government lowering Draper's established standards. If the City Council decides to approve this, it will clearly be for the benefit of the few, and it will make this city a less desirable place to live. He said he was disappointed with the Planning Commission and the rationale they used to come to their conclusions. According to them, home owners want small lots and are incapable of caring for their yards. That is nonsense. There are hundreds of large lots in this area, and they are well cared for and valuable because of their size. This is irresponsible high-density planning, and it is all about the money. The landowners and the developers would still be making huge profits from the sale of their land if they keep the half-acre lot sizes. They just want bigger profits and it seems the Planning Commission wants more tax revenue. The landowners and developers should be expected to comply with the City's density regulations that were previously established.

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11.10 Suellen Riffkin, 11607 South 700 West, noted the most common argument given for why a City Council approves a development that is not on the Master Plan is because of property rights. The Osborne and Douglas families have a right to build homes on their land. One piece of this transaction that should be remembered is that they are being paid money to sell their land. Families that sell their land can retire and move away. The neighbors who are not selling also have property rights, and in many cases, they lose money when adjacent land is developed. Larger lots can be a lot of work; however, all of the existing neighbors live on larger lots, and they are not moving. Large lots allow animals, gardens, and privacy. She expressed concern that her property value will go down if the higher density is allowed. She is also worried about the homes being built on insecure soils. This property is in an earthquake liquefaction zone, which is the highest risk area in the valley. Some new property owners will be in the path of the Jordan River, which is why the General Plan has the property west of the old Galena Canal defined as river way sensitive. Many of these homes will be built in areas where the water table is close to the surface. The neighbors agree the Osborne and Douglas families have the right to sell to build homes with their property. That is their right; however, they are property owners too, and Draper should protect their rights as well.

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11.11 Randy Osborne, 11580 South 700 West, stated his grandfather settled this ground in 1882. It is interesting to think that at one point, his family owned the property of every person who has spoken about this item tonight. Mr. Osborne noted he was born on this

ground, and it is special to his family. One-acre lots will not allow his children to build on this property, but this proposal would. His sister wants to build here as well. His family still wants a presence here, and they want to be good neighbors to everyone who is here opposing this application. His family had been farming this ground for 100 years when these neighbors moved in. The neighbors sued his family because of the flies, manure, and the sound of the milker going off because they milked 250 cows. They were sued because they had calves too close and a truck that sat too close to 700 West. There have always been complaints, but his family never complained back. His family is now asking for this property to be developed so they can live there. He asked the City Council to approve the rezone.

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11.12 Ron Osborne, 1194 Park Stone Drive, noted he had a complaint about weeds on his property a couple of years ago. He rode around the area and looked at some of the other properties and some lots had weeds taller than he did. Some of these people harassed his 95 year old mother. Mr. Osborne said his grandfather owned all of the property that these people now live on. His brother has put up with tremendous complaints from many of the neighbors. The brothers are getting up in years and are having a hard time maintaining their 30 acres. He asked the City Council to pass this request. He guaranteed that these 30-acres will look a lot better than most of the 1-acre lots do now.

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11.13 Chris Burns, 661 West Dunning Court, said she moved here three years ago. They enjoy the wildlife and have a one-acre parcel. They moved here because of the open space, and they were promised that it would not change. The neighbors do not begrudge the property owners the opportunity to sell their property, but to sell it at a profit of hundreds of thousands of dollars while destroying the other neighbors' lifestyles is irresponsible. She asked the City Council to remember that those who are selling their property once chose to raise their families here and to farm in an undeveloped rural area with gorgeous protected vistas and green space. They all supported this exact lifestyle when it benefitted them with their values, morals, and families. Now that they are retiring and moving on, they desire to downsize their homes, and they are downsizing the rest of the neighbors. She asked the City Council to remember that this family fought to keep this area rural a few years ago. If this area is changed greatly, it will affect the existing wildlife habitat, the Jordan River, wetlands, and the sensitive areas. Draper needs to do its part in providing more green space to the community. If they are allowed to build on this acreage, they will basically destroy one of the last few remaining green areas in Draper. Allowing development only negates the commitment Draper City made to residents promising to protect and preserve this area. The developer is proposing one-third acre lots with no green spaces, and there are no homes in this area that mirror his invasive vision as mentioned except for the Ivory Homes next to 12300 South, which are not selling. If this is approved, she asked the City Council to require a buffer to those homes and families who are still farming in this area. It has been mentioned that there is no longer a desire to have large lots; however, a realtor friend told her that Riverton and Bluffdale both have one to two-acre lots with no problems selling them.

Approved 08/19/2014

[8:59:53 PM](#)

11.14 Donald Kruppa, 11720 South 700 West, noted watering this property is all done by irrigation. As that land slants down, there might be some problems for the houses down below that. He said the Osbornes have a right to sell their property, but he thinks they should be larger lots.

[9:01:22 PM](#)

11.15 Joshua Osborne, 5646 Bonica Lane in Herriman, noted 700 West is where his grandma lived. He has heard this is not a desirable location if they have third-acre lots, but it is a desirable location for him. His family has lived in this area for generations, and he wants to live there as well. There are people who make \$500,000 a year and can afford a half-acre lot down in that area, and that is what a person has to make in order to afford a lot nowadays. A study of the area will take care of all of the flood plain and soil concerns.

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11.16 Rick Taylor, 11430 South 700 West, said he is a concerned resident. He lives next to a five-lane highway, but he truly loves what is left of his rural lifestyle. He and his neighbors do not want to hold back the hands of time, and they are all right with development. They just ask the City Council to uphold the Master Plan that was created by former City Councilmembers. He has horses, and his neighbors enjoy large animal rights. Others just appreciate the large open space. They all purchased property specifically for the rural atmosphere that has been encroached upon recently by poorly managed development. He said he spoke with real estate agents this week that indicated there is still an interest in horse property and large acreage. They might not sell as quick, but they are still marketable and lucrative. He read from the Draper City Municipal Code and advised this application is in opposition to many of the purposes listed in Title 9.

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11.17 Leslie Blackham, 857 East 4315 South, directed her thoughts to the City Council in the hopes of persuading them to deny this request. She said she has heard it stated that no one wants large lots anymore, and property owners have the right to develop their land in any manner they wish. Ms. Blackham indicated there are many residents in the community that would like a larger lot, including herself. She grew up on a farm and enjoyed farm chores. It was a utopia for her that she would someday like to live again. She does not see that opportunity being made available to her children or her grandchildren. She asked the Council to consider the life, legacy, or future they are leaving for the children if they continue to take away land ownership. They will be more and more destined to be less active, less creative, and more addicted to technology. When the neighbors heard about the sale of the property, they approached Mr. Douglas to inquire about purchasing all or a portion of this land so they would have a large enough parcel to have horses, chickens, and grow a garden. She was told he was not planning to do anything for a couple of years. For him and the Planning Commission to say no one wants large lots is false. Developers do not want to build on large lots because they do not make as much money. It is the responsibility of City officials to establish and reinforce the zoning statute set forth at previous town meetings. The General Plan for the area of 700 West is 0-2 units per acre and has been upheld for the past decade. There is no rationale to change the

Approved 08/19/2014

General Plan. She said she would never consider living on the east side of Draper because the City is crowded and traffic is congested. The area of 700 West is the one area that has remained quiet and conducive to family life. If higher density is approved, it is certain that more noise, pollution, and crime will follow. She said she has not heard anything addressed about the plan for water rights. She has been through this with her father and the development of his land in Pleasant Grove. As he sold off parts of his land, he was required to relinquish the water rights in order for the development of the homes. That left her father with very little water to maintain the acreage that he kept. As time goes on, and water becomes more of a commodity, he is no longer getting the irrigation water that he pays for annually, and the water is being diverting into gray water and is sent to homes that continue to be developed on small lots.

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11.18 Robin Kruppa, 11720 South 700 West, stated she has a 1-acre farm adjacent to this proposed subdivision. This property would double the target density of 1 ½ units per acre as outlined in the current General Plan. She questioned why they have a General Plan if it can be changed so easily. The Draper City Code states the General Plan amendments are subject to a list of requirements that have not been addressed prior to this zoning proposal. She asked the City Council to deny the rezone request until the General Plan is analyzed and the amendment is done according to these written requirements. She said she joined the military as her commitment to preserve, protect, and help the fighting forces in support of the democracy of the government by the people for the people. It was the right thing to do. Draper City, with the input of the residents, made the commitment ten years ago to protect the semi-rural lifestyle and the sensitive special needs land that make up the local Jordan River corridor. This effort is in sync with the goals of the Jordan River Commission. This Council has previously denied local zoning changes that did not conform to the approved standards as outlined in Section 9-5-060 of the Draper Municipal Code, and she believes this application does not satisfy the five approval standards for zone change requests. The current General Plan does not prohibit development; however, it does provide for sensible sensitive development. This is a win for residents and the environment alike. Larger lots built with respect for the land's limitations are desirable, feasible, and will sell, especially with irrigation rights. The two land owners will still make a healthy profit, and Draper City will collect fees and taxes. She asked the City Council to honor the current land use element of the General Plan in order to preserve the sensitive and fragile environment by denying this zone change request because it is the right thing to do.

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11.19 Scott Pettit, 270 Beverlee Ann Drive, noted the General Plan is outdated. It was intended to drive development, but he feels that society has changed. He expressed his opinion that third-acre lots would be great in this location. He would love to live in this beautiful area, and he does not think it would be detrimental in any way to Draper City.

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11.20 Val Bolden, Midvale resident, indicated he is married to Pam Osborne. He said he and his wife live on less than a quarter-acre lot and raised their children there. They have five

children and their home has 823 square feet on one floor with a basement. Good families can be raised in small areas. They are proud of their family, and they plan to buy some land in this area if this application is approved. Families are an important thing, and good families can be raised on a smaller lot. He asked the City Council to consider the importance of families, and what the people that will buy here will do for Draper City.

[9:17:02 PM](#)

11.21 Pam Osborne Bolden, Midvale resident, stated her parents worked very hard on this farm, and the kids all learned to work hard. Her parents wanted to leave this property to their children, contrary to what has been said previously. Mrs. Bolden indicated her mother passed away six months ago, and this proposal was taking place prior to her death. The children had already started this process. They are getting older and knew they could not take care of the land, and there are too many grandkids to haggle over the property. The children have not taken this lightly. She asked the City Council to consider this proposal. The development that will be there is very nice, and she and her husband are considering moving there. They are excited about this development and the opportunity to keep their heritage going.

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11.22 Theron Jensen, 11905 South 700 West, noted he has been associated with the Osborne family for many years. The Planning Commission forwarded a positive recommendation for this project, and he asked the City Council to consider that. He said he is hard pressed to consider this application as high density. The agricultural opportunities on this property are minimal. It is difficult to make a living on agricultural property in this valley. He is a liability every time he goes out on the road with his equipment. He would like to see the Osbornes receive this benefit for their families.

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11.23 Mayor Walker closed the public hearing.

[9:20:46 PM](#)

11.24 Derek Wright, applicant, reviewed his vision for this property. His goal is to make this area attainable for more people. The proposed density is low to medium residential. There is another third-acre development that has been approved next to this project, and he has worked with those developers to adjoin the properties and hook up utilities so that it is a good flow from one project to the next. He stated they are not disturbing any natural river habitat because it does not exist. He displayed photos of the area to show his point. Mr. Wright indicated he met with or talked to many of the neighbors to give them a perspective of what the plan is. He then showed a concept plan they had come up with for this proposal. Their goal is to make access points at both sides of the property to access a path to the Jordan River Parkway. Mr. Wright indicated they are asking for 2.26 units per acre in this development. The average lot size is 14,000 square feet, and there are lots that are in excess of 18,000 square feet. This plat will change some as they go through the engineering process. The average rear setback is 55 feet, which allows for basketball courts, swimming pools, gardens, trees, and landscaping. These homes would be in excess of 20 to 30 feet apart, and the average side setback is 15 feet. The average sales

Approved 08/19/2014

price is between \$500,000 to \$600,000. Someone mentioned the Ivory project in the area that is not selling. That is in a different zone than this proposal, and the lot sizes are 10,000 feet. He expressed his opinion that they are not selling because the lots are so small. The third-acre lots give people yard and the flexibility to do things with their yard where a smaller lot does not allow that. Lot sizes are going down in cities in this whole valley. He stated he is very excited about this project.

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11.25 Councilmember Stenquist asked how many units the applicant is anticipating. Mr. Wright stated there would be 79 units.

Councilmember Stenquist then asked how many units he could build on half-acre lots. Mr. Wright noted he has not done a map but guessed he would be able to do somewhere between 50 to 60 units.

Councilmember Stenquist said if they start doing some of the math on this, they are not talking about having a pasture or 79 units. They are talking about whether they are going with the half-acre and 50 to 60 lots, or third-acre with 79 units. Mr. Wright agreed and said a half-acre lot is not a rural lot.

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11.26 Councilmember Summerhays asked whether this property borders five-acre parcels at all. Mr. Wright stated there is one five-acre parcel next to him.

Councilmember Summerhays recommended a buffer of half-acre lots on the edges and to have the third- acre lots on the inside in order to preserve animal rights. Mr. Wright noted they can look at that when they work on the concept plan. The preliminary plat will change before they bring it to the City. They are trying to be good neighbors and are taking into account the community, neighbors, city, market, and future of this area.

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11.27 Councilmember Rappleye said Councilmember Summerhays brings up a good point. There are R3 homes in the area, but he also worries about the large animals in the area. Any time two zones are mixed, there are problems. There are more flies because of the animals, which causes more complaints. He indicated there was a horse subdivision constructed for a home show in Colorado, and it worked quite well. There may still be a market for people that want large animal rights.

Mr. Wright stated they did a quick study of the area and found there are 338 properties between 11400 South and 12300 South along 700 West. Of those properties, approximately 20 have large animals, which is less than 6 percent. It is a rural area, but that does not mean they have to have a large animal. They want to be a good neighbor, and there are ways to work with both visions and make accommodations.

Approved 08/19/2014

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11.28 Councilmember Vawdrey expressed concern about large animal rights. This is a big change for this area because other than the third-acre subdivision above it, everything is one-acre.

[9:41:51 PM](#)

11.29 Mayor Walker advised this item will go through the normal course and appear as an action item on August 19th. He thanked everyone for their attendance and comments.

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12.0 Council/Manager Reports

[9:42:35 PM](#)

12.1 Councilmember Colbert thanked the Public Works employees. He has received a lot of positive comments on the slurry seal on Traverse Ridge Road. He then stated the Arts Council is moving items out of the Park School. He said he is concerned about the liability of having residents in there removing the items. Mr. Dobbins explained most of the items that are being removed are close to the exit doors, so they will not be going through the building.

Councilmember Colbert then advised there may be people going through the building that have access codes. He suggested they restrict the number of people that have the code. Mr. Dobbins replied they have changed the code numerous times. The direction he has given is that no one goes in without his permission, they have to sign a waiver, and a staff member has to be with them. The staff has not given the code to anyone. The goal is to get everything out so no one needs access.

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12.2 Councilmember Rappleye expressed concern with the small snipe signs going up in the city. He asked how they can regulate the ones on private property. Mr. Dobbins stated they will follow up on this at the next meeting.

Councilmember Rappleye noted he fully supports Buzz taking his workers over to remove the items from the Park School. He said he is also in favor of putting some hardware across the doors so no one can go in there. Councilmember Rappleye advised he has heard there is an event being planned over there around the 20th of August. He asked whether anyone has gotten a permit for that. Mr. Dobbins said he does not know if anyone has applied for a permit.

Councilmember Rappleye then indicated the sprinklers along Willow Springs are over watering. They spray way out into the road.

[9:50:07 PM](#)

12.3 Councilmember Vawdrey said she noticed the no parking signs at the Coyote Hollow trail head. She suggested they stripe the circle to help people park better. She then noted

Approved 08/19/2014

the park by Councilmember Rappleye's house is a mess. The weeds grow in the cracks on the street.

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12.4 Councilmember Summerhays said he would like to tear down the Ballard house as soon as possible. This property is planned to be a small park. Since Derek Johnson was shot at that location, he suggested making it the Derek Johnson Memorial Park.

Councilmember Summerhays then advised the fees for the bicyclists and the park fee should be started soon. If they are going to do this, they should do it now. He said he has been trying to get this done for six years.

[9:52:50 PM](#)

12.5 Mr. Dobbins said they are planning on bringing the Ballard house down as soon as they obtain the permits from the State and County. They have asked the Parks staff to look at the park, and they will talk about the park fees next Tuesday at the study meeting.

Mr. Dobbins reminded the Council of the Employee Appreciation Party tomorrow night at 7:00 p.m. It will be at the amphitheater.

Mr. Dobbins stated the referendum for the Traverse Ridge Special Service District is still being looked at. This is something that no one else has had to face. It is the first time anyone has referred a base budget. As far as staff can tell, it would eliminate the entire budget and the tax rate, so the City Council would not have a tax rate in order to adopt another budget. The City has been working with the State Auditor's Office and the State Tax Commission. State law never anticipated this type of referendum. The Council may be able to adopt a budget on just the fund balance, but staff is still looking into that.

Councilmember Colbert stated the City should just transfer the fund balance to them and make it their problem.

Mr. Dobbins noted staff will work through all the issues and present options to the City Council.

Mr. Dobbins then advised the City is still working through the timelines for the Park School the Council set. They are dealing with the asbestos in the Park School, and they are moving ahead with getting a contractor under contract for demolition.

[10:03:04 PM](#)

12.6 Mr. Fox briefed the City Council on the Utah Department of Transportation's GAP Project. Construction will begin on October 14, 2014. They will start work on the frontage road. The construction should be finished in September of 2016.

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**** Councilmember Summerhays moved to extend this meeting past 10:00 p.m. Councilmember Rappleye seconded the motion.**

Approved 08/19/2014

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

[10:05:14 PM](#)

12.7 Mayor Walker noted the Ride for Fallen Officers is on August 17th, and he plans to ride in that. He invited anyone interested to wide with them.

Mayor Walker then advised he and Mr. Dobbins went to Washington DC last week with Mayor Freeman and Mayor Applegarth to talk about transit options. Senator Hatch and Representative Lee were very supportive of the efforts.

13.0 Adjourn to Closed Meeting to discuss litigation and the character and professional competence or physical or mental health of an individual.

[10:07:13 PM](#)

13.1 Councilmember Summerhays moved to adjourn to a closed-door meeting to discuss litigation and personnel. Councilmember Rappleye seconded the motion.

[10:07:26 PM](#)

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

The meeting adjourned at 10:07 p.m.