

Approved April 7, 2020

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, MARCH 10, 2020, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Mike Green, Tasha Lowery, Fred Lowry, Cal Roberts, and Marsha Vawdrey

EXCUSED:

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Laura Oscarson, City Recorder; Scott Cooley, City Engineer; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Christina Oliver, Director of Community Development; Clint Smith, Fire Chief; and Bob Wylie, Finance Director

Dinner

Study Meeting

1.0 Report: Fire Department 2019 Response Update and Strategic Plan, Chief Clint Smith

Clint Smith, Fire Chief, provided a fire update for what happened over the previous calendar year, compared these numbers to the 2018 calendar year and commented on the department's strategic plan.

In 2019 the Fire Department received a total of 3,792 calls. 3,000 calls, or 78%, were in response to medical situations and 850, or 22%, for fire. He said this is common to see an 80-20 split.

In regards to medical calls, the time from dispatch to the time the unit was on route, averaged about two minutes. He clarified that sometimes with medical calls there was also a turn out time. This describes the amount of time it takes staff to put on their full fire gear. When the department receives medical calls related to traffic accidents, respondents have to wear their full gear. Their average time from when the unit was on route to when it arrived on the scene was just over five and a half minutes. He said this number will be important for the Council to consider when he talks about the department's strategic plan and how this compares to what they deem their threshold response time. He said that nationally, the target response time is around the four-minute mark. On average the team spends about 14 minutes on the scene before they are either cleared or have the patient in an ambulance moving towards the hospital.

In response to fire calls, the time from dispatch to the unit arriving on the scene was just over seven and a half minutes. This includes the turn out time for crews to get dressed in their full gear.

Chief Smith highlighted the amount of time that the Fire Department spends responding to calls for incidents that occurred on the interstate. Of their 3,800 calls, 3,577 were within the City, 143 were on the interstate. In addition to this, the department provided mutual aid and assistance to surrounding areas. He explained that the calls where the Draper City Fire Department responded with the Lehi Fire Department were primarily related to I-15 incidents because of the different access points.

Chief Smith presented data on the calls broken down by time and day of the week and highlighted that Thursdays between 4:00 p.m. and 8:00 p.m. were consistently their busiest time. The second busiest day tends to be Fridays.

Next, Chief Smith addressed the total number of patients and fire transports (1,622). Of those transports, 677 or 42% were to Lone Peak Hospital. He explained that was a partnership the department created because they believed it enhanced the service to residents. These types of transports account for the highest number of the department's medical calls. After this, their biggest 911 calls are for traffic accidents both on the interstate and within the city, followed by falls, a sick person, someone who was unconscious, seizures, overdoses, chest pain, stroke, chokings and lastly pregnancy/childbirth.

In regards to fire calls, the highest volume of calls they received were false alarm or "good intent" calls (where someone believes there was an issue, but the department doesn't find anything significant). These types of calls were followed closely by service calls (someone who has fallen and needs a lift assist but does not need medical attention; a malfunctioning smoke detector; or a duck rescue). In total, the department responded to 92 actual fires.

- 1.1 Councilmember Fred Lowry asked for some clarification about what constituted a false alarm call. Deputy Chief Bart Vawdrey explained that these were the types of calls where a neighbor saw smoke, but there wasn't a problem or calls from business security companies whose system showed an alarm that usually resulted from a lack of maintenance.

Chief Smith returned to talk about the breakdown of the types of fires the department responded to. Building fires and car fires accounted for the most frequent types of fires, followed by brush fires. In most cases, grass or brush fires were contained in garbage bins or dumpsters. He said that 2019 was a pretty active year in regards to structure fires in the City. He presented on the breakdown of response by platoon and that the workload was pretty even on their firefighters.

In comparison to 2018, the department received a slight increase in calls for service in 2019, a 92 call increase. The breakdown between medical and fire was consistent with previous years, as well as the number of transports. There was only a seven-transport increase in 2019. They average about two transports per day. Chief Smith stated with the growth of residential and commercial development on the west side of I-15 that an overall increase in calls is to be expected. Despite a higher than the usual number of structural fires in 2019, the total number of fires in the community was down from 2018. He

emphasized that he felt the department's trends were holding steady and aligned with other departments in the state and asked if the Council had questions.

- 1.2 Councilmember Fred Lowry asked if in addition to keeping track of how frequently Draper City fire helped neighboring areas if they also kept track of how often Draper City was helped. Chief Smith said they did keep track of that and explained that a few years ago they changed one of their ambulances from 12 hours of service to 24 hours of service because they noticed they had received more help than they were offering neighboring areas. Ambulance services are the primary aid Draper tends to receive.

Finally, Chief Smith offered an update on the department's strategic plan. He explained that the department identified four groups – internal employees, stakeholders (city officials and staff), the Draper community at large, and the business community at large – to survey to identify needs and priorities. They received 56 responses from employees, a 96% response rate; 13 stakeholder response, a 95% response rate; 224 responses from the community, which represented an even distribution of residents from different areas of the City; and 82 total responses from the business community.

Chief Smith said that the common feedback they received across the different groups was fairly consistent. The primary concerns of stakeholders were response times, followed by growth and west side coverage, community education and engagement, and the training/compensation of personnel. He emphasized that people felt it was not only important that staff were well qualified but that they were compensated such that they wanted to stay in Draper. Employees' primary concerns consisted of career development, compensation, training, and consistency of part-time staffing. Chief Smith explained that the department has often relied upon well trained, reliable part-time staff, but that they have found a much smaller pool of people willing to do this type of work, making these roles more challenging to schedule. David Dobbins, City Manager, pointed out that this is a shift for the Fire Department because historically, there have been people who have been very committed to part-time work that can augment full-time staff. Chief Smith said that this shift away from part-time workers has been occurring across departments in the state because of the correlation between the training investment of employees and their high turnover.

- 1.3 Councilmember Cal Roberts asked if this trend was a result of tighter labor markets or because departments were just finding that the old model was inefficient. Chief Smith said it was a combination of both, but that they have seen significantly less qualified people enter into the fire service. He said that with the strong job market people can make a lot more without the manual labor and risk exposure of the fire service making the job less appealing. David Dobbins, City Manager, added that they have also found that the younger generation is not interested in a job that has a set schedule that includes needing to work holidays.

Councilmember Cal Roberts asked to what degree those seeking service jobs had been impacted by the changes in pensions. Chief Smith said that the tier two system had been another significant factor in attracting folks as the benefits decreased significantly in 2011.

He explained that anyone who entered the system before 2011 is on the tier one plan that has a 20-year, 50% retirement plus 2% a year for any additional year you stay on beyond that. In 2011 the tier two system was implemented which for the fire service meant a 25-year, 37.5% retirement. He said that they had been working with the legislature over the last couple of years and last year were able to change the tier two plan to a 25-year, 50% retirement structure. He further explained that before getting this change, one of the things they did to try and increase recruitment was to pay the tier two individuals a tier two offset.

Chief Smith returned to talk about the priorities expressed by both community and business members. These were response times, staffing, station coverage, public education and prevention, and well-paid staff. Chief Smith that the exercise proved valuable because what the department thought were the priorities of concerns of their constituents truly turned out to be those priorities. He said, however, that the department needed to do a better job communicating how those priorities were being met. There were a lot of comments in the surveys were a respondent thought a program had gone away when in reality those programs had been increased.

Chief Smith said that their next steps would be to create the strategic plan's goals and objectives, followed by selecting the strategies and tactics to complete those goals. The department wanted to make sure that future decisions were data-driven. Additionally, they are exploring program options to track and provide said data. He said that in addition to their strategic plan and communications plan they would also develop a Standards of Cover plan that helps the department know the location of fixed and mobile resources and the deployment of those. This would include a full community risk plan.

- 1.4 Councilmember Cal Roberts asked about the response times which were stated to be higher than the national average. He wanted to know if this was a result of coverage and the station location to the calls they received for the west side. Chief Smith, confirmed that was the primary reason because the Fire Department has fixed locations to house the needed equipment and resources. David Dobbins, City Manager, said that one of the challenges staff has is that because SunCrest is apart from the core of the City, although they receive a low number of calls for that area, they still have to commit resources to that space, should an incident happen, that pull away from other areas of the City. He also said that as the prison site gets developed they are looking proactively about adding a station to be able to respond to the increased development on the west side of the highway.

2.0 Introduction of Volunteers in Police Service (V.I.P.S.) members, Chief John Eining

** 6:05 p.m. The Council met the VIPS in the City Hall lobby.

Police Chief John Eining had the volunteers introduce themselves. The volunteers are Ginnii Altankhuyag, Lisa Berente, Lori Johnson, Jason Koop, Dean Lowe, Travis Meihls, Ben Paynter, Jeri Rollins, Mary Squire, and Da Yang Wipfel. Sue Campbell, Draper City Police Crime Prevention Specialist, stated the volunteers have logged 100 hours which included their training.

Pictures were taken with the Councilmembers, Mayor Walker, the volunteers and the e-bike they will be using.

The Councilmembers spoke to the volunteers one-on-one.

** 6:44 p.m. The Council and Mayor returned to the Administration Conference Room.

3.0 Council/Manager Reports

3.1 Councilmember Cal Roberts asked about the status of the Traverse Ridge Special Service District (TRSSD). David Dobbins, City Manager, said that the board of the TRSSD had given the City their terms and some different options that the staff needed to review. Councilmember Roberts asked if they had a timeline for when they would start to move on the project. David Dobbins said a couple of weeks. Councilmember Roberts asked how and at what point they would want to incorporate Deer Ridge into the TRSSD plans.

3.2 Councilmember Tasha Lowery asked about the street lights in the Traverse Ridge Special Service District (TRSSD). Mr. Dobbins said they had not gotten any information. He said that the City no longer has control over those lights and that they are now handled internally by the TRSSD. The City has received a lot of complaints that this process is not handled well. Councilmember Lowery said that what has been posted on the SunCrest page is that two of the problems have to do with electrical wiring that would be something the City should address. Mr. Dobbins said he would double-check on it.

3.4 Councilmember Marsha Vawdrey reported that a street light on White Rose Circle had been out for over a year. Mr. Dobbins verified the address to follow up on the concern.

3.5 Councilmember Fred Lowry reported on the Tree Commission. He stated that the committee would like to do a resident survey on trees and beautifying the City entrances. He asked Mr. Dobbins, what the reasoning was not to survey residents. Mr. Dobbins said they could, but that type of survey tends to be informal and unscientific, but once it is done people take the results as fact. Other councilmembers asked what the committee was trying to find out. Councilmember Lowry said they wanted to get a feel for the type of trees people would like, as well as what they would like to see in regards to beautification around the City, particularly at City entrances.

Councilmember Tasha Lowery asked if they had narrowed the survey down to specific questions. Councilmember Fred Lowry said they didn't have specific questions. Mr. Dobbins said that when the City conducted its General Plan survey it gave the City a panel of people who will participate.

There was consensus from the rest of the Council that it was the Tree Commission that should be stating what types of trees should be used, not seeking the desires of residents because they were the experts. Councilmember Fred Lowry clarified that they wanted to know if people would be willing to have an increased tax to fund more trees.

- 3.6 Councilmember Fred Lowry said that there was also a suggestion about splitting the Parks and Trails Committee so that Trails was a separate committee and Parks and Trees combine as a committee. He said this suggestion came forth to address the large number of trails in the area that tend to get more attention than the parks.

There was a mixed response from the Council. Councilmember Lowry said that Dave Cloward was going to talk with Jamie Pogue about the suggestion. He added that he had talked with Rhett Ogden, Recreation Director, to get his opinion. According to Councilmember Lowry, Mr. Ogden felt good about the idea and felt that it could help give those committees more direction and the ability to specialize.

Mayor Walker said that he could initiate conversations to see how people feel about the idea and set a meeting to discuss it further.

Councilmember Marsha Vawdrey said that she was hesitant about the idea.

- 3.8 Russell Fox, Assistant City Manager, talked about special event signage in the City and some of the challenges it presents. He explained that in 2009 the City got sued by Big Daddy's Pizza after the City had executed some enforcement on them for some temporary signage. The City was taken to court and forced to re-write their code around signs, which at the time was content-based. Since then, the Supreme Court has ruled that signs cannot be regulated based on the language/content on the sign. Civic or governmental signs could be placed without a permit, but other signs couldn't be posted. Currently, signs can be regulated based on time, manner or place, and the code was re-written again in 2011 to reflect this. One of the issues that came up from the Planning Commission and City Council at the time was how to deal with special event signs because the City still wanted to be able to advertise for Draper Days, City events, plays, etc. However, when unable to limit by content it makes it very difficult to restrict other entities. To address this, the specific language was added into the code about the duration of special event permits (30 days) and the associated signage. Events are allowed up to 50 signs per permit that are encouraged to be placed on city property. Now they have the problem that city properties are now saturated with signs.

Mr. Dobbins added that some people believe that because they are on city property that the City is endorsing/sponsoring those events.

Mr. Fox said this was an issue they wanted to bring before the Council because if an extremist group was holding an event they could place those signs on City property once they had a special event permit. Mr. Dobbins said another challenge has been that when people say they want to post signs and staff respond that they can't unless they have a special event permit, those entities say they are going to have a special event to be able to post the signs. He said that he felt the City needed to look at placing some restrictions around the time, place and manner because there are too many signs. He asked for permission to look at those broad categories (time, place and manner) to see if they could be adjusted.

Councilmember Fred Lowry asked if they could make signage permissible for city events only. Mr. Dobbins said they couldn't because that would be a restriction based on content. He said that the question came down to if the City was okay with a sign appearing in a particular spot, regardless of what it advertised or who sponsored it. He said that staff wanted to look at what spots they felt they should restrict, regardless of a sign's content.

Mayor Walker referenced a case where the Confederacy wanted to participate in a City parade, but a judge ruled they could be excluded because it wasn't a parade about the Confederacy.

Mr. Dobbins said that placing these restrictions was something that they wanted to look at very carefully. Just because the sign advertised something someone personally disagreed with or thought the City shouldn't in any way look like it supports, it might still have to post it because of free speech. He said staff wanted to make sure everyone had agreed upon where that free speech should take place.

Councilmember Fred Lowry said they almost needed an additional sign that said that none of the events posted were endorsed by the City. He also asked if there was a restriction on how long an A-frame sign could be out in front of a business or for an event.

Mr. Fox said that those signs were allowed, so long as they were not in the park strip or blocking the sidewalk. He explained that they are supposed to be pulled in when a business closes for the night.

Christina Oliver, Director of Community Development, explained that they try to work with businesses who utilize those signs offering reminders for them to pull the signs. After this has happened two or three times the City pulls the signs and places them behind the shed in the City parking lot.

Mr. Dobbins confirmed that the Council was okay with them looking at restricting the code.

Business Meeting

1.0 Call to Order: Mayor Troy K. Walker

2.0 Thought/Prayer and Pledge of Allegiance

2.1 Imam Shuaib offered the prayer.

2.2 Russ Fox, Assistant City Manager, led the Pledge of Allegiance.

2.0 Recognition: Marty Bodell, Cooper Gardiner, and Camryn Young as Finalists in the 2020 Competition for National Merit Scholarships

- 3.1 Mayor Walker recognized three students from Corner Canyon High School who were named finalists in the 2020 Competition for National Merit Scholars. The National Merit Scholarship is an academic competition for recognition and scholarships that began in 1955. Approximately 1.6 million high school students enter the program each year. In February the group was narrowed to 15,000 students that advanced to the finalist standing. The scholarship winners will be announced later this spring. Mayor Walker extended his congratulations to Marty Bodell, Cooper Gardiner, and Camryn Young.

The Council took a picture with the three students who were also given a treat.

3.0 Recognition: Corner Canyon High School Swim Team

Mayor Troy K. Walker recognized the Corner Canyon High School Swim team who recently competed in the 6A State Championship at Brigham Young University. He highlighted that Rivers Johnson earned the Swimmer of the Year Award for her performance. Over the two-day competition, she set a new 6A record in the butterfly and backstroke events. Also, Corner Canyon had a winning medley relay with Aliza Smith, Britta Catmull, Rivers Johnson, Eliza Balfe, and Tyler Lybbert. Corner Canyon placed third in both the 200 and 400 freestyle relays and took third place overall in the 6A State Championship. They also had four individuals who received the Academic Allstate Award granted to athletes that have a 4.0-grade point average. These students were Annika Manwaring, Grace Poulson, Juliana Smith, and Rivers Johnson. The Mayor congratulated the team's coaches and athletes.

Before the Council took a picture with the team, Mayor Walker highlighted the City's new recreation center and stated that for several years it has been a priority of the City to create more swimming opportunities and have a swimming pool that featured stadium seating to better highlight them as athletes.

The members of the team who were present took a photo with the Council and were given treats.

5.0 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.

- 5.1 Bryce Green, resident and business owner. He explained his event center is right across from Nielsen's Custard. He stated that after speaking with all of the neighboring owners, and landlords in the area, no one knew what was going on with Nielsen's Custard. He said that businesses in the area have concerns about the issue including parking. He stated that he listened to the previous meeting twice and that although Nielsen's felt there would not be a parking concern there would be. Mr. Green explained that he went and looked at the

amount of parking at the Nielsen's South Jordan location and found that they had almost twice as much parking there as they currently have at the proposed Draper location. He also stated that currently, whenever he hosts an event, the current tenants already complain about parking. Based on what he heard in the meeting, Mr. Nielsen expects 1,500 people on the weekends. Mr. Green said that there was no way that there would be enough parking for that.

His second concern was about the proposed orientation of the building. He said that anyone leaving the event center, including brides, would see the bright pink neon ice cream cone first. He explained that his business spent a lot of money renovating the space and was willing to do that specifically because of the view of the mountains. He felt that the proposed building would not fit in with the surrounding area and would completely change the feel of the location. He further pointed out that if they were already going to rip the building down, why wouldn't they have the cone oriented towards the street. Mr. Green also felt as though a neon sign would be an eyesore that could be seen throughout the whole valley. He said, "I don't think that's the light on the hill that people want to see as they walk out their front door." He said that if he was Nielsen's Custard he would want exactly what they were asking for because it would be a huge neon billboard that the whole valley would see 24/7.

6.0 Consent Items

- a. Approval of February 11, 2020, and February 18, 2020, City Council Meeting Minutes**
- b. Approval of February 28-29, 2020, City Council Retreat Meeting Minutes**
- c. Approval of Resolution #20-13, approving an Interlocal Agreement with Metro Fire**
- d. Approval of Draper Fire Department Board-Up Rotation Contract**

6.1 Councilmember Marsha Vawdrey moved to approve the consent items. Councilmember Fred Lowry seconded the motion.

6.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.

7.0 Public Hearing: Approval of Ordinance #1410 and #1411, Offices on 7th Land Use Map Amendment, Zoning Map Amendment, and Development Agreement Request (Legislative Action). On the request of Keaton Morton for a land use map amendment from Residential Medium Density to Neighborhood Commercial (CN), a zoning map amendment from RA2 to CN, and a development agreement on 0.99 acres of property located at 681 East Pioneer Road and 12388 South 700 East.

7.1 Jennifer Jastremsky, Planner, stated that the property was located on the corner of Pioneer Road and 700 East. She said that there were two homes on the property, both with access off of Pioneer Road. The land use is currently zoned as residential medium density, which allows for a third to quarter-acre single-family residential lot. The applicant has proposed to change that designation to neighborhood commercial which is the same designation as

the area to the north of the property. The zoning designation is currently RA2 which is half-acre, single-family residential. The applicant proposed to change the zoning designation to CN which is a neighborhood commercial zone.

The applicant has proposed a development agreement that includes some restrictions. It would restrict the property from being used as a drug and alcohol rehabilitation center. Also, it looks at requiring that any buildings on the property meet the town center architectural standards, except for window transparency which would allow for tinted or glazed windows. The town center zone currently does not allow for that because when you have a commercial space where people are shopping you don't want the windows to be blocking views. The applicant plans to build office buildings so that requirement was not as critical as in the town center core.

Ms. Jastremsky reminded the Council that the town center architectural standards require horizontal and vertical variations in building design, architectural details that go above and beyond Draper City standard code and an 80% brick façade.

The applicant already had an architectural plan in the development agreement. It has not already been reviewed against code, so there would be changes following the review process.

Ms. Jastremsky then reviewed the neighborhood use table. She pointed out the Planning Commission had discussed removing additional uses from what the Planning Commission reviewed. They recommended restricting the use of that area further to remove assisted living, a residential facility for the elderly and disabled, charter schools, club and service organization, cultural service, private school, protective service, public school, utility minor, bank and a financial institution, bed and breakfast inn, convenient store, daycare, farmers market, funeral home, gasoline service station, grooming service, laundry and dry cleaning, laundry service, medical cannabis pharmacy, nursery, preschool general, photo and copying, restaurant, retail general, and secondhand and thrift store and veterinary service.

The Planning Commission reviewed the development proposal at the February 27, 2020 meeting and forwarded a positive recommendation on a 3-2 vote.

Ms. Jastremsky showed some images of the property and was available for questions.

7.2 Mayor Walker opened the meeting for public comment.

7.3 Ray Bryant, resident, said that various entities have tried to do several different things with the property under discussion. He said that what the applicant has proposed seems to him to be the best thing that could be done with the property. He said that no one was going to come to build a big fancy home on it because of the traffic on the neighboring street. He said no one would want to build a property on Pioneer Road because it has become a main thoroughfare through the City. He said the neighborhood feel of the street was killed the first time Pioneer Road was widened. He said that he has lived on Pioneer Road since

1960. Although he remembers times when he used to play ball on the street, sometimes he is afraid to go out and get the mail because of the volume and hazards of the traffic.

- 7.4 Steve Bryant, resident, said that he owns the property adjacent to the property that wants to be developed. He said that he had three concerns: (1) increased traffic (2) the changing of the neighborhood/commercial creep and (3) fairness.

Mr. Steve Bryant equated the increased traffic not to closing the gate after the cows were out, but closing the gate after one heard the cows were out. Draper encouraged more traffic on Pioneer Road. He said there were three east-west corridors in Draper: 12300 South, Pioneer Road, 13800 South. He recognized that because of this, increased traffic is inevitable.

Steve Bryant, Ray Bryant's brother, has also lived in Draper since 1960. He said that he finds the language "changes to the neighborhood," laughable as he used to drive his tractor down Pioneer Road over to the Iceberg. He said it was not the case anymore. Anyone who moved in in the last ten years should have realized that Draper was changing and this area would be developed.

In regards to fairness, Mr. Bryant felt that the applicant, Mr. Smith, had the right to liquidate the property as an investment and get a good return on it. He explained the applicant had owned it for many years as an investor and has been a good neighbor. Mr. Bryant said that although he and his wife moved when they had the opportunity to buy their dream home. However, he still owns the adjacent property and believes that Mr. Smith should be able to make money off of the property that has no chance of remaining residential.

- 7.5 Donna Bryant, resident, began by presenting a few facts. She stated that the current population in Draper was about 48,000 people, an increase of about 89% since the year 2000. Given this, she said that of course there has been an increase in traffic in Draper. The City has been improving the roads trying to keep up with the demand. She said that two of those roads just happened to be 700 East and Pioneer Road which were turned into secondary roads to reduce traffic on the main streets.

Ms. Bryant also stated that a few years ago Draper City was very open and honest and held an open house with residents to hear what they wanted in the town's center. She said that even then it was clear that you could see small businesses and commercial development coming. She said that she could see why residents in the surrounding area would be concerned about commercial development, but she asked that people be realistic. "We are not talking Krispy Kreme Doughnut commercial. We're talking small business commercial – an accountant or insurance agent – that will be open Monday through Friday, nine to five." She also pointed out that if you look at the development plan, the applicant has his entrances and exits onto 700 East as opposed to Pioneer Road, which she felt was very thoughtful of the neighbors across the street. She said that one thing she hopes that the applicant includes in his plan was to make the entrance and exit a right turn only so that there is no traffic back up on 700 East.

Ms. Bryant then directed the Council to look at what is currently being developed: the offices on 300 East, the development by America First Credit Union, the two developments that are being built between 800 East and 900 East, the multi-housing outside of the City office buildings, the sixteen half-acre homes that will eventually be built by Draper Elementary. Ms. Bryant said all of these developments would increase the amount of traffic on Pioneer Road and 700 East. Because of this, she wanted the Council to approve the development proposal because she felt it was the best deal for the area.

- 7.6 Anna Freeman, resident, who stated she lives four houses down from the property under discussion. She said that right now 600 East through 700 East was all residential and that if the property was changed, that wouldn't be the case anymore. She said that she could understand why the property owners would want the land to be closer to commercial to be able to sell it for more money. However, historically it has been residential. She said, "I can look out my window now and see that stupid storage unit because it's so big it blocks my view." She said she was concerned that this building would be too high and also block her view of the mountains. She said she knows a lot of her neighbors feel that way. She hopes the Council does not approve the rezoning.
- 7.7 Seth Wright, resident, who stated he lived directly across the street from the property under discussion. He said he shared similar concerns with what was previously mentioned. He stated that he wasn't sure why they needed the commercial zoning in the quadrant under discussion and change it from a residential neighborhood. He said that as far as that block is concerned it still was a residential neighborhood. Although he didn't fault anyone for wanting to sell their property for more, he felt that rezoning the property would result in a domino effect. He said that he felt that the people who are for the rezoning would benefit from the change financially and that those who are against it would not. Mr. Wright explained that although other residents have talked about the commercial creep, rezoning the property to commercial had been voted down previously. He wanted to know why it was approved this time and worried about how this would affect the sale of residential properties in the future. Mr. Wright also voiced feeling pushed out by the entrance of commercial entities.
- 7.8 Kelsey Wright, resident, voiced concerns about the current traffic level. She said that people run the four-way stop at Pioneer Road and 700 East all the time. She said that the night previously she was almost hit on her bicycle while she was in the crosswalk because someone ran the light. She also stated that there is already a traffic problem that makes accessing her driveway complicated. She said that it seemed like most people would approach the space from Pioneer Road, she wondered why the entrances were not on that road. Also, she stated that the increased traffic doesn't provide an incentive for residents, who are currently in a residential area to stay and have the desire to start families and establish some roots, to stay.
- 7.9 Janae Holmstead, resident, who lives half a block west of the property under discussion. She said that in her opinion there was not a need for more commercial development in the area or any part of Draper. She said that there is an abundance of spaces that are for sale or for lease that are already in the business complexes that have been sitting empty. She

felt those spaces should be filled before they build more buildings. Her second concern was the commercial creep. She asked how long it would be before the Bryants sold their three properties directly west. (She suspected not very long). She pointed out that if that happened there would only be four more houses on the north side of the street. She stated that it feels as though her opinion doesn't matter.

7.10 Steve Linn, resident, said that he lives around the corner from the property under discussion. He wanted to reiterate what had already been said about the commercial creep is difficult to accept and that he wished they could keep the residential area, residential. He said that there were so many other commercial spots that were available, why we wouldn't use empty spaces and specifically pointed out the empty K-Mart up on the hill that was, "just sitting there." He said that as he listened to the different comments it felt as though there was *this* side and *that* side without an in-between, but he wanted to know if they were going to make it commercial if there was the possibility for some compromises such as making it similar to the mixed-use area to the west where there was a wall separating the residential from the commercial.

7.11 Brady Davies, resident, said that he and his wife own The Piano Place. He said that the reason why he was in attendance was that if the plan were to be approved they plan to occupy a big portion of the building. He explained that they started their business in Draper three years ago in the barbershop across from the City offices. He explained that they outgrew the space in a few short months because of the demand in Draper for music lessons in a time when schools are cutting music programs and kids are looking for an outlet to advance their musical skills. He said that when they outgrew the space, they struggled to find a place that was big enough for them, and ultimately just had to open two locations. However, having one business under two different roofs has proven challenging for them as business owners. He said that they are looking for a community commercial zoning and that The Piano Place embodies that perfectly as they have the opportunity to teach hundreds of families in the community and can be a good asset for the neighborhood. He stated that they typically are only open from 3:00 p.m. to 7:00 p.m. with a handful of early before school lessons.

7.12 Mayor Walker closed the meeting for public comment.

7.13 Keaton Morton, applicant, said that they have put a lot of thought into the project over the last few months. He said that they want the space to have a use that is consistent with other corner offices in the area. He said that the neighborhood offices would allow residents to work nearby and have close access to neighborhood services such as dance studios, piano lessons, karate lessons, and other professional services. He then presented a map of the areas that have not already been zoned as commercial to address the issue of commercial creep. Mr. Morton stated that they spent quite a bit of time going door to door to understand and be able to address neighbors' concerns which included: traffic, project height, project appearance, and the project uses.

In response to the traffic concern, the applicant felt that the traffic flow into the parking lot would be the opposite of the residential traffic patterns. Mr. Morton then outlined their

efforts to date. He said that they have worked with Draper City planning and public works regarding uses; have worked with surrounding neighbors to understand their concerns; have worked with the City Council and Staff to better understand how they can address residents' concerns; and have worked with the staff to develop an agreement that memorializes: (a) limitation on uses, (b) limitation on height to two stories and (c) sets building aesthetics to conform with town center standards. He said that as residents, they care about how space would be used and its impact on the neighborhood and that he hoped the Council would consider the efforts made and the use they are trying to provide.

- 7.14 Councilmember Fred Lowry asked Mr. Morton about the reasoning behind the window transparency.

Mr. Morton said that generally in an office setting, especially on the first floor, a party wouldn't want full transparency because of the meetings that might be held in those spaces. The full transparency requirement in the town center was intended for retail spaces.

Councilmember Lowry said that he was concerned about a space that had mirror windows. He said that he felt a lot of sympathy for the residents across the street and felt that the last thing they would want was to see their reflection.

- 7.15 Councilmember Fred Lowry then stated that he also felt that the Cubes design did make buildings that were too high. He asked how the height of the proposed building compared to those structures. Mr. Morton said that their height restriction would limit them to the same height if it was residential. He asked for confirmation from Jennifer Jastremsky.

Ms. Jastremsky said that the CN zone had a maximum building height of 35 feet, the same height that is allowed in residential zones.

Councilmember Tasha Lowery wanted to know how this compared to Cubes.

Ms. Jastremsky said she was not sure the exact numbers for Cubes, but she knew they received a deviation for height so they go above what the code allows. Councilmember Lowery clarified that this building would be significantly lower. Ms. Jastremsky said that was correct. She said Cubes was allowed three or four stories.

- 7.16 Councilmember Fred Lowry asked about setbacks and the road improvements that will probably need to happen. He asked if the building would be positioned in a way that the setback was appropriate should any road improvements need to occur.

Ms. Jastremsky said that when the applicant comes in Engineering would evaluate the City's needs for any additional rights-of-way at that time. She said the CN zone and other commercial zones do not have a minimum set back from the road so a building can be up against the street. That was encouraged to create a more aesthetic right-of-way.

- 7.17 Councilmember Tasha Lowery asked if Ms. Jastremsky, Planner, could bring up the image of the building that showed the proposed access to the building so that she could address

residents' questions about access. Councilmember Lowery pointed out that it did appear as though there was access from both roads.

Councilmember Fred Lowry said that it was important to note that it would be vital to have two means of egress for that property.

- 7.18 Mr. Morton wanted to make certain that the Council understands that they do care about neighborhood concerns. He said that he knew that at times developers have a certain persona, but he felt they had made a lot of effort to make accommodations to meet neighborhood needs. He hopes that this demonstrated their attempts to be a good neighbor.

Councilmember Fred Lowry was concerned that the specific uses were not stated in the development agreement.

Mr. Dobbins, said that staff had sent a list of uses (which Ms. Jastremsky read during her initial presentation) to the applicant and they had agreed to include those restrictions in the development agreement.

- 7.19 Councilmember Fred Lowry clarified that to make sure those were included in the agreement the Council would need to continue this as a future agenda item. He then commented to the residents. He said that he had a lot of empathy towards those who live in the surrounding area. In response to the question why this was being considered for new zoning when it was turned down in the past, he said that it was because the Council wanted to make sure that the area was protected and that they could have a set development agreement with an applicant that would limit its uses that attempts to help all sides and then began to make a motion.

- 7.20 Mayor Walker stated that Councilmember Lowry did not need to make a motion. That if no motion was made it would automatically be rolled over to the next meeting. He also clarified that the Council had not seen this proposal before.

- 7.21 Councilmember Mike Green stated that he appreciated the applicant, Keaton Morton, for the degree that they had been accommodating and the effort they made to make the project the best it could be.

- 7.22 Mayor Walker asked for a motion from the Council.

- 7.22 There was no motion forwarded by the Council for this item. This item will be heard at the March 17, 2020, City Council meeting for Action.

- 8.0 Action Item: Approval of Ordinance #1422, Nielsen's Frozen Custard Development Agreement Request (Legislative Action). On the request of Steve Nielsen, representing Nielsen's Frozen Custard and Diner, for a Development Agreement modifying Title 9 design standards on 0.70 acres of property located at 1462 East Draper Parkway.**

- 8.1 Jennifer Jastremsky, Planner, reoriented the Council to the location of the project and the applicant's intent to remove the existing bank building and build a new structure for their diner. She explained that the applicant had made some updates to their signs since the Council last heard the item. The monument sign had been modified so that it fully conformed with Draper City Code about sign height and area. The one exception was for the amount of copy. City code limits this to 50%, but the applicant would like to be allowed 60%. In regards to the ice cream cone, the applicant has reduced the sign to be two feet shorter and one foot narrower. The cone would still extend above the roofline. The applicant also eliminated the awning sign they had proposed on the back of the building, but are still proposing the neon.
- 8.2 Councilmember Marsha Vawdrey wanted to know how the parking area was determined. Ms. Jastremsky said this was based on the size of the building. She said that she looked at the South Jordan location on Google Earth which had 36 parking spaces. Ms. Jastremsky said that the concept plan provided by the applicant for the Draper location had 24 spaces, but would meet Draper City parking code which requires 10 spaces per 1,000 square feet of gross building floor area. For their building that would be 24 spaces. The development agreement does allow them to have a shared parking agreement, which the applicant indicated already exists within the shopping center.
- 8.3 Doug Nielsen, the applicant, pointed out some changes to the Development Agreement. He said that one of the changes that must have been left out was the lowering of the cone and the monument sign.

- 8.4 Councilmember Mike Green wanted to know at what time they anticipated having the lights turned off at.

Doug Nielsen said that on Monday through Thursday they close at 10:00 p.m. and that they close at 11:00 p.m. on the weekends. He said the neon goes off right then. Closed Sundays.

Councilmember Fred Lowry asked if that could be included in the agreement: the neon lights would be turned off after business hours. The applicant said yes.

- 8.5 Councilmember Cal Roberts wanted to know how the cone compared to the top of the roofline to the current building. He wanted to know how much higher the cone height would be to the current building height.

Ms. Jastremsky said she didn't have the cone height relative to the current building because they had been comparing the height to what had been previously proposed by the applicant.

Mr. Nielsen explained that the current height of the building is two feet lower than the pinnacle height of the cone, but that the rest of the building is much lower than the cone and the bank building. Also, because of the width of the diner, it would have a much smaller footprint. The current building was 4,500 square feet and the diner would be about half the size.

Councilmember Fred Lowry clarified that the top of the cone would be two feet higher than the peak of the existing building. Mr. Nielsen said that was correct.

- 8.6 Councilmember Tasha Lowery asked if she was correct in her understanding that part of the area where the existing bank building had been would now become an outdoor eating area.

Mr. Nielsen highlighted on the aerial of the property what places would be concrete and grass. Councilmember Lowery asked if he had any images of what that would look like. The applicant said the South Jordan store looks just like this, although this location would have a slightly larger patio. He showed a picture of the South Jordan store. Councilmember Lowery reiterated that the grassy area in Draper would be more extensive to allow for more picnicking. Mr. Nielsen said he believed so. In South Jordan, it was 20 square feet, but in Draper, it would be 23 feet of cement and 20.75 feet of grass.

- 8.7 Councilmember Cal Roberts asked about the cone lighting. He wanted to know how it looks fully lit because in the picture there was only the outline of the neon light. Mr. Nielsen said that was the extent of the lighting.

Councilmember Fred Lowry clarified that the only lighting on the cone was the outline.

- 8.8 Councilmember Mike Green asked if a traffic study had been done. It was stated that it wasn't needed. Councilmember Green was specifically concerned about the number of parking spaces. In response, Mr. Nielsen said that at their Bountiful location they have 25 parking stalls. He explained that this location was designed based on the traffic at the Bountiful location. He also stated that the South Jordan location was unique because it shared the parking lot with a city park.

- 8.9 Councilmember Tasha Lowery wanted to know when the diner's busiest hours were. Mr. Nielsen said they were Friday and Saturday nights from 7:00 p.m. to 9:00 p.m. He said that it was also important to note that 50% of the business, day and night, goes through the drive-through which doesn't create parking issues.

- 8.9 Mr. Nielsen said that it needed to be added to the development agreement that the sign on the east side of the building would be removed.

- 8.10 Councilmember Mike Green, wanted to thank the applicant for their willingness to engage in extensive conversations over the two weeks between their appearance at the City Council meetings. He said he was appreciative of their willingness to adjust and align with City code and that spoke volumes to the applicant and their reputation.

- 8.11 Councilmember Green moved to approve Ordinances #1422, Nielsen's Frozen Custard Development Agreement Request with the changes that were submitted. Councilmember Lowery seconded the motion.**

- 8.12 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.
- 9.0 **Public Hearing: Approval of Ordinance #1423, Draper City General Plan CR Text Amendment Request (Legislative Action). On the request of Draper City for a Text Amendment to the General Plan to add the Regional Commercial (CR) land use designation into the written plan document.**
- 9.1 Jennifer Jastremsky, Planner, explained that the City updated its General Plan late in 2019 and inadvertently left out the regional and commercial land use designation from the written document. She said it was included in the land use map, but that the written document needed to be amended to include the designation. She highlighted the area that is currently under this designation and said that the Planning Commission had reviewed the request and recommended approval on a 5-0 vote.
- 9.2 Mayor Walker opened the public hearing, no one came forward so Mayor Walker closed the public hearing.
- 9.3 Councilmember Green moved to approve Ordinance #1423, Draper City General Plan CR Text Amendment Request. Councilmember Marsha Vawdrey seconded the motion.
- 9.4 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.
- 10.0 **Adjournment**
- 10.1 Councilmember Green moved to adjourn the meeting.
- 10.2 A roll call vote was taken with Councilmembers Green, Lowery, Lowry, Roberts, and Vawdrey, voting in favor. The motion passed unanimously.
- 10.3 The meeting adjourned at 8:15 p.m.