

Comments Submitted to the Draper City Council
regarding
The Rezoning Proposal Of the Don Lien Property
by
William W. Wagner et. al.

1 September 2015

Mr. Mayor and members of the City Council, my name is William Wagner. I live at 4113 So. 3305 E. Holladay, Utah. I am representing my wife, Sue Crossgrove Wagner who is the Trustee of the Trust that owns the Crossgrove property directly north of the subject property of this Public Hearing and is contiguous with it. I am also representing the seven (7) heirs to our property who concur and support these comments and the opposition statements made to the rezoning proposal. We are developing our property as a Cul-de-Sac under RM-2 zoning which we expect to be a credit to the residential neighborhood and to Draper.

Our comments are directed toward both the proposed RA-1 to IC rezoning of the property to the south of our property as well as the potential of the development of an assisted care facility on the subject property. The two are mutually inclusive

At the Planning Commission hearing on this rezoning proposal, there were eight (8) individuals who gave oral comments to the Commission, all of whom were opposed to the proposal. The applicant was the only person who spoke in favor of the project. We firmly endorse the decision of the Planning Commission to forward a recommendation to this Council to deny the application to rezone the Lien property from RA-1 to Institutional Care (IC).

We are strongly opposed to the proposed rezoning to the "Institutional Care (IC) zone designation and the associated development of an Assisted Care Facility for the following reasons:

1. The Draper Land Use Plan which is part of the larger Draper City General Plan of 2003 was established as a guideline through a process of public involvement, discussion and input. The Land Use plan recommends only zoning above 1300 East that would accommodate residential home development and NO commercial development zoning of properties above 1300 East was indicated. The residential zoning shown on the current Draper Land Use Maps specific our property, to the subject property and to the surrounding area are consistent with these objectives.

We believe that rezoning to IC providing for a commercial development such as an Assisted Care facility is **not** in keeping with the current zoning and use objectives for the surrounding area and that such a development as proposed would be detrimental to the surrounding residential properties, property values, and the health and vitality of the neighborhood.

2. Notwithstanding the provisions of the Institutional Ordinance, the development of an Assisted Care Facility as proposed here, is a **commercial for profit business enterprise** with the related business traffic activities and the associated comings and goings of staff, supply deliveries, guest visits to residents, ambulances, wandering patients/residents, lighted parking areas with lights permitted up to 20 feet, related noise and congestion, etc.. Such commercial activities are not in keeping with the Draper General Plan, the incorporated Draper Land Use

Plan or the current Land Use Map for the area. This would be true regardless of the physical shape or height of the facility or the arrangement of the infrastructure. The resulting commercial development would adversely impact an otherwise quiet residential neighborhood.

3. We believe that rezoning to IC, providing for commercial development, would set and undesirable precedent for the area, opening the door for other commercial development within this established residential neighborhood, further impacting the character, health and vitality of the neighborhood and adversely impacting property values.

4. The Purpose Section (9-21-010) of the IC Ordinance states that "it is intended that this zone be located in areas along or very near an arterial or collector street and it is preferably within a reasonable walking distance to general commercial centers that may include services such as grocery stores or pharmacies and to areas where mass transit may be available currently or in the future". There is no question that the facility would be located on a very busy arterial street but the occupants of this Assisted Care facility with limited walking capability would be hard pressed if able at all to walk to either a grocery store to the north or to a TRAX station to the west.

5. The applicant has stated that to be profitable, a single story facility would not work. Section 9-21-070 (Use and Development Standards Tables) of the Institutional Care Ordinance, Table 9-21-2, allows buildings up to 35 feet in height. A commercial facility building of 35 feet within a residential neighborhood is obtrusive from a distance, let alone with windows looking down on immediate neighbors separated by only a six (6) foot fence or wall. Additionally, Section 9-21-040 of the Ordinance states that "notwithstanding the allowable height shown in

Section 9-21-070 of this chapter, greater building height may be allowed pursuant to approval of a conditional use permit". Such an allowance of a greater building height would significantly increase the negative impact to the immediate neighbors and the residential neighborhood in general.

When we worked with the Planning Commission and the Council for the development of the Crossgrove property, we went forward with the hope that what we were developing would be of benefit to the community of Draper and the existing area. A Commercial two story building is certainly a different matter than a two story residential home. Depending upon construction, an Assistant Care facility to the south of our property with what may well be a two story commercial building on the north end of the Lien property would provide residents in homes on our property a view of a two story brick wall or a construction that would allow facility residents and guests on the 2nd floor to look down through windows or balconies directly into the back yards and back windows of the homes on our development. This would definitely put a lower value on our properties as well as other surrounding properties and it is not acceptable to us..

In Summary:

- We are strongly opposed the rezoning of the subject property and the subsequent commercial development that would result. They would not be compatible with the intended land use of the area as a residential neighborhood as described in the Draper General Plan and the current Land use maps. It would adversely impact property values and the health and vitality of the neighborhood .

- We believe that rezoning to IC providing for commercial development would set and undesirable precedent, opening the door for further commercial development within this established neighborhood, further impacting the residential purpose and character of the neighborhood in both the short and long term.

- The location of the proposed Assisted Living Facility is not in keeping with the intention of the IC Ordinance" that such a facility be located within a reasonable walking distance to general commercial centers and to areas where mass transit may be available currently or in the near future".

- The applicant has stated that an all single story facility would not be profitable. A commercial building of 35 feet or greater would be an unacceptable intrusive impact to the immediate neighbors, particularly our future home owners on the south side of our property and the residential neighborhood in general.

- We respectfully request the Draper City Council endorse the recommendation of the Draper Planning Commission forwarded to the Council to deny the rezoning from RA-1 to IC and issue a Council decision to deny the rezoning proposal.

- For the record, I have also attached a copy of the oral comments we made at the Council hearing on this proposal.

Respectfully Submitted

William W. Wagner

ORAL PRESENTATION
of the
Detailed Comments to the Draper City Council
regarding
The Rezoning Proposal Of the Don Lien Property
William W. Wagner
1 September 2015

Mr. Mayor and members of the City Council, my name is William Wagner. I live at 4113 So. 3305 E. Holladay, Utah. I am representing my wife, Sue Crossgrove Wagner who is the Trustee of the Trust that owns the Crossgrove property directly north of the subject property of this Public Hearing and is contiguous with it. I am also representing the seven (7) heirs to the property. We are developing our property as a Cul-de-Sac under RM-2 zoning which we expect to be a credit to the residential neighborhood and to Draper.

We firmly endorse the Draper City Planning Commission recommendation to deny this rezoning proposal.

We are strongly opposed to the proposed rezoning to the "Institutional Care (IC) zone designation and the associated development of an Assisted Care Facility for the following reasons:

First, The Draper Land Use Plan which is part of the larger Draper City General Plan of 2003, we understand, was established as a guideline through a process of public involvement, discussion and input. The Land Use plan recommended only zoning above 1300 East that would

accommodate residential home development and NO commercial development zoning was identified. The zoning on the current Land Use Maps, specific to our property, and the property subject to this hearing and to the neighborhood surrounding the subject property are presently zoned residential, consistent with these "resident only" objectives and rezoning to IC would be contrary to those objectives.

Second, notwithstanding the provisions of the Institutional Care Ordinance, the development of an Assisted Care Facility as proposed here, is a **commercial for profit business** with the related business activities associated with comings and goings of staff, supply deliveries, guest visits to residents, ambulances, lighted parking areas, related noise, etc. Such activities are not in keeping with the Draper General Plan, the Land Use Plan, or the current Land Use Map. This would be true regardless of the physical shape of the facility or the arrangement of the infrastructure. The resulting commercial development would adversely impact an otherwise quiet residential neighborhood.

Finally, we believe that rezoning to IC, providing for commercial development, would set and undesirable precedent for the area, opening the door for other commercial development within this established residential neighborhood, further impacting the character, health and vitality of the neighborhood and adversely impacting property values.

We respectfully request the Council deny this proposal and that the hearing record indicate our submission of more detailed comments in opposition to the rezoning proposal.

.THANK YOU

Rachelle Conner

From: Jennifer Jastremsky
Sent: Tuesday, September 1, 2015 4:54 PM
To: Rachelle Conner
Subject: FW: Draper Crossing at Kimballs Lane

Importance: High

Rachelle, I just received a neighbor letter concerning the Cove at Kimballs Ln, scheduled for tonight's City Council agenda. Please forward on. Thanks -Jen

From: Pam Corbin [<mailto:pamkaycorb@gmail.com>]
Sent: Tuesday, September 1, 2015 4:47 PM
To: Jennifer Jastremsky
Subject: Draper Crossing at Kimballs Lane

My name is Pam Corbin, my husband's name is Ron Corbin. We live at 543 High Berry Lane. Due to a prior commitment we are not able to attend tonight's meeting. But we do have a few thoughts we would like to include in the record. Our address puts us in very close proximity to the new proposed multi-family proposed development. We have talked to the developer and have previously felt supportive of his efforts. But it has come to our attention that the developer is using false information to establish his land requirements for the density he requires. Is it true that he is including his streets, that are to be built in his subdivision, as part of his acreage? If that is true we cannot support his plans.

Also, we were originally told there would be a fence next to the trail hopefully that is in the final agreement. We also expect there will be ample parking for the residents and their guests so we will not be expecting extra cars parked around our house.

Thank you

Pam Corbin & Ron Corbin

Rachelle Conner

From: Russell Fox
Sent: Tuesday, September 1, 2015 1:50 PM
To: * Mayor / City Council; Alan Summerhays (alan@guadalahonkys.com)
Cc: David Dobbins; Rachelle Conner
Subject: FW: Steep Mountain Park T-Mobile Lease
Attachments: Looking_North.jpg; Looking_West_1.jpg

Importance: High

Mayor and Council,

Here is another email regarding the cell tower at Steep Mountain Park.

I asked that comments be sent to me since this item is an action item and not a public hearing.

Let me know if you have any questions.

Russ

From: Grant Mortensen [<mailto:gmort1986@msn.com>]
Sent: Monday, August 31, 2015 10:55 AM
To: Russell Fox
Subject: Fw: Steep Mountain Park T-Mobile Lease
Importance: High

Mr. Fox,

I appreciate the time you took to send us the plans regarding the T-Mobile cell tower being proposed in the Steep Mountain Park. I am fairly new to the neighborhood and live on the last house on Summer Leaf drive next to the park. I am not sure if the decision has been made to put the tower up. If it has I would ask you to consider to put the tower in a different spot in the park. The proposed place is right next to the basketball court and in the middle almost all the activity at the park. Have you considered putting the tower down near the tennis court. It is further out of the way and would not be in the middle of most of the activity and less likely to be damaged by basketballs, footballs, baseballs, soccer balls, etc.... Plus near the tennis courts it would be a little less of an eye sore to us neighbors and those visiting the park.

On a personal front since I am the last house on the street next to the park, in the current proposed location I would be a little nervous the light pole portion of the tower would shine in my house during the night. Again I point out near the tennis courts is more out of the way and the light should not be an issue to neighbors of the park.

Thank you for taking the time to read my email.

Grant Mortensen
294 East Summer Leaf Drive

From: Russell Fox
Sent: Wednesday, August 26, 2015 1:54 PM
To: 'tgamache@afasinc.com'
Subject: Steep Mountain Park T-Mobile Lease

Mr. Gamache,

Here is an update regarding the T-Mobile cell tower and lease. Attached are photo simulations of the cell tower/light pole they have proposed. This item will be going before the City Council on September 1st to consider the lease agreement. This is not a public hearing. However, you may provide to me concerns you have regarding the proposal.

Please let me know if you have any questions.

Regards,

Russ Fox, AICP
Assistant City Manager
Draper City

(801) 576-6516
TTY 7-1-1



www.draper.ut.us

This e-mail, including attachments, may contain confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If you have received this e-mail in error, please notify the sender by replying to this message and delete this email immediately.

Rachelle Conner

From: Russell Fox
Sent: Tuesday, September 1, 2015 1:52 PM
To: Rachelle Conner
Subject: FW: Steep Mountain Park T-Mobile Lease 8.28.15

Importance: High

Here is the email I sent to the council.

Russ

From: Russell Fox
Sent: Friday, August 28, 2015 5:09 PM
To: * Mayor / City Council; Alan Summerhays (alan@guadalahonkys.com)
Cc: David Dobbins
Subject: FW: Steep Mountain Park T-Mobile Lease 8.28.15
Importance: High

Mayor and Council,

Below is an email from Thomas Gamache regarding the T-Mobile cell tower/light pole at Steep Mountain Park. I sent him the photo sims and let him know this would be on the September 1st agenda and to send any comments to me. I will keep you posted if I receive anything else.

Let me know if you have any questions.

Russ

From: Gamache, Thomas [<mailto:tgamache@afasinc.com>]
Sent: Friday, August 28, 2015 4:00 PM
To: Russell Fox
Cc: Troy Walker; David Dobbins; Maridene Alexander; Mindi Ringdahl; tdmorgan79@gmail.com; emilyannemorgan@gmail.com; kip.carlsen@gmail.com; angipeterson@gmail.com; angn2boys@yahoo.com; rpmcmullin@gmail.com; infosec801@gmail.com; gfmcloud@afstores.com; z8868@comcast.net; murphy@xmission.com; ambragardner@comcast.net; heidisatkin@gmail.com; josephsatkin@gmail.com; kriesen@q.com; scotlandyardscottie@comcast.net; shulln@comcast.net; gmort1986@msn.com; gpephart@kutv.com
Subject: RE: Steep Mountain Park T-Mobile Lease 8.28.15
Importance: High

Mr. Fox,
Thank you for the email.

I was hoping for an open meeting, so the people that live near the park could voice their concerns, about location, placement, and generally having us look at an eye sore of a poor attempt of a light post. I have taken a straw poll from most of the area, and WE do not want it in the park. Please change the location, as I have stated before, it's not needed or wanted by anyone in this area, and I challenge you or anyone to show us different.

This vote should be open to the public and not decided by a select few, especially those who do not live in this area.

Thank you in advance and I look forward to your response.

Thomas Gamache

From: Russell Fox [mailto:russell.fox@draper.ut.us]
Sent: Wednesday, August 26, 2015 2:09 PM
To: Gamache, Thomas <tgamache@afasinc.com>
Subject: FW: Steep Mountain Park T-Mobile Lease

Mr. Gamache,

Here is the message I tried to send.

Regards.

Russ

From: Russell Fox
Sent: Wednesday, August 26, 2015 1:54 PM
To: 'tgamache@afasinc.com'
Subject: Steep Mountain Park T-Mobile Lease

Mr. Gamache,

Here is an update regarding the T-Mobile cell tower and lease. Attached are photo simulations of the cell tower/light pole they have proposed. This item will be going before the City Council on September 1st to consider the lease agreement. This is not a public hearing. However, you may provide to me concerns you have regarding the proposal.

Please let me know if you have any questions.

Regards,

Russ Fox, AICP
Assistant City Manager
Draper City

(801) 576-6516

TTY 7-1-1



www.draper.ut.us

This e-mail, including attachments, may contain confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If you have received this e-mail in error, please notify the sender by replying to this message and delete this email immediately.



