

**MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, JULY 31, 2025, IN THE DRAPER CITY COUNCIL CHAMBERS**

**PARTICIPATING:** Andrew Adams, Chair  
Commission Member Gary Ogden  
Commission Member Susan Nixon  
Commission Member Kendra Shirey  
Commission Member Mary Squire  
Alternate Commission Member Christine Green

**NOT SITTING:** Alternate Commission Member Laura Fidler

**EXCUSED:** Lisa Fowler, Vice-Chair  
Alternate Commission Member Shivam Shah

**STAFF:** Jennifer Jastremsky, Community Development Director  
Todd Draper, Planning Manager  
Nick Whittaker, City Planner  
Todd Taylor, City Planner  
Paul Geilman, Planning Coordinator  
Lori Stout, Executive Assistant  
Brien Maxfield, Senior Engineering Manager  
Spencer DuShane, Assistant City Attorney

**6:30 PM Business Meeting**

Chair Andrew Adams called the Planning Commission Meeting to order at 6:30 PM. He expressed appreciation for the work that the staff does before each meeting to prepare the reports and post the necessary notices. He also took a moment to thank commissioners and members of the community.

**1. Items for Commission Consideration.**

**A. Public Hearing: Indigo Tech Center Zoning Map Amendment Request. (Administrative Action)**

On the request of Jeremy Pixton, representing Mashies Golf Lounge, LLC a Zoning Map Amendment from the CO2 (Professional Office) Zone to the CR (Regional Commercial) Zone for approximately 2.84 acres. Located at approximately 14198 South Minuteman Drive, known as Application 2025-0131-MA. Staff Contact: Paul Geilman, (801)-576-6551, paul.geilman@draperutah.gov.

Planning Coordinator, Paul Geilman, presented the Staff Report and explained that this is a Zoning Map Amendment request. The Vicinity Map was presented, and the applicant's property was highlighted. The location is approximately 14198 South Minuteman Drive. The Land Use Map was shared, and it was noted that the request is to rezone from the CO2 (Professional Office) Zone to the CR (Regional Commercial) Zone. The land use is congruent with the proposed zone change, so no land use amendment is needed. There are additional uses permitted or allowed as conditional uses in the CR Zone. The use for which the applicant has expressed interest is the Recreation and Entertainment Indoor use. The applicant is present at the meeting to answer questions.

Commissioner Nixon noted that the meeting agenda references 14198 South Minuteman Drive, but that address does not exist. There is a 14193, 14197, and 14203. She drove in the area and also checked the County records for the address, but 14198 is not on any of the buildings. Mr. Geilman indicated that the address is the address for the overall property. Planning Manager, Todd Draper indicated that the address is listed as approximate, and that it is the correct approximate address and staff could check on it further. Chair Adams invited the applicant to add any additional information about the application.

The applicant, Jeremy Pixton, reported that there are three buildings in the complex. Chair Adams explained that Staff can double-check the exact location, but the word “approximately” is used in the Staff Report. As a result, the address itself will not impact the application that has been submitted.

Chair Adams opened the public hearing. There were no comments. The public hearing was closed.

**Motion: Commissioner Squire moved to forward a POSITIVE RECOMMENDATION to the City Council for the Zoning Map Amendment, as requested by Jeremy Pixton, representing Mashies Golf Lounge, LLC, Application 2025-0131-MA, based on the following findings:**

**Findings for Approval:**

- 1. The proposed Zoning Map Amendment is consistent with the goals, objectives, and policies of the City’s General Plan.**
- 2. The proposed Zoning Map Amendment is harmonious with the overall character of existing development in the vicinity of the subject property.**
- 3. The proposed Zoning Map Amendment is consistent with the standards of any applicable Overlay Zone.**
- 4. The proposed Zoning Map Amendment will not adversely affect adjacent property.**
- 5. There are adequate facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.**

**Second: Commissioner Shirey seconded the motion.**

**Vote on Motion: 5-to-0 in favor.**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>	<b>Not Participating</b>	<b>Absent</b>
Chair Adams			X		
Fowler					X
Squire	X				
Nixon	X				
Shirey	X				
Ogden	X				
Fidler, Alternate				X	
Shah, Alternate					X
Green, Alternate	X				

Note: Item 1B on the meeting agenda was presented after Item 1C on the agenda at the request of Staff. Following the discussion on Item 1C, the Conditional Use Permit (“CUP”) request for Jiffy Lube (Item 1B) was reviewed.

**B. Public Hearing: Jiffy Lube Conditional Use Permit Request.  
(Administrative Action)**

On the request of Robert Poirier of McNeil Engineering, representing Don Ballard and Lube Management Corp., a request for approval of a Conditional Use Permit for a Limited Vehicle Repair business on approximately 0.32 acres. Located at 681 East 12300 South, known as Application 2025-0138-USE. Staff Contact: Todd Taylor, (801) 576-6510, todd.taylor@draperutah.gov.

City Planner, Todd Taylor, presented the Staff Report. He shared the Vicinity Map and pointed out the location of the property, which is located at 681 East 12300 South. An Aerial Map was shown as well as the Land Use Map. The property is Neighborhood Commercial and is located in the CC (Community Commercial) Zone. The site is surrounded by properties zoned CC on all sides. The proposal is a CUP for Vehicle Repair, Limited. The following definition was read:

- Vehicle Repair, Limited:
  - An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, including paint and body shops or other general vehicle repair services, which have no storage, overnight or otherwise, of vehicles, equipment, supplies, parts, or inventory outside of the building.

The applicant has submitted a Draft Site Plan along with the CUP application. The Site Plan is still under review, but it shows the proposed Jiffy Lube building towards the front of the property, roughly centered. The Draft Elevations were shared for reference. Staff is recommending Conditions of Approval for the CUP application. The five proposed Conditions of Approval were read aloud.

Mr. Taylor further reviewed the Aerial Map and explained that during a review of the Site Plan, it became known that there is a property boundary issue between this property and the flower shop to the east. As a result, the Site Plan item on the agenda is proposed to be continued until that property boundary issue is resolved. If the Planning Commission approves the CUP, it will only be for the

portion of the property currently identified by the County Records. In discussions with the applicant, there is a desire to move forward with the current application and come back with another CUP application in the future when the Planning Commission considers the Site Plan. That will be following the resolution of the property boundary issue and would then cover the entire site.

There was a discussion about continuations. Assistant City Attorney, Spencer DuShane, explained that CUPs are by law in privity of the state. Right now, the applicant can only receive a CUP for the property as the applicant currently owns it and as it is recorded on the Salt Lake County Recorder's Office records. If the applicant acquires that sliver of property indicated on the Aerial Map, then that part of the property would not have a CUP. The use of the property requires a CUP, so the applicant would need to come in and receive a separate CUP for that sliver of property. Community Development Director Jennifer Jastremsky confirmed that the applicant is already aware of this.

Commissioner Nixon stated that she had a difficult time voting on a CUP application with a Draft Site Plan submitted. It was clarified that the Site Plan is not what the Commission is voting on at this time. Commissioner Nixon pointed out that it is part of the application, and the Commission can consider it. Chair Adams stated that the applicant can choose how they would like to proceed.

The applicant representatives, Kirk Umphrey and Justin Soha, introduced themselves to the Commission. The ALTA Survey stated that the property line was down the fence line, so he does not believe there is a property line dispute, but there is a bit of confusion that needs to be resolved. Their title company has looked at this and is willing to insure the title to the fence line. Mr. Umphrey believes this is something that can be resolved in the next few days. Some work is being done with Mr. DuShane, so the City feels comfortable. They request that the Commission approve the Jiffy Lube on that site, subject to Site Plan approval. In the future, they will return with the property line issue resolved and the Site Plan.

Commissioner Nixon stated that the address on the application is 681 East, but there is no 681 East. She believes this is 673 East and wanted to know what the address will be as this moves forward. It was clarified that there are multiple buildings on the property, so there are multiple addresses.

Chair Adams opened the public hearing.

*Nate Ballard* explained that he is present to represent his father, who is the current owner of the property. The loss of the Iceberg is bittersweet, but his father was ready to retire and sell the property. He is hopeful that this moves forward. Unfortunately, there has been a bit of an issue with the property line, but he believes that it will be a simple fix. There is a limited amount of space available on the parcel, but Jiffy Lube is a suitable use. He stated that this will be beneficial for all involved.

There were no further comments. The public hearing was closed.

There were discussions about the process moving forward. Ms. Jastremsky suggested that language in the motion state that "the CUP is for the property lines shown on the County Records and any additional property would need to have a separate CUP." Chair Adams pointed out that it would only be if property were added to what is currently owned. Commissioner Nixon thought it would be cleaner to have an amendment to a CUP come forward rather than two separate CUPs.

Ms. Jastremsky clarified that it would be the same process, as the City has no amended CUP application. Mr. Umphrey added that if it is determined that the line drawn is incorrect and the property line is located where the fence line is shown, then the CUP process will not need to be done again.

**Motion: Commissioner Ogden moved to APPROVE the CUP as requested by Robert Poirier of McNeil Engineering, representing Don Ballard and Lube Management Corp., Application 2025-0138-USE, based on the following Findings for Approval and Conditions of Approval. The CUP proposed to be approved is based on the current Salt Lake County property line records. Any additional property added to the parcel will need to obtain a separate CUP.**

**Findings for Approval:**

1. **The proposal complies with the standards for approval found in DCMC Section 9-5080(E), and potential negative impacts are mitigated through the imposition of reasonable conditions.**

**Conditions of Approval:**

1. **That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.**
2. **That a Draper City Business License shall be obtained prior to operating and shall be maintained by the business owner for as long as the business remains in operation.**
3. **That there shall be no noise, glare, dust, pollutants, odor, or other impacts discernible outside of the building.**
4. **That there shall be no storage, overnight or otherwise, of vehicles, equipment, supplies, parts, or inventory outside of the building.**
5. **That prior to Site Plan approval by the Planning Commission, the applicant shall submit a revised Landscaping and Irrigation Plan which complies with DCMC Chapter 9-23, and a revised Lighting Plan which complies with DCMC Chapter 9-20.**

**Second: Commissioner Shirey seconded the motion.**

**Vote on Motion: 5-to-0 in favor.**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>	<b>Not Participating</b>	<b>Absent</b>
Chair Adams			X		
Fowler					X
Squire	X				
Nixon	X				
Shirey	X				
Ogden	X				
Fidler, Alternate				X	
Shah, Alternate					X
Green, Alternate	X				

**C. Public Hearing: Follis Transport, LLC Home Occupation Conditional Use Permit Request.**

**(Administrative Action)**

On the request of George Follis, representing Follis Transport, LLC. A Home Occupation Conditional Use Permit regarding the operation of a home office that provides trucking services for approximately 0.74 acres. Located at 11747 South 300 East, known as Application 2024-0349-USE. Staff Contact: Nick Whittaker, (801) 576-6522, [nick.whittaker@draperutah.gov](mailto:nick.whittaker@draperutah.gov).

City Planner Nick Whittaker presented the Staff Report and explained that this is a Home Occupation CUP request for Follis Transport, LLC. The Vicinity Map and Aerial Map were shared. It is an unusually shaped property with a flag-like shape. The Land Use Map was shared. Mr. Whittaker reported that the land use is Residential Medium Density, and it is in the RA1 (Residential Agricultural) Zone. The Site Plan provided by the applicant was reviewed. The applicant is hoping to operate a trucking business from his home. The administrative portion of the business will be operated in a room in the basement of the home. Part of the request is to use the flagpole portion of the lot to store four trailers and one vehicle. Existing conditions photographs were shared.

Mr. Whittaker reviewed the existing conditions and photographs in more detail and pointed out the front yard storage area where the applicant would like to store four trailers and one vehicle. An image of the existing front yard fence was shown, which provides screening. However, it was noted that the fence is not compliant with Draper City Code. As a condition of approval, it is recommended that the applicant bring the fence into compliance. Chair Adams asked what would make the fence compliant. Mr. Whittaker clarified that it is difficult to know that, because there was no permit or conditional use permit for the fence. In the front yard, there cannot be a fence that is higher than four feet. Commissioner Nixon asked if it would need to be set back more or reduced in height to meet code. Chair Adams asked if this application for a conditional use permit could allow for a taller fence in the front yard. Mr. Whittaker reported that additional work would need to be done with the staff to determine what the code would allow.

Mr. Whittaker reported that in the Site Plan, the applicant points out two areas where the trucks tow the trailers into the designated front yard area. One of them is on the south side. There is an entrance off Kimballs Lane. This entrance appears to be used to access the utility box. The second driveway

would be required to be at least 40 feet from the intersection. Mr. Whittaker shared an image of the north side, which is another area where the vehicles are pulled into the desired parking area.

The Impact Analysis and Mitigation information was shared. Identified potential impacts include:

- Large trailers and vehicles entering and exiting the property impact pedestrian safety.
- Vehicles and trailers stored on the unpaved front yard parking area, stirring up dust and spreading gravel on the roads and sidewalks, causing unstable and potentially hazardous surfaces to pedestrians and vehicles;
- Pedestrian blind spots caused by the illegal front yard fencing;
- Business vehicles and trailers parked on the street;
- Noticeable storing of vehicles, inventory, and supplies in yard areas;
- Noticeable storing of freight, cargo, and shipments;
- Noticeably modified yard;
- Size and scale of the utilized front yard area detracting from the residential use; and
- Nuisance from vehicle emissions, dust from the gravel surface, and generating noise when hitching and unhitching trailers.

Staff finds that potential ways to mitigate the impacts mentioned are as follows:

- That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied;
- That a Draper City Business License shall be obtained and maintained by the applicant;
- That no more than four (4) work trailers and one (1) work truck being utilized for the home-based business shall be parked at the property;
- That the four (4) work trailers and one (1) work truck shall not be parked in the street;
- That only one (1) work truck shall be parked in a designated stall per an approved Site Plan;
- That the drive approach facing Kimballs Lane shall not be used for vehicular access by the property owner;
- That the applicant shall obtain a Conditional Use Permit to bring the illegal fencing located in the front yard into compliance;
- That no business deliveries shall be received at the property;
- That no business deliveries shall be shipped from the property;
- That no business deliveries shall be stored at the property;
- That the parking area shall be paved with cement or asphalt;
- That the size of the parking area shall not exceed 5,000 square feet;
- That the days of the week in which the home business may operate shall be limited to Monday through Saturday;
- That the hours of operation shall be limited to 8:00 a.m. through 6:00 p.m.; and
- That no customers shall come to the home.

Mr. Whittaker shared a photograph of the exterior of the primary structure, pointing out the location of the fenced area, which is situated on the south side of the home. Commissioner Squire noted that there are often screening requirements put in place. She can appreciate that the purpose of the existing fence is to screen the use, but wonders how screening could be required that would essentially violate

the City Code. It was noted that the Planning Commission is required to assess the residential character of the neighborhood to determine if the proposed business has detrimental effects. If conditions can be imposed to mitigate those detrimental effects, then those can be imposed. That being said, those conditions cannot be unlawful, which includes those that violate the ordinances in the City.

Mr. Whittaker informed the Commission that there is a history of land use violations on the subject property. Chair Adams requested additional information about past violations. Mr. DuShane clarified that it is not appropriate for the Planning Commission to consider previous violations when making a decision on an application and to disregard the previous comment from staff. He advised the Commission to focus on what is relevant to the current proposal. Commissioner Nixon believed that for a fence to meet the City Code, it would need to be set back a certain amount to be in line with the dwelling, however, that would make the area too narrow to utilize for the business. Commissioner Squire noted that a taller fence would have to be behind the front line of the house. There was a discussion about the application and what the Commission is able to do. It was reiterated that the impact of the use would need to be mitigated through conditions. Chair Adams invited the applicant to present additional information to the Planning Commission regarding the business.

The applicant, George Follis, introduced himself to the Planning Commission. He moved into the home in 2002. At that time, there was no landscaping at all, and the road had only been put in a year or two before. The sidewalk along the 356-foot of frontage was lower by about 18 inches, so he called Code Enforcement and asked them about bringing in fill dirt to make it level so there would not be a safety hazard. He was informed that he could. At the time, he had personal trailers and an RV at the site. He mentioned that he knew it was not legal to park in the front yard, but only about 2-3 feet would be legal.

Mr. Follis reported that he spoke to the Code Enforcement Officer about the shape of the lot. A meeting was arranged for Mr. Follis to speak to the Planning Department when they were at the old City Hall down the street. During that conversation, he was told that this portion of his property was a side yard and was not considered the front yard. On a side yard, it is possible to have a 6-foot fence. He indicated that the Planning Department told him that the 6-foot fence could be installed. He had a friend put a semi-trailer on the property to sell it. He has not had a problem with violations for two decades until now, with one for parking. Mr. Follis reported that he also received a violation for not having a business license. He was on the road most of the time and staying in hotels and he did not know that he needed a business license for this use and accrued \$800 dollars in fines. Mr. Follis reported that it has been frustrating not to be able to use the piece of land that he owns. It is an odd piece of land compared to the other lots in Draper.

Chair Adams noted some Conex trailers in the rear yard and asked if Mr. Follis could run the business using that location instead. Mr. Follis indicated that he could not. Chair Adams asked about the trailers currently shown on the site in the triangle to the east. Mr. Follis clarified that those are personal items. Chair Adams asked to review the site plan and noted that the blue area is what is fenced. Mr. Follis described the vehicle and the trailers that are used for his work. He informed the Commission that he drives in and out of the area shown in blue once a week. He put in gravel and improved the area to prevent dust. It was dirt before, which created dust and mud, which was the

reason he improved the site. The applicant reported that a lot of time and money have been spent improving the land so it can be used.

Chair Adams asked whether it is possible to park a trailer in the front yard. Planning Manager, Todd Draper, noted that trailers and recreational vehicles are required to be parked behind the front wall plane of the house. Chair Adams would like to see what the City Code states, so there is more clarity about what the applicant can have in the front yard. There was a discussion about screening. Mr. Draper noted that it is possible to screen with landscaping and that there are other options available to the Planning Commission.

Mr. Follis discussed the curb cutout on the side of Kimball's Lane. That has been there since the road was installed, and it has been his access to that side of his property. The utilities were put in after he moved in and he sold that area to the utilities. Chair Adams believed it is an access cutout for his property, as there is no other reason for it to be there. There was some uncertainty among staff regarding whether the approach constitutes legal access to the property. Mr. Whittaker pointed out that having access that close to an intersection would not be permitted, because at least 40 feet is required. Chair Adams acknowledged that a lot has changed since the installation. Ms. Jastremsky indicated that there were concerns about large vehicles exiting next to the intersection and crosswalk, presenting a safety hazard. Chair Adams understood why the Condition of Approval related to that was drafted.

Chair Adams wondered whether landscaped screening would be appropriate. Mr. Whittaker explained that it is up to the applicant to determine what is best and then provide that to the Staff for consideration and review. Mr. Follis reported that the fence was agreed upon previously due to the odd shape of the lot. It is not a front yard. He clarified that it has never been treated as a front yard and does not appear as a front yard. Chair Adams suggested pausing this application to review the options. He wondered whether the public hearing should be held, but then left it open so there can be additional comments made when this item comes back to the Planning Commission. Ms. Jastremsky stated that it is up to the Planning Commission to determine that.

Mr. DuShane explained that whether the application is continued will ultimately be up to the applicant to decide. The Commission shall approve, approve with conditions, or deny the application. If the public hearing is held, the Commission needs to make a decision. If the decision is made to deny the application, then the applicant will have to start the application process over again. Once the public hearing is opened, the Commission will need to vote on the item. Commissioners discussed whether additional time to review this item would be productive. Commissioner Squire noted that it appears that the Staff has invested considerable time in the application, which raises uncertainty about whether continuing the item would be beneficial.

Mr. Whittaker reported that the Staff has been working on this application for almost a full year. In terms of changing the design or changing how the applicant would operate the business from the property, that would be up to the applicant. As far as what has been shared with the Commission during this meeting, the information has been put together over a long time. Chair Adams wanted to know what a solution could be. Commissioners believed the most appropriate approach was to take a vote.

It was noted that the City Code has certain language the definition of front yard, how high the fence can be, and how to mitigate potential uses. Chair Adams expressed frustration that a private property owner came to the City in 2002 and was told something that is now completely different. The code has changed, and now there is a front yard that essentially acts as a side yard, but cannot be used. He wants to look into solutions. Commissioner Squire noted that there might not be a positive solution. The decision needs to be based on what has been presented to the Commission in the staff report. Chair Adams asked if it was possible to subdivide, staff indicated that subdividing was not possible.

Commissioner Nixon noted that the area requested for the Home Occupation is 5,000 square feet, which is larger than the area of the home itself. Typically, for this type of application, the Commission considers areas that are 300 or 500 square feet. She has concerns about the size of the area. Commissioner Nixon asked if the applicant lives in the home, which was confirmed. Mr. Follis informed her that there are no employees besides himself. There is one vehicle and one trailer at a time that is coming or going. He thought he was doing everything correctly with the City and never had an issue until last year. Each time he submits something, it takes four to six months to hear back. The previous two times that he resubmitted, he made a lot of calls, and it went through much faster, but it has still taken many months to make it to this point. He does not understand the purpose of this meeting if nothing can be done. It was noted that the Staff is not responsible for creating a plan for the applicant. Commissioner Shirey indicated that the staff can give their guidance, but that ultimately the matter is decided by the Planning Commission. Mr. Follis explained that if the use is not possible, then that should have been communicated previously. In addition, the first time he heard anything negative about the fence or its placement was immediately before the current meeting.

Mr. Follis discussed the citations that he received previously, which were related to parking and not having a business license. He was not aware he needed a business license because he was operating from his home. He submitted the business license, but then got a fine. He paid over \$800 in fines and spent over \$8,000 improving the lot. Based on what has been stated during the Planning Commission Meeting, it sounds like the proposed use is not possible. Chair Adams asked the Staff if anyone had mentioned previously that the fence cannot be in the front yard. Ms. Jastremsky stated that she had mentioned the fencing to Mr. Follis in multiple conversations about complaints that were filed. She did some research on the fencing. When that fence was installed in the early 2000s, the code did not allow for it, which means the fencing was non-compliant when installed initially.

Commissioner Shirey asked if there was anything in the code that would suggest that portion of the property could have been considered as a side yard as opposed to a front yard, or if the Planning Commission could consider it to be a side yard. Ms. Jastremsky reported that under the code, anything along the street front is considered to be a front yard. Mr. DuShane added that this specific matter is outside the scope of the Planning Commission's authority to decide. Mr. Follis reiterated that he has never been cited for the fence, and he does not recall it being mentioned by Staff.

Ahead of the public hearing, Commissioner Nixon reported that the Planning Commission received several emails from adjacent property owners. Those emails were reviewed before the meeting.

Chair Adams opened the public hearing.

*Terry Sommerdyke* explained that she submitted an email comment to the Planning Commission, but is present to share additional comments. She lives near the applicant property. Ms. Sommerdyke requested that the Planning Commission deny the request. While she understands this is being presented as a home office use, this is not just an administrative operation. Follis Transport, LLC, is a business tied to logistics, trucking, and freight activities that are inherently incompatible with a quiet, family-oriented community. The neighborhood has high-value single-family homes that sit adjacent to the Catholic school campus. Children walk past the property every day on their way to school and to the nearby parks. Introducing a commercial use, especially one tied to trucking, raises serious safety concerns. It also disrupts the residential character. Approving this application would set a dangerous precedent and would open the door to other home-based commercial ventures that are not appropriate for residential settings. The applicant could efficiently operate their business from a commercial or industrial zoned property that is designed for this kind of activity. Ms. Sommerdyke asked that the application be denied.

*Robert Wheat* stated that he is a resident who has lived in the neighborhood for over 10 years. He respectfully disagrees with the previous comment that was shared. This is an application he feels should be supported. That specific strip of land has been the best-maintained part of the street. It is always weed-free and there is no dust. The use does not impact the sightlines or safety. Landscape screening with trees, shrubbery, and natural hedge, which is recommended for front yards, would be more detrimental to sightlines. He understands the issue with fencing due to the code language, but the fence is effective for screening. Mr. Follis has been a good neighbor and is always willing to listen to feedback. Mr. Wheat has an issue with telling a property owner how they can and cannot use their property. He expressed support for the application and recommended that it be approved.

*Mary Schuman* explained that she has lived in the neighborhood since 2005. She asked if there are any specifics in the application about the size of the trailers that are proposed to be stored. There have been semi-trucks and trailers on that property listed for sale. The home also appears to be functioning as a short-term rental property. She passes by there at least three times per week, and there are always vehicles with out-of-state plates. Ms. Schuman asked if it is permissible for one residence to operate several different businesses. As for the area, she cannot think of a more inappropriate place for vehicles of that size to enter and exit the property. She pointed out that it is directly across the street from the Catholic school center and church. Dozens of children walk through there every morning and afternoon. It is a beautiful neighborhood, and she loves the fact that it is residential. Ms. Schuman believes the proposed application is inappropriate.

*Shelly Carver* reported that her home was completed in 1997, and her family has lived there since that time. She stated that the applicant's property is an eyesore. She agrees with the comments shared by Ms. Schuman that large vehicles are frequently parked there. If this application is approved, it will allow similar uses to happen, which could impact the property values. Contrary to what was stated earlier, this is not the only flag lot in Draper. There are flag lots located in other areas of the city as well, and she did not believe those lots have this kind of business use on them.

Ms. Carver believes that Mr. Follis had a period of due diligence before purchasing the property, since it was clear that this is an irregularly shaped lot. Additionally, she does not believe that running a home business like this, especially when the home is located near a school, is wise. Additional traffic could impact the area, especially since there are already traffic issues in the neighborhood. Ms.

Carver is a business owner, but out of respect for her neighbors, she has not conducted business out of her home. In the past, some neighbors have run businesses out of their homes, which has brought unnecessary traffic to the area, including parked vehicles and questionable individuals. Ms. Carver suspected that someone had previously reported what was happening on the applicant's property. There were semi-trailers parked there, along with various vehicles for sale. In addition, there was a homeless encampment. Based on the information provided, she asked that the Planning Commission deny this application.

*Rex Myers* lives in the neighborhood and has been there since the beginning. Mr. Follis purchased the property 20 years ago, and the approach was there 25 years ago. He clarified that there has never been a homeless encampment there. He believes a fence all the way along would be beneficial because it would shield everything. It doesn't make sense to have landscaping there since the fence already looks good in terms of ingress and egress, which he believes has been grandfathered in for a long time. Draper City built this lot, approved it, and Mr. Follis purchased the property. Mr. Myers agrees with the applicant and feels the City should allow him to use the property. The vehicles the applicant has are no different than other vehicles in the area. Just because he runs a transport business does not mean he will store goods on the site. He expressed frustration about this situation, as it does not seem fair for the applicant to have to pay fines and fees when his property is maintained better than most. Mr. Follis is a good friend, neighbor, and person, and he would like to see this application approved.

*Tim Wong* is a resident who has lived to the northeast of this property since 2002. He is familiar with this neighborhood and the subject property. He remembers what it looked like before the fence went up and the improvements were made. Based on what he has heard during the Planning Commission Meeting, it sounds like some expectations were set for Mr. Follis when he purchased the property, before the codes were clarified. It sounds like things have since changed. Mr. Follis is working in good faith to bring the current activity on the site into compliance. Mr. Wong does not believe it detracts from the neighborhood and feels the fence screens it well. He has not observed any instances of nuisances or dangerous driving and has encouraged the Planning Commission to consider a path forward so the applicant can continue this use on the property. It is unfortunate that a property owner may not be able to utilize a significant portion of their property.

There were no further comments. The public hearing was closed.

Mr. Follis was invited back to respond to the comments made during the public hearing. He pointed out that many of the comments were positive, which is reflective of the work that he has put into the property. He has continually improved the site since he has lived there. Mr. Follis reiterated that he has always tried to comply with the City requirements. From the beginning, he believed that he had received approval through the Planning Department. The fence is almost 20 years old, and he acknowledges that some work needs to be done there. That was something he planned to improve before all of this happened.

Mr. Follis informed the Commission that this section of his property is not a front yard, even though it technically may fall into that category. It cannot be used as a front yard, because it is not even in front of his house. It is a side yard, and as a side yard, it can have a 6-foot fence. The section of the property was not previously considered a front yard, but it now appears to be viewed that way by the

City. Mr. Follis reiterated that he has never been cited for the fence, and he does not remember it having been mentioned to him before. This is the first time he has heard that the fence is in violation. He has been cited once for weeds, once for parking, and once for not having a business license. There have not been issues since.

Commissioner Squire asked for additional information about the business. Mr. Follis reported that he drives a pickup truck and a 40-foot gooseneck trailer. He indicated that he had to register it commercially because he drives it over the road. Commissioner Squire asked Mr. Follis what he transports. He stated that he transports goods, equipment, and various items using a truck and trailer, but these items are not brought to the home at any point. He leaves his home with the truck and trailer and returns with the truck and trailer. Commissioners asked about the RV on the property in the photos and if he lives in it. He indicated that it is a personal RV and is not used for the business.

Commissioner Squire wanted the applicant to speak to the comments made about semi-trucks. Mr. Follis clarified that the items were placed on the site by a friend who wanted to sell them, unaware that this was against the code. Once he was informed that it was, those were removed within two days. Commissioner Squire noted that the plan indicates two access points, one on the north end and one on the south. Staff has instructed the Commission that it is not possible to consider that south access as part of the CUP, because it is not a legal access. She believes he has proposed it because it is easier to get in and out using that access. If it is not possible to use that, she wanted to know if it is still possible to get in and out. Mr. Follis reported that it is not possible to turn around on that parcel. It can be backed in, but that is not how he has been accessing the site previously. It is easier to pull through. Commissioner Squire explained that the Commission has some limitations. The Commission can't consider this section as the side yard rather than the front.

Commissioner Squire thinks the applicant has operated in good faith. The fence is effective at screening, but it cannot be considered due to the current requirements. Mr. Follis understands the comments made by the Commission, but asked about grandfathered uses. Commissioner Squire acknowledged that things have changed in Draper over the years, but that does not mean the Planning Commission can overlook the regulations that are in place now. Mr. Whittaker reported that there is a process that the applicant can apply for, which determines whether the use was historically conforming. Commissioner Shirey asked regarding potential documentation that would outline previous agreements with the City. That is something the Commission could take into consideration. Mr. Follis reported that he no longer has that kind of documentation due to a divorce and he does not have text messages from that time either.

There was additional discussion about the home occupation CUP application. Commissioner Squire noted that, based on the comments received, there might be another business functioning in the home. A question was asked of staff about whether someone is allowed to operate more than one business on a residential property. Mr. Whittaker understands that it is possible to have more than one business at home so long as the requirements of the home occupation are met. It was next asked of staff whether an Airbnb or short-term rental in the home requires a business license or if that is considered a home occupation. Ms. Jastremsky reported that an Airbnb is not regulated, so there is no permit or licensing required. She clarified that a short-term rental is not considered to be a home occupation. Commissioner Squire questioned that if the home was rented out as an Airbnb it was questionable as to if the applicant really lived in the home and if a home based business license could even operate.

Mr. Whittaker explained that if an Airbnb were rented out it would be required to be the entire house, and it would likely not be possible to have a Home Occupation. He clarified that it would not be possible for the applicant to live in the home and operate a home based business while also renting out a portion of the home for an Airbnb. Mr. Draper clarified that if there was a legal second unit or ADU (Accessory Dwelling Unit) there would not be a restriction on the occupant of the primary unit having a home-based business. Commissioner Squire mentioned that the issue was likely moot.

Mr. Follis reported that the home is a three-level home. He rents out the main level and upper level while he lives in the basement where his office is. There is an Airbnb manager who manages the Airbnb. He knows nothing about the schedule. Mr. Follis re-stated that the main portion of the house is rented out as an Airbnb and he lives in the basement. It was suggested that Mr. Follis stop talking and not admit to other things that might create additional issues. It was reiterated that the Commission discussion needed to remain focused on the home occupation CUP application and not the Airbnb.

Commissioner Nixon believes there is often a misconception about what a grandfathered use is. When something is legally non-conforming, it means it had to have previously met the code. However, according to the Staff, the codes for the front yard have not changed as far as the fencing requirements since 2002. Based on the comments from Staff, there is a process that the applicant can go through to determine whether something was historically conforming. Chair Adams believes that 2015 and 2019 are the years that reference the code as it is now. It was pointed out that, according to the Staff, the fence was non-compliant at the time it was built.

There was additional discussion about the home occupation CUP application before the Commission. Chair Adams requested Commissioner feedback on running the business as described, with the mitigation measures presented by Staff. Commissioner Nixon noted that there is one section of the Home Occupation Code that refers to the residential character. In her view, the proposed business does not suit a residential area because it is a commercial transport business. She believes it changes the character of this residential property. Commissioner Squire referenced the sightlines and blind spots, the nearby school, and the traffic in the area. The reason tall fences aren't allowed in the front has to do with safety. Some of the comments received via email and during the public hearing are concerning. She agrees that this kind of use changes the residential character.

Commissioner Ogden sympathizes with the applicant, as it appears he has made a genuine effort to make this unique lot work. Unfortunately, he cannot think of a solution that makes sense based on the current restrictions. The Commission further discussed the fence and the screening that is currently on the site. Chair Adams asked for additional clarification on the minimum setbacks for the fence and for screening. Mr. Draper noted that the trailer does need to be parked behind the front wall plane, so a trailer would not be allowed to be parked in the front yard, whether it was for a commercial business or residential use. It was clarified that the same applied to RVs. The Commissioners were reminded of other difficult home occupation requests they have reviewed and denied in the past.

**Motion: Commissioner Shirey moved to DENY the Home Occupational CUP as requested by George Follis, representing Follis Transport, LLC, Application 2024-0349-USE, based on the following Findings for Denial:**

- The proposal does not comply with all standards for approval found in DCMC Section 9-5-080(E) and potential negative impacts are not able to be sufficiently mitigated through the imposition of reasonable conditions.**

**Second: Commissioner Nixon seconded the motion.**

**Vote on Motion: 5-to-0 in favor.**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>	<b>Not Participating</b>	<b>Absent</b>
Chair Adams			X		
Fowler					X
Squire	X				
Nixon	X				
Shirey	X				
Ogden	X				
Fidler, Alternate				X	
Shah, Alternate					X
Green, Alternate	X				

**D. Public Hearing: Jiffy Lube Site Plan Request.  
(Administrative Action)**

On the request of Robert Poirier of McNeil Engineering, representing Don Ballard and Lube Management Corp., a request for approval of a Site Plan for a Limited Vehicle Repair business on approximately 0.32 acres. Located at 681 East 12300 South, known as Application No.: 2025-0139-SP. Staff Contact: Todd Taylor, (801) 576-6510, [todd.taylor@draperutah.gov](mailto:todd.taylor@draperutah.gov).

**(Application continued to a date uncertain.)**

The item was continued to an uncertain date.

**2. Adjournment.**

**Motion: Commissioner Squire moved to ADJOURN.**

The Chair adjourned the Planning Commission Meeting at 8:18 PM.