



## PLANNING COMMISSION AGENDA

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Thursday, January 22, 2026, 6:30 PM  
1020 East Pioneer Road  
Draper, UT 84020  
Council Chambers

### 6:30 PM BUSINESS MEETING

#### 1. Items for Commission Consideration

##### 1.a **Action Item: Approve Planning Commission Meeting Minutes for November 20, 2025 (Administrative Action)**

Approval of Planning Commission Meeting Minutes for November 20, 2025

##### 1.b **Public Hearing: City Initiated Utah State Code Reference Update Text Amendment Request (Legislative Item)**

On the request of Draper City, a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 9, 11, and 17 in order to update references to Utah State Code. Known as Application No. 2026-0002-TA. Staff Contact: Todd Taylor, 801-576-6510, [todd.taylor@draperutah.gov](mailto:todd.taylor@draperutah.gov).

##### 1.c **Public Hearing: City Initiated Variance and Land Use Appeal Update Text Amendment Request (Legislative Item)**

On the request of Draper City, a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 2, 3, 6, 8, 9, and 17 to address recent changes to Utah State Code related to variances and land use appeals. Known as Application No. 2026-0003-TA. Staff Contact: Todd Taylor, 801-576-6510, [todd.taylor@draperutah.gov](mailto:todd.taylor@draperutah.gov).

##### 1.d **Public Hearing: City Initiated Public Access Amenity Zoning Text Amendment Request (Legislative Item)**

On the request of Draper City, a Zoning Text Amendment to portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code related to public access amenities. Known as Application No. 2026-0004-TA. Staff Contact: Todd Taylor, 801-576-6510, [todd.taylor@draperutah.gov](mailto:todd.taylor@draperutah.gov).

**1.e Public Hearing: City Initiated Residential Parking Requirements Zoning Text Amendment Request (Legislative Item)**

On the request of Draper City, a Zoning Text Amendment to portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code related to residential parking requirements. Known as Application No. 2026-0005-TA. Staff Contact: Todd Taylor, 801-576-6510, todd.taylor@draperutah.gov.

**2. Other Business**

Coordination between City Staff and Planning Commission (as needed).

**3. Adjournment**

I, the City Recorder of Draper City, certify that copies of this agenda for the **Draper Planning Commission** meeting to be held **January 22, 2026**, were posted at Draper City Hall, Draper City website [www.draperutah.gov](http://www.draperutah.gov), and the Utah Public Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn).



Nicole Smedley, CMC, City Recorder  
Draper City, State of Utah

In compliance with the Americans with Disabilities Act, any individuals needing special accommodations or services during this meeting shall notify Nicole Smedley, City Recorder at (801) 576-6502 or [nicole.smedley@draperutah.gov](mailto:nicole.smedley@draperutah.gov), at least 24 hours prior to the meeting.

# MEMO



To: Planning Commission

From:

Date: 2026-01-22

Re: Action Item: Approve Planning Commission Meeting Minutes for November 20, 2025  
(Administrative Action)

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Comments:

ATTACHMENTS:

[Draper PC Mtg Draft 112025.pdf](#)

**MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY,  
NOVEMBER 20, 2025, IN THE DRAPER CITY COUNCIL CHAMBERS**

**PARTICIPATING:** Andrew Adams, Chair  
Lisa Fowler, Vice-Chair  
Commission Member Kendra Shirey  
Commission Member Mary Squire  
Alternate Commission Member Christine Green

**EXCUSED:** Alternate Commission Member Laura Fidler  
Commission Member Susan Nixon  
Commission Member Gary Ogden  
Alternate Commission Member Shivam Shah  
Traci Gundersen, City Attorney  
Spencer DuShane, Assistant City Attorney

**STAFF:** Jennifer Jastremsky, Community Development Director  
Todd Draper, Planning Manager  
Nick Whitaker, City Planner  
Paul Geilman, Planning Coordinator  
Lori Stout, Executive Assistant  
Brien Maxfield, City Engineer  
Mike Barker, City Manager  
Kennady Smith, Administrative Assistant

**6:30 PM Business Meeting**

Chair Andrew Adams called the meeting to order at 6:32 PM and reported that Item 1C had been continued to a date uncertain.

**1. Items for Commission Consideration.**

**A. Public Hearing: Elite Esthetics Conditional Use Permit Request.  
(Administrative Action)**

On the request of Dustin Haas Representing Elite Esthetics and Draper Land Company No. 2, a Conditional Use Permit to approve the Trade/Vocational School Use in the CO2 zone for this location at approximately 66 East Wadsworth Park Drive (approximately 3.15 acres), Kkown as Application 2025-0253-USE, Staff Contact: Paul Geilman, (801) 576-6551, paul.geilman@draperutah.gov.

Planning Coordinator, Paul Geilman, presented the staff report and displayed the vicinity, aerial, land use, and zoning maps. The subject property is designated Community and Neighborhood Commercial and zoned CO2 Professional Office. The adjacent parcel to the south was recently

connected through a cross-access parking easement, which increased the available parking for the site.

The applicant requested a Conditional Use Permit ("CUP") to allow the Trade/Vocational School Use to operate a master esthetics program. Business hours would be Monday through Saturday, from 8:00 a.m. to 5:00 p.m. Peak onsite personnel were expected to be 26 individuals, including students, staff, and clients. Clients would be appointment-based, and class schedules would be rotated to limit the number of personnel on-site. Including the cross-access easement, there were 5.44 parking stalls available per 1,000 square feet.

In response to Commissioner Fowler's question about parking, Mr. Geilman reviewed the aerial map. He indicated that the location of the cross-parking easement was previously owned by the Utah Department of Transportation ("UDOT"). The owner of the subject property recently acquired the parcel and recorded the cross-parking easement to ensure adequate parking. Per Draper City Municipal Code ("DCMC") §9-25, the required parking for the Trade/Vocational School is one space per 1.25 students. The space is 5,810 square feet and was allotted approximately 31 spaces, so adequate parking was available.

Chair Adams invited the applicant Dustin Haas to speak. The Commission did not have any questions for the applicant.

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

**Motion:** Commissioner Fowler moved to APPROVE the Conditional Use Permit, as requested by Dustin Haas representing Elite Esthetics, application 2025-0253-USE, based on the following Findings for Approval and subject to the conditions listed in the Staff Report dated November 6, 2025.

**Findings for Approval:**

1. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or will be injurious to property or improvements in the vicinity.
2. The proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
3. The proposed use complies with the regulations and conditions specified in Section 9-5-080(E) of the Draper City Municipal Code.

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

**Vote on Motion: 4-to-0 in favor.**

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

**B. Public Hearing: Sunshine Preschool Home Occupation Conditional Use Permit Amendment Request.  
(Administrative Item)**

On the request of Jennifer O'Neal, representing Sunshine Preschool, an Amendment to a Conditional Use Permit for operation of a Limited Preschool on approximately 1.61 acres located at 11501 South 700 West, known as Application 2025-0239-USE, Staff Contact: Nick Whittaker, (801) 576-6522, Nick.Whittaker@draperutah.gov.

City Planner Nick Whittaker presented the staff report and displayed the vicinity, aerial, land use, and zoning maps. The subject property was designated Residential Low-Medium Density and zoned RA1. A Home Occupation CUP to operate a limited preschool at this location was approved by the Planning Commission in 2017, and the applicant requested an increase in the number of students per session to 16 and add one employee.

In September 2025, DCMC § 9-3-040 was amended to increase the maximum number of pre-elementary students per session from 10 to 16. The new definition was as follows:

Limited Preschool: *A home occupation facility where, as a principal function, educational instruction is provided during not more than two (2) sessions per day for up to sixteen (16) pre-elementary school aged children age three (3) to six (6) per session during customary schooling hours.*

Mr. Whittaker reviewed the site plan and photographs. He noted that the home is set back on the property and is accessed via a circular driveway that allows parents to queue for drop-offs

and pick-ups without stopping on the roadway. Preschool is taught in one room of the home, with two sessions each day. An employee parking stall was also provided.

Potential impacts included:

- Additional students are being dropped off and picked up.
- Employee vehicles, parking, and related traffic.

Proposed mitigation:

- No more than 16 students per class.
- All student drop-off and pickup will take place on the property.
- An off-street parking stall is provided for the additional employee.

In response to a question from Commissioner Fowler, the applicant, Jennifer O'Neal, stated that classes would be conducted in the walk-in basement, which is accessed through a separate entrance on the south side of the home. She spoke with all nearby property owners, and all 14 had signed a letter of support for the change. The letter was entered into the record.

Commissioner Fowler asked if the employee was being added due to licensing requirements. Ms. O'Neal reported that State guidelines regarding student-to-teacher ratios were confusing as State Code provided both a single required number and tables that vary requirements based on student age, but the preschool would meet all State requirements.

Chair Adams opened the public hearing.

*Lane Hughes* reported that he lives directly across the street from the subject property. The preschool has no negative impact on the neighborhood. Ms. O'Neal's driveway is very long, and there has never been an issue with cars stopping on the road. He believes the preschool is an asset to the community.

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

**Motion:** Commissioner Squire moved to APPROVE the Amendment to the Home Occupation Conditional Use Permit, as requested by Jennifer O'Neal representing Sunshine Preschool, Application 2025-0239-USE, based on the following Findings for Approval and subject to the conditions listed in the Staff Report dated November 7, 2025.

Finding for Approval:

1. The proposal complies with the standards for approval found in DCMC Section 9-5-080(E), and potential negative impacts are mitigated through the imposition of reasonable conditions.

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

**Vote on Motion:** 4-to-0 in favor.

Commissioner	Yes	No	Abstained	Not Participating	Absent
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: Highpointe Office Building II Site Plan and Deviation Requests. (Administrative Item)**

On the request of Riley Young of Mint Architecture, representing Highpointe Partners, LLC, Site Plan and Deviation Requests for the construction of a new office building on approximately 1.02 acres located at approximately 193 East Highland Drive. Known as Applications 2024-0350-SP and 2024-0217-VAR. Staff Contact: Maryann Pickering, (801) 576-6391, maryann.pickering@draperutah.gov.

The above item was continued to a date uncertain.

**D. Public Hearing: Bangerter Crossroads Land Use Map and Zoning Map Amendment Requests. (Legislative Items)**

On the request of Duaine Rasmussen representing Tom Lloyd and Lloyd's TLC Limited, an amendment to the Land Use Map to the Regional Commercial Designation and a Zoning Map Amendment to the CR (Regional Commercial) Zone for approximately 17.88 acres located at approximately 13782 South 300 East, known as Applications 2025-0064-MA and 2025-0065-MA, Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

Planning Manager, Todd Draper, presented the staff report and displayed the vicinity, aerial, land use, and zoning maps. The subject property was located between Bangerter Highway, 150 East, 300 East, and 13800 South, and was currently vacant. Portions of the property were designated Residential Medium Density, Residential Low-Medium Density, and Community



Commercial. Current zoning was RA1, Residential Agricultural. The applicant proposed amending the land use to Regional Commercial and zoning to CR, Regional Commercial. Mr. Draper noted that the concept site plan included parcels that would be considered in Item 1E.

Characteristics of the Regional Commercial land use designation included a wide range of regional retail and entertainment uses, master-planned commercial centers, big box centers, and upscale office buildings in locations with exceptional transportation access to major highways.

The CR zone is appropriate for areas where a combination of destination-oriented business, retail, commercial, entertainment, and related uses may be established to serve both residents and nonresidents of the City. Typical uses include large-scale master-planned commercial centers with outlying commercial pads, big box stores, and offices. Permitted uses include banks, bars, convenience stores, gas storage and sales, grooming and veterinary services, general retail, restaurants, personal care, offices, medical, and hotels. Conditional uses include higher education facilities, trade or vocational schools, auto and truck equipment storage, car washes, and limited vehicle repair.

Mr. Draper reported that public comments received in response to the application had been forwarded to the Planning Commission.

Commissioner Fowler stated that when the Planning Commission last discussed the property, the developer suggested that a hotel might be constructed on the property. She expressed concern about allowing multistory buildings so close to residential areas. Community Development Director Jennifer Jastremsky reported that the maximum building height in the CR zone is 45 feet or three stories. Residential buildings in the RA1 zone can be a maximum of 35 feet tall. Chair Adams clarified that the Planning Commission was considering land use and zoning amendments, not approving a site plan. As such, they needed to consider all permitted uses in the zone to ensure none conflicted with surrounding zoning.

In response to a question raised by Chair Adams, Ms. Jastremsky stated that the last application for the property was received in 2020. That applicant requested the creation of a Commercial Special District for primarily office uses.

Commissioner Squire asked if a Development Agreement was anticipated. Mr. Draper reported that a Development Agreement was not part of the application.

The applicant, Duaine Rasmussen of Castlewood Development and property owner representative, stated that Tom Lloyd had owned the property for approximately 15 years. Several proposals were brought forth during that time, including the 2020 proposal referenced by Chair Adams, which included three- and four-story office buildings. They had since engaged in conversations with several potential retail tenants, but no leases had been signed. The

rezoning application was submitted because they could not lease the property until it was properly zoned. They anticipated negotiating and entering into a Development Agreement with the City. No three-story buildings were planned, and that stipulation could be included in the agreement.

Mr. Rasmussen indicated that the concept site plan that was included in the meeting packet was no longer valid. They intended to create a retail district anchored by a major tenant that would provide jobs and generate considerable property and sales tax revenue. Although he understood that there had been speculation regarding that anchor tenant, it could not be announced until a deal was finalized. The anchor tenant would drive the final site plan.

Mr. Rasmussen stated that no major retail tenant would approve the development without significant modifications to the current traffic conditions. A traffic impact study commissioned in 2022 and recently updated considered both current conditions and those created by the site's future development. The improvements identified in the study had been designed and approved by relevant City and State departments, and Mr. Lloyd had secured \$3.45 million to fund their construction. The improvements would move forward regardless of the outcome of the rezoning request.

The following improvements were planned:

- A third northbound lane will be installed on Bangerter Parkway from 13800 South to 150 East.
- 150 East and Bangerter Parkway:
  - Permissive, protected left turn phasing will be added at the northeast and southwest approaches.
  - Southeast-bound dual left turn lanes will be constructed with accompanying receiving lanes.
  - A northwest-bound right-turn pocket will be added.
- 13800 South and Bangerter Parkway:
  - Striping will be added for a dual westbound left-turn lane heading south.
  - A dedicated, protected right-turn lane will be added from 13800 South onto Bangerter Highway.
- A dedicated right-turn lane may be added from 300 East onto 13800 South.

UDOT authorized a new signal on Bangerter Parkway midway between 150 East and 13800 South to allow traffic to turn left into the site as part of an agreement with the land owner when the Bangerter Highway / I-15 interchange was upgraded years ago. Vehicles could not turn left out of the site at this signal.

Commissioner Squire stated that the Planning Commission prefers a Development Agreement for this type of application because, when a property is rezoned, all compliant uses must be approved without modification. The subject property was in a unique area due to the number

of adjacent housing units, and she did not believe that City Code alone could adequately mitigate potential impacts on those residents. As a result, she was hesitant to recommend approval of the rezone without a Development Agreement in place. The proposal would have a significant impact. She was pleased with the amount of work already completed to mitigate traffic concerns, but there were other issues that needed to be addressed.

Chair Adams noted that Development Agreements take a lot of time and effort and are typically very specific. He asked whether the applicant could negotiate with the potential tenant before rezoning the property. Mr. Rasmussen stated that he believed they were far enough into the process to complete negotiations before rezoning, if necessary. He suggested that rezoning could be approved subject to completion of a Development Agreement.

In response to a question raised by Commissioner Fowler, Mr. Draper clarified that the process typically begins with a Land Use Map Amendment, followed by a Zoning Map Amendment. The Site Plan and/or Development Agreement is typically approved next. Development Agreements sometimes accompany Land Use and Zoning Map Amendments, but those agreements are usually fundamental and require multiple amendments.

Commissioner Squire stated that she believed it was essential to have a Development Agreement in place for this property first because some adjacent homes have minimum setbacks and could be negatively impacted by potential uses. In response to a question from Chair Adams, she agreed that a simultaneous Development Agreement would assuage her concerns.

In response to a question raised by Chair Adams, Ms. Jastremsky stated that amendments were more typical when they come in with a rezone than with site plan submission. The Planning Commission must first review a Development Agreement that amends the City Code before the City Council considers it.

Commissioner Fowler agreed with Commissioner Squire that a Development Agreement was necessary. However, she was uncertain if it should be required at this stage. Commissioner Squire stated that the Commission would be obligated to approve a site plan that complies with the zone without requiring a Development Agreement.

Commissioner Shirey asked why the developer chose to submit the application at that time rather than waiting until the Development Agreement had been drafted. Mr. Rasmussen stated that he believed the Land Use Map Amendment and Zoning Map Amendment were different issues, and approving the land use change would assure the tenant that their use would be allowed. He understood the Commission's concerns and believed a basic Development Agreement outlining setbacks, height, landscaping, fencing, lighting, etc., could be drafted quickly. However, his preference was to present the item to the City Council. They were moving

forward with the road improvements to show their commitment to cooperating with the city and its residents.

Chair Adams stated that the subject property was currently zoned RA1, but he questioned whether anyone would build homes compliant with that zoning. He believed it was more likely that any residential development would be on small lots, so the property would need to be rezoned regardless. He asked if the proposed commercial zoning was best for the area. Commissioner Shirey stated that the landowner had no interest in residential development on the property, so it would be some commercial development. She believed the area of concern was along 300 East, where the property abuts residential areas, not Bangerter Highway. Channing Hall is on 150 East, and there are crosswalks down the street from the subject property; she did not believe a grocery store and the associated traffic were appropriate for the area.

In response to a question from Chair Adams, Mr. Draper restated that the 2020 rezoning request was for a Commercial Special District.

City Manager Mike Barker reminded the Planning Commission that they could make as many recommendations as necessary to the City Council, and they had raised valid concerns. However, the City Council was the final approval authority and would bear the burden of that decision.

Chair Adams opened the public hearing.

*Matt Smith* gave his address as 329 East Brown Farm Lane and expressed concern about the impact of traffic on area neighborhoods. The project would add significant traffic to an already strained corridor. One study estimated over 10,000 new daily trips funneled through very few access points, guaranteeing spillover into residential areas. The two traffic studies rated key intersections as "F". When intersections fail, drivers find different routes. Residential areas become bypass routes for shoppers, delivery trucks, and gas-station traffic, and residents face more noise, speeding, blocked driveways, and reduced safety for children. Queue lengths were already extreme; up to 700 feet on 300 East and over 1,000 feet on 13800 South. The proposed improvements were designed to help the store, not the residents, which would put more pressure on neighborhoods without preventing cut-through traffic or preserving the residential character. He believed it was about the integrity of Draper's Master Plan. Changing 17 acres of RA1 zoning and residential land use designations to Regional Commercial, the City's most intense commercial zoning, directly contradicted that promise. RA1 exists to preserve Draper's semi-rural character. Families to the north and east live on large lots where children play outside, and the streets stay quiet at night. Introducing a regional shopping center would fundamentally change the neighborhoods forever. He supports economic growth, but the Master Plan did not say growth at any cost or that residential areas should be sacrificed because a parcel is one of the last available. Draper succeeded because it had respected zoning

transitions and protected established neighborhoods. The Planning Commission was not only voting on a zoning change but also on whether the Master Plan mattered and whether Draper would continue to honor its commitments to residents or allow incompatible commercial creep into established neighborhoods. He urged the Commission to protect the Master Plan and neighborhoods by denying the request.

*Carolyn Phippen* gave her address as 363 East Brown Farm Lane. A point made by City Council members was that the project was about maximizing sales tax revenue, but government was not created for that purpose. The United States is not an economy but a nation, and Draper is a community where people purchased properties based on the promise of the Master Plan. Properties are not purchased with zero encumbrances, and the subject property was purchased with one-acre residential zoning. That did not mean it could never change, but it did mean that the community had the right and responsibility to make decisions about how it changes. If polled, she did not believe Draper residents would list tax revenue as a priority. She thought it was important to remember what a community is. While a community has the ability and right through elected officials to make zoning changes, it always comes at a cost. One of the biggest costs was the traffic issue. Other property owners' right to utilize their properties efficiently would be impacted by rezoning the property from one-acre residential to commercial. There are a lot of brand-new million-dollar homes on small lots on 300 East, and this development would hurt all residential property owners' property values.

*Rosemary Thomas* stated that her family had lived on Brown Farm Lane for 23 years. They had watched the area grow and understood that change is part of a healthy city, but growth must be done thoughtfully, especially when new commercial projects are proposed next to long-established neighborhoods. The proposal did not align with what Councilman Mike Green said in his most recent Facebook post: "Land should be zoned with a use matching the development pattern around the existing property." Her primary concern was the protection of 300 East and the transition from the new development to an already established neighborhood and brand-new homes. It was increasingly becoming a busy residential street, and allowing any access into the proposed development from 300 East would create more traffic problems. Once commercial or high-density traffic was introduced onto 300 East, it would no longer function as a neighborhood street. It would become a cut-through from the proposed development, directly affecting safety, livability, and property values. She urged the Commission to require no access point onto 300 East at any time. Additionally, if a commercial was approved next to existing residential areas, the buffer and berm must be meaningful, not symbolic. They needed a substantial landscape berm and an actual buffer to allow commercial development while protecting the neighborhood's quality and integrity. Zoning should reflect the character and history of the surrounding area, and residential neighborhoods have defined that part of the city. A zoning change should enhance that fabric, not disrupt it. Compatible land use, adequate buffering, and protected access are the foundation of responsible planning. She asked the Commission to prioritize long-term neighborhood stability by requiring no entrance or

connection to 300 East, a substantial berm and buffer to shield existing homes, and zoning that aligns with the area's established residential character.

*Christina Kesler-Day* gave her address as 448 East Brown Farm Lane and indicated that she has owned the property for 22 years. The subject property was purchased with the understanding that it was zoned residential. Still, the owner had repeatedly brought forward proposals to change its zoning, which indicated that he bought the property with the understanding that he would eventually be able to get what he wanted. They had gone to the State Legislature and UDOT and tried to appease residents by saying they would address the traffic issues, but they were not listening. It was not just the traffic issues. It was that people live there, there are small children on the streets, and they did not want significant commercial development in the area or their property values to decrease because lights are shining into their backyards. Draper City made Master Plans to address this, and should listen to its citizens who pay property taxes. They do not want this development, and she hoped the City Council would listen because the property owner did not care.

*Stephanie James* stated that her family is new to the neighborhood and lives in Rockwell Square across the street from the subject property. There are times when cars are at a standstill on 13800 South. Ambulances come down the road at least once each day, and she was concerned about how the additional traffic would affect their ability to get into the neighborhoods. She agreed with her neighbors that the property should be residential, not commercial.

*Lee Holliday* stated that he lives in one of the new homes on Concord Farm Lane. He was not opposed to the development but agreed that there should be a Development Agreement. Traffic had an "F" rating, and something needed to be done, but he did not believe residential zoning worked for the property. Berming or masking could be used to blend the development into the community, but he lived very close to the property and would likely shop there.

*Bob Clark* stated that he had lived on 300 East for eight years and previously lived on 500 East. The subject property was zoned residential, and he purchased his home due to that zoning. The difference between the last proposal for the property and the current one was that traffic had gotten worse. Traffic coming out of Draper was a bigger problem, as it backed up past 13800 South during rush hour, and he did not believe rezoning the property to allow commercial development would help that problem. He thought it should retain residential zoning because residential developments create less traffic.

*Nick Smith* stated that he lives on Fort Street. The City would be trusting UDOT to fix the traffic problems, but they had failed many surrounding communities, and he did not believe they would solve the issues. A massive development was planned that would bring in a lot of tax dollars, and he did not think the proposed development was best for the community.

*Oliver Herrera* stated that he lives near 12300 South. Draper residents face annual increases in taxes and fees, and many of them wanted to know whether the project would be meaningful in offsetting those costs. He asked which economic studies, revenue forecasts, or comparative land-use evaluations were used to determine that a second store would be a good anchor on the same block as an existing one, and whether the public had access to those studies.

*Darci Anderson* stated that she lives in a four-story condominium building at 248 East 13800 South that faces the subject property. It is already very challenging to turn left on 13800 South from the parking lot. The only other way out of the building is to go through the business parking lot to the west and exit onto Bangerter Parkway. Her parking lot is used as a cut-through, and she anticipated that the problem would be worse with commercial development. She asked how people would get to Chick-fil-A and the names of the two additional businesses in that development. A City Council member posted on Facebook that Smith's Grocery may open in the proposed development and would be leaving the location on 12300 South, regardless, so residents should consider the tax impact if they leave the city. She requested that the city not allow commercial development on the subject property. She agreed with Chair Adams that RA1 zoning may not be appropriate, but believed it should remain residential. People want to live in Draper but cannot find housing.

*Larry Dixon* agreed with other residents that the property should not be rezoned. He believes the city needs more housing, not more IKEAs and Walmarts. He did not know whether the City Planning Department recommended approval. Schools were losing students because they needed more housing. He did not trust big money and venture capitalists, as they would not look out for Draper's best interests. The city had a Master Plan, and he believed it should be followed. The property had been zoned residential for at least 20 years. It could be rezoned RA2 or RA3, but adding more IKEAs would cause more traffic issues.

*Gus Bernardo* gave his address as 13608 South Sher Lane and stated that he moved to Draper from Farmington four years previously because of Draper's beautiful parks and trails. His backyard abuts the property. He asked the Planning Commission to consider residents who live in the area. Commercial development would bring lights, traffic, and noise, and a grocery store would have trucks delivering merchandise. It would have a tremendous negative impact on residents. He has to wait up to 10 minutes to turn north on 300 East in the morning, and bringing more commercial to the area would devalue his property and decrease the area residents' quality of life. A grocery store would have extended business hours and get a lot more traffic in the area. He requested that the property remain zoned for residential use. He also did not know how to add a dedicated right-turn lane on 300 East because there is a house at that corner.

*James Cotter* stated that he lives near the intersection of 300 East and 13800 South. He had been angry since he found out about the proposal, as it contradicts the General Plan's goal of controlling density near established residential areas. He purchased his home knowing the

zoning. If the rumors were true, it felt like a slap in his face that his master bedroom may have a view of a loading dock with commercial trucks delivering products all day. He did not believe that would be a harmonious integration but rather a revolting mismatch. He was concerned that residents would be taken advantage of and asked for assurance that their quality of life would be maintained. He did not want lights shining into his living room. If Smith's were relocating, it would bring its problems to the area. He was not opposed to growth, but it needed to be the proper growth in the right places.

*Mike Stout* stated that he lives near the dog park. His family moved to Draper in 2010. His wife works at Channing Hall, and his children attended school there. They used to be able to get in and out without a problem, but now traffic is one of the biggest complaints in the area. Channing Hall had fewer students than in the past, perhaps in part because of how hard it is to get in and out of the school. Residents moved in thinking the subject property was zoned residential, and he thought someone would want to build homes on 0.50-acre lots there. The City Council treated rezoning as a foregone conclusion, but it was not, and the Planning Commission's recommendation meant something. He agreed with Commissioner Squire's point that rezoning the property would create a new legal standard and noted that Summit County requires a Development Agreement prior to rezoning.

*Adele Lamb* stated that her son lives near the proposed development. She had lived in Draper for over 30 years and had seen many changes, including those under the Master Plan. She asked the Planning Commission to remember that Draper consists of more than just the people who live next to the subject property, and many of them want more commercial amenities and restaurants in the City. There would be many more steps in the process, so she disagreed that it was a foregone conclusion and that the city would have no control after the decision. There would be many opportunities to impact design, traffic, etc. Draper is more than people who chose to build on roads that had been main arteries since they were paved. She felt bad for those residents and hoped that appropriate mitigation could be implemented, but she did not believe that only their happiness should be considered.

*Robbie Staggs* gave his address as 13598 Sher Lane. His two small children attend Willow Springs Elementary School. There was no crosswalk at the school, and people sped through the one at Stokes Avenue without stopping. He was concerned about traffic and how children can safely cross 300 East. He had spoken with the city about installing a High-Intensity Activated Crosswalk ("HAWK") signal, but was told it would be too expensive. Many parents drop their children off at Channing Hall because they do not trust that their children can safely cross 300 East. It was not a major thoroughfare until a few years ago.

*Steve Bowler* gave his address as 941 Tripp Lane and voiced support for the proposed development. He is a commercial real estate agent who specializes in shopping centers and was involved with bringing Harmon's, RC Willey, and Floor and Décor to Draper. He was sympathetic to the neighbors but believed noise, light, and traffic issues could be mitigated. It



was a prime property for retail development, which would bring tax benefits, services, and jobs to the City.

*Teryl Clark* gave her address as 13590 South 300 East and stated that she was also speaking for her 90-year-old neighbor, who cannot cross the street with her walker. Her neighbors cannot back out onto 300 East. It was explained to her that "D" and "F" grades are of great concern and indicate a significant problem. She read from DCMC §9-5-060(E)(2)(e) and stated that the development would be detrimental to public safety. She has to be very careful when her grandchildren visit because of the dangers of 300 East. She was also told that a light cannot be added between 13800 South and Bangerter Parkway because there must be one-half mile between signals.

*McKay Nielsen* gave his address as 13796 South Farm Vista Lane at the intersection of 13800 South and 300 East. He has to wear earplugs at night because of the traffic noise, and he did not believe the proposed solutions would resolve the issue. The applicant discussed adding a right-turn lane from 300 East onto 13800 South, but there are homes in the path of that lane. He did not want to be forced to sell his house so the project could move forward. If Smith's Grocery opened in the development, large semitrucks turning left onto 300 East would be problematic. He hoped that the Planning Commission would recommend denial of the application.

*Kristen Thomas* stated that she lives on Brown Farm Lane, and commercial traffic is heavier and more constant than residential traffic. To approve the amendment, the Planning Commission must find consistency with the General Plan, harmony with surrounding development, no adverse impacts on neighborhoods, and adequate facilities and services. The evidence in the Staff Report contradicted those findings. The plan called for residential and office services, and the neighborhoods around the site were residential. Traffic and adjacency impacts were clear, and infrastructure concerns remained unresolved. Those were not optional considerations but legal criteria that must be satisfied. No one present was against business or progress; it was simply the wrong project in the wrong place. Draper has appropriate commercial nodes, and this was not one of them. The Planning Commission had every factual and legal justification to recommend denial, and she respectfully asked that they reject the application. Her children used to attend Channing Hall, and their crossing guard was hit by a car on 300 East. The traffic is horrendous there. They frequently have to exit the neighborhood via the rear exit rather than turning left onto 300 East.

*Fernando Luege* stated he owns the property at 13720 South 300 East. He suggested that a significant buffer, such as a green belt or another street, be constructed between the subject property and the residential area. Even if the property were rezoned to higher-density residential, he believed a buffer would be beneficial.

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

Mr. Rasmussen understood the citizens' position, but he believed issues such as buffering could be addressed through a Development Agreement. He recognized that they did not think it was an appropriate use of the property, but that it was needed, and that the majority of concerns could be addressed. The traffic study was accepted as accurate by both the City and State, and those mitigations would significantly improve conditions.

Chair Adams asked if data was available about potential tax revenue. Mr. Rasmussen stated that he would provide revenue projections to the staff. If a retailer on 12300 South were to relocate, he believed another tenant would fill that space and generate additional sales tax revenue.

Commissioner Squire referred to comments about the traffic study and asked about the projected grading after improvements are installed and the project is completed. Mr. Rasmussen stated that the mitigated circumstances would increase the rating for the north access at 150 East to an "A", 150 East and Bangerter Parkway to "C", west access at Bangerter Parkway to "A", and 13800 and Bangerter Parkway to "C". The exit from Rockwell Square onto 13800 South was a problem that the mitigations would not resolve. Still, they would increase the level of service to "D". 300 East and 13800 South would increase to "B", and a traffic signal was planned for that intersection as a separate project.

In response to a question, Mr. Rasmussen reported that the traffic study was conducted initially in 2022. City Engineer Brien Maxfield stated that the improvements had been designed based on the 2022 study, and work would begin soon. The study could not be fine-tuned without knowing who the anchor tenant will be. Staff were confident that the increased level of service would make a noticeable difference. However, Draper cannot control interstate backups, and overflow traffic would remain an issue. Levels of service "E" and "F" indicate failure, and "D" is an acceptable level for an intersection. Mr. Rasmussen stated that the original study assumed a large grocery store that generates a large number of trips per day, as well as pass-by trips, based on existing traffic. He believed the subject property was a good site for retail development because it is on two major arterial collector routes.

In response to a question raised by Commissioner Fowler, Mr. Maxfield reported that citizens could make a Government Records Access and Management Act ("GRAMA") request to obtain the traffic study.

Commissioner Green stated that there was speculation regarding whether the store would be Smith's Grocery, and perhaps a different retailer would be seen in a more favorable light. Mr. Rasmussen stated that he was not authorized to discuss the names of the major tenants they were working with.

Commissioner Fowler stated that the Commissioners were not politicians. Their focus is on planning, and they can only make recommendations to the City Council.

Mr. Barker stated that the traffic studies he had seen were three years old and asked for the date of the study Mr. Rasmussen was referring to. Mr. Rasmussen clarified that he was referring to the 2022 study. Updates were in process on behalf of the potential tenants, but had not been completed.

Chair Adams referred to comments made about property values and taxes. The city needed more retail, and he did not know where else it could go. Things like property taxes affect affordability because, if the City is short on revenue, it has to come from either sales taxes or property taxes. Commissioner Squire noted that the Planning Commission's role was not to map out sales tax revenue; it was to plan and to plan smartly.

Commissioner Green reported that she lived in Sandy when the Walmart was built. There was a citizen campaign against it. However, it was well-planned, no property values were damaged, and the people behind the campaign now shop there regularly.

Chair Adams stated that Draper Crossing was similar to this property, as it is on a major roadway and has a residential neighborhood behind it. He lives near 300 East and understands residents' concerns. In response to his question about previous proposals, Mr. Maxfield reported that UDOT committed to mid-block access to the property when Bangerter Highway was extended, and that access was assumed in the previous application. Some proposals showed access from 300 East, and some did not. A Site Plan had not been submitted, so he did not know if that access would be proposed for this development. It was noted that access and many other aspects of the development could be specified in a Development Agreement.

Chair Adams reminded the public that the item would be heard by the City Council at its December 2, 2025, meeting, regardless of the Planning Commission's recommendation.

**Motion:** Commissioner Squire moved to forward a NEGATIVE recommendation to the City Council for the Land Use Map Amendment, as requested by Duaine Rasmussen, representing Tom Lloyd and Lloyd's TLC Limited, application 2025-0064-MA, based on the following Findings and Criteria for Denial listed in the Staff Report dated October 28, 2025.

**Findings for Denial:**

1. The proposed map amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
2. The proposed map amendment will adversely affect adjacent property.

3. There are not 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: 4-to-0 in favor.

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

Motion: Commissioner Squire moved to forward a NEGATIVE recommendation to the City Council for the Zoning Map Amendment, as requested by Duaine Rasmussen, representing Tom Lloyd and Lloyd's TLC Limited, application 20250065-MA, based on the following Findings and Criteria for Denial listed in the Staff Report dated October 28, 2025.

Findings for Denial:

1. The proposed map amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
2. The proposed map amendment will adversely affect adjacent property.
3. There are not 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: 4-to-0 in favor.

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

**E. Public Hearing: Openshaw Draper 138 Land Use Map and Zoning Map Amendment Requests.  
(Legislative Items)**

On the request of Charlie Openshaw and Porter Openshaw an Amendment to the Land Use Map to the Regional Commercial Designation and a Zoning Map Amendment to the CR (Regional Commercial) zone for approximately 1.44 acres located at approximately 231 East 13800 South, Kkown as Applications 2025-0080-MA and 2025-0074-MA, Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

Mr. Draper presented the staff report and displayed the vicinity, aerial, land use, and zoning maps. The subject property at the intersection of Bangerter Highway and 13800 South was currently undeveloped. The applicant proposed changing the land use designation from Community Commercial to Regional Commercial and zoning of OR and RA1 to CR. The purpose of the CR zone is to provide regional-scale retail, entertainment, and related uses.

No public comments had been received, but Mr. Draper indicated that the Planning Commission may want to consider the comments made with the previous application. Commissioner Squire noted that the property was included in the conceptual site plan reviewed with the application earlier. Mr. Barker stated that comments made on the previous application should not be considered because this was a separate application with separate considerations.

Steve Lovell spoke on behalf of the applicant and thanked Mr. Rasmussen for outlining the project's goal of creating a retail center. His client intended to be part of that retail center and would support a Development Agreement to mitigate concerns raised over that application. In response to a question from Commissioner Fowler, Mr. Lovell stated that the proposed access to the subject property would be shared with the prior applicant's site plan. Still, they preferred

to move forward with the amendment applications. All development on his clients' property would be contained within that property.

Chair Adams opened the public hearing.

*Ben Jones* stated that if the area were rezoned to CR, the surrounding parcels would inevitably follow because applicants would cite the decision as justification. That is how zone creep begins; commercial expansion inches deeper into residential corridors year after year. The City Zoning Map in Exhibit F shows how vulnerable the area would become if this single decision were made. Planning Commissions do not just look at this project, but at the following five to 10 applications that will be invited. Approving the application would set a precedent that would undermine neighborhood stability long beyond the applicant's construction timeline.

*Kristen Thomas* asked about access to the subject property if it were not developed with the previous application.

*Mike Stout* shared Ms. Thomas' concerns. Mr. Lovell indicated that they expected the other development to provide access, and as such, he believed it was an incomplete application. The subject property used to be one of the last places in Draper where herds of deer could live. If the application were approved, he believed it would give Mr. Rasmussen more power with the City Council to create a large retail center. He asked the Planning Commission to recommend denial.

*Robbie Stagg* agreed with his neighbors that approving the application would help Mr. Rasmussen's application be approved. Mr. Lovell did not give a definitive answer when asked if the applications should be joined, but they were working together to make the properties one large retail development.

*Larry Dixon* stated that the project did not seem to be part of the grand plan for how residents want Draper to grow. They were picking apart what was a good City plan, and it was a slippery slope to start piecemealing exceptions without a complete study. Months and months were spent creating the Master Plan, and he believed the city should stick with what it had.

*Bob Clark* stated that the city always says that its most important asset is its residents. The Planning Commission was talking about revenue, which he understood, but the residents were most important. The last time an application was submitted for the subject property, they wanted to build a car wash, but it was not allowed because there was already a car wash across the street. Now there was another carwash on the corner. The property had been zoned residential for years, and he believed that zoning should be retained. Bangerter Highway should be the cutoff for commercial development, and this property should not be an exception to the rule.

*Lee Holliday* stated that the Planning Commission should consider how any future residential development on this property would be accessed from 13800 South if rezoning was not approved.

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

Chair Adams noted that the applications involved different property owners with the same goal and that he believed they would be approved or denied together. Commissioner Squire stated that the Planning Commission was unanimous in its decision regarding the last application and asked if the same issues applied to this application.

Mr. Lovell stated that they were working with the other applicant, and shared access would mitigate some traffic concerns. However, the property was different. It was primarily zoned OR. They could submit a site plan application for an office building at any time, but they believed retail was a better fit for the property.

Commissioner Squire asked about access requirements at the intersection. Mr. Maxfield stated that the Transportation Master Plan considers access management. The busier the street, the farther apart the accesses must be, and the greater the required distance from intersections. Frontage improvements for the subject property contemplated shared access onto 13800 South, but access is not officially entitled until a site plan is reviewed and approved.

Commissioner Fowler stated that a prior application for a carwash placed the access at the eastern edge of the property. Chair Adams added that the access location would be similar if the property were not developed with the previous application. Mr. Maxfield clarified that zoning does not determine access points, but the information provided by the applicant contemplated a shared access at the eastern boundary of the property. Both properties had an entitled land use, and shared access would be required regardless of the disposition of the current applications.

Commissioner Shirey stated that the projects were connected, but the subject property was significantly different and would likely be zoned commercial at some point. Her primary concern was the impacts and transitions between residential and commercial properties, and that issue was less prominent with this property. However, based on the facts and their connection to the other application, she was in favor of a negative recommendation. After discussion, the Commissioners agreed to consider the applications together.

**Motion:** Commissioner Shirey moved that the Planning Commission forward a **NEGATIVE** recommendation to the City Council for the Land Use Map Amendment, as requested by Charlie Openshaw and Porter Openshaw, representing CJO Holdings, LLC and P&J Ventures, LLC, Application 2025-0080-MA, based on the following Findings and criteria for denial listed in the Staff Report dated October 28, 2025.

**Findings for Denial:**

1. The proposed map amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.
2. The proposed map amendment will adversely affect adjacent property.
3. There are no 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 Green seconded the motion.

**Vote on Motion:** 4-to-0 in favor.

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

**Motion:** Commissioner Shirey moved that the Planning Commission forward a **NEGATIVE** recommendation to the City Council for the Zoning Map Amendment, as requested by Charlie Openshaw and Porter Openshaw, representing CJO Holdings, LLC and P&J Ventures, LLC., Application 2025-0074-MA, based on the following Findings and the criteria for denial listed in the Staff Report dated October 28, 2025.

**Findings for Denial:**

1. The proposed map amendment is not harmonious with the overall character of existing development in the vicinity of the subject property.



2. The proposed map amendment is not consistent with the standards of any applicable overlay zone.
3. The proposed map amendment will adversely affect adjacent property.

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

**Vote on Motion:** 4-to-0 in favor.

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

**F. Public Hearing: Pinnacle Towers Conditional Use Permit Amendment Request.  
(Administrative Action)**

On the request of Todd Daoust representing Commscapes, Crown Castle International, and Pinnacle Towers, INC, a Conditional Use Permit Amendment for an existing wireless telecommunication facility on approximately 0.90 acres located at approximately 16211 South Minuteman Drive, known as Application 2025-0238-USE. Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

The above item was continued to the December 11, 2025, Planning Commission meeting.

**2. Other Business.**

**A. Coordination between City Staff and Planning Commission (as needed).**

None.

**3. Adjournment.**

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

The meeting adjourned at 8:58 PM.

DRAFT

# MEMO



To: Planning Commission

From: Todd Taylor

Date: 2026-01-22

Re: Public Hearing: City Initiated Utah State Code Reference Update Text Amendment Request (Legislative Item)

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## Comments:

This application is a request for approval of a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 9, 11, and 17. The purpose of the request is to update references to Utah State Code, which have been renumbered. Please note that Title 11 is not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

## Findings for Approval:

1. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes; and
2. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan.

## Findings for Denial:

1. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes.

## ATTACHMENTS:

[City Initiated USC References Update TA SR.pdf](#)



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**Development Review Committee**

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

**To:** Draper City Planning Commission  
Business Date: January 22, 2026

**From:** Development Review Committee

**Prepared By:** Todd Taylor, Planner III  
Planning Division  
Community Development Department  
801-576-6510, todd.taylor@draperutah.gov

**Re: City Initiated Utah State Code Reference Update – Text Amendment Request**

Application No.: 2026-0002-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 9, 11, and 17 in order to update references to Utah State Code.

**BACKGROUND AND SUMMARY**

This application is a request for approval of a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 9, 11, and 17. The purpose of the request is to update references to Utah State Code, which have been renumbered. Please note that Title 11 is not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

The 2025 First Special Session of the Utah State Legislature included Senate Bill (SB) 1008 that reorganized and renumbered Utah State Code, Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act. The majority of the former text was moved to the new Title 10, Chapter 20, Municipal Land Use, Development, and Management Act. However, some of the sections were moved into Utah State Code, Title 10, Chapter 21, Municipalities and Housing Supply.



## **ANALYSIS**

The modifications being proposed to the DCMC are listed and reviewed by section in the report below. The legislative copy of the changes can be found in Exhibit B of this report with additions to the text shown in blue underline, deletions in red strikethrough, and unchanged text in black.

### **Text Amendments.**

The references to Utah State Code have been updated in the following sections of the DCMC:

- *Section 9-1-195: Improvement Completion Assurances*
- *Section 9-2-020: General Plan*
- *Section 9-3-040: Definitions*
- *Section 9-3-060: Prohibited and Prescribed Uses*
- *Section 9-5-045: Noticing*
- *Section 9-5-060: Zoning Map and Text Amendments*
- *Section 9-5-200: Development Agreements*
- *Section 9-26-050: Approvals, Permits, Applications and Enforcement*
- *Section 9-31-080: Violations*
- *Section 9-38-010: Purpose*
- *Section 11-5-010: Vacating Rights of Way*
- *Section 17-1-040: Definitions*
- *Section 17-1-090: Prohibited Acts*
- *Section 17-1-120: Appeals*
- *Section 17-3-030: Preliminary Plat Submittal*
- *Section 17-4-030: Final Plat; Preparation and Required Information*
- *Section 17-4-075: Improvement Completion Assurances*
- *Section 17-6-010: Infrastructure Design Standards*

### **Criteria For Approval.**

A Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*
  - a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
  - b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*

- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

## **REVIEWS**

Planning Division Review. The Draper City Planning Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed his review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

## **MODEL MOTIONS**

*Sample Motion for Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Utah State Code References Update

Text Amendment, as requested by Draper City, Application No. 2026-0002-TA, based on the following findings and the criteria for approval as listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes; and
2. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan.

*Sample Motion for Modified Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Utah State Code References Update Text Amendment, as requested by Draper City, Application No. 2026-0002-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

*Sample Motion for Negative Recommendation* – I move that we forward a negative recommendation to the City Council for the City Initiated Utah State Code References Update Text Amendment, as requested by Draper City, Application No. 2026-0002-TA, based on the following findings and the criteria for denial as listed in the Staff Report dated January 5, 2026.

Findings for Denial:

1. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes.



## DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.



Draper City Public Works Department

**Don Buckley**

Digitally signed by Don Buckley  
DN: C=US,  
E=don.buckley@draper.ut.us,  
O=Draper City Fire Department,  
OU=Fire Marshal, CN=Don Buckley  
Date: 2026.01.08 15:37:39-07'00'

Draper City Fire Department

**Matthew Symes**

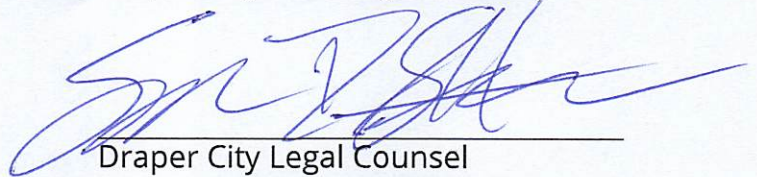
Digitally signed by Matthew Symes  
DN: C=US,  
E=matt.symes@draperutah.gov,  
O=Draper City Corp., CN=Matthew Symes  
Date: 2026.01.08 08:26:56-07'00'

Draper City Building Division

Todd Draper

Digitally signed by Todd Draper  
DN: C=US,  
E=todd.draper@draperutah.gov,  
O=Draper City Community  
Development Department,  
OU=Planning and Zoning,  
CN=Todd Draper  
Date: 2026.01.08 09:49:28-07'00'

Draper City Planning Division



Draper City Legal Counsel



## **EXHIBIT A DEPARTMENT REVIEWS**

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

### *Planning Division Review.*

1. No additional comments received.

### *Engineering and Public Works Divisions Review.*

1. No additional comments received.

### *Building Division Review.*

1. No additional comments received.

### *Fire Division Review.*

1. No additional comments received.

### *Legal Division Review.*

1. No additional comments received.

## **EXHIBIT B**

### **LEGISLATIVE DRAFT**

#### **9-1-195: IMPROVEMENT COMPLETION ASSURANCES:**

A. An applicant may provide the city with an improvement completion assurance as defined below in an amount equal to one hundred ten percent (110%) of the estimated completion costs in lieu of an obligation required section 9-1-190. For purposes of this and other sections of this title, an improvement completion assurance is defined as codified in Utah Code ~~§10-9a-103~~ [Section 10-20-102, as amended](#), except that the acceptable forms of an improvement completion assurance limited by this code are:

...

#### **9-2-020: GENERAL PLAN:**

A. Adoption: The planning commission has recommended and the city council has adopted a comprehensive, long range general plan for present and future needs of the city, and growth and development of all or any part of the land within the city.

B. Purpose: The purpose of the general plan is to provide the city with a comprehensive, long range plan for its present and future needs regarding efficient and managed growth and development of land within the city. As outlined in Utah Code ~~Annotated section 10-9a-405~~ [Section 10-20-406](#) et seq., as amended, the general plan, and any amendments thereto, are intended to be an advisory guide for land use decisions within the city excepting those public uses in Utah Code ~~Annotated section 10-9a-406~~ [Section 10-20-407](#), as amended.

C. Content: The general plan, at a minimum, shall include all content mandated by Utah Code ~~Annotated section 10-9a-401~~ [Sections 10-20-401](#) and ~~10-9a-403~~ [10-20-404](#), as amended.

D. Plan Preparation: The general plan shall be prepared in accordance with Utah Code ~~Annotated section 10-9a-403~~ [Section 10-20-404](#), as amended.

E. Plan Adoption Or Rejection: General plan adoption or rejection shall follow Utah Code ~~Annotated 10-9a-404~~ [Section 10-20-405](#), as amended.

F. Plan Amendment: All plan amendments shall be in accordance with Utah Code ~~Annotated 10-9a-404~~ [Section 10-20-405](#), as amended and, unless requested by the city's legislative body, shall follow the procedures as outlined in Draper City Municipal Code 9-5-060(D).

G. Official Map: If an official land use map is adopted, the map shall be subject to the Utah Code ~~Annotated 10-9a-407~~ [Section 10-20-408](#), as amended.

H. Reporting: The city shall abide by the annual report requirements as outlined in Utah Code ~~Annotated 10-9a-408~~ [Section 10-21-202](#), as amended.

I. Notice: The city shall abide by the general plan noticing requirements in Utah Code ~~Annotated 10-9a-203~~ [Sections 10-20-203](#) and ~~10-9a-204~~ [10-20-204](#), as amended.

...

#### 9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

AFFECTED ENTITY: A county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, and the Utah Department of Transportation, as defined in Utah Code ~~section 10-9a-103~~ [Section 10-20-102](#), as amended.

...

MODERATE INCOME HOUSING PLAN: A written document conforming to the requirements of Utah Code ~~Annotated section 10-9a-408~~ [Section 10-21-201](#).

...

#### 9-3-060: PROHIBITED AND PRESCRIBED USES:

...

B. Prescribed Uses: Uses prescribed under Utah Code ~~Annotated section 10-9a-305~~ [Section 10-20-304](#), ~~or its successor as amended~~, are allowed in any zone specified by that section, even if not listed as a permitted or conditional use in this title.

...

#### 9-5-045: NOTICING:

Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions:

...

F. Adoption Or Amendment Of Land Use Ordinance: The city shall abide by the land use regulation modification noticing requirements in Utah Code ~~Annotated 10-9a-205~~ [Section 10-20-205](#), as amended.

...

#### 9-5-060: ZONING MAP AND TEXT AMENDMENTS:

...

B. Authority: The city council may from time to time amend the text of this title and the zoning map as provided in this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this title. The provisions set forth herein shall not apply to temporary zoning regulations which may be enacted without public hearing in accordance with Utah Code ~~Annotated section 10-9a-504~~ [Section 10-20-504](#), as amended.

...

F. Appeal Of Decision: Any party adversely affected by a decision of the city council to amend the text of this title or the zoning map may, within thirty (30) days after such decision, appeal to the district court as provided in Utah Code ~~Annotated section 10-9a-801~~ [Section 10-20-1109](#), as amended.

...

#### 9-5-200: DEVELOPMENT AGREEMENTS:

...

##### D. Limitations:

1. A development agreement under this section may not:

...

c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the city council approves the development agreement in accordance with the same procedures for enacting a land use regulation under Utah Code ~~Annotated Section 10-9a-502~~ [10-20-502](#), ~~as amended~~, including a review and recommendation from the planning commission and a public hearing.

...

7. To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by;

a. Utah Code ~~Annotated 10-9a-530~~ [Section 10-20-101 et seq.](#), as amended;  
and

...

## 9-26-050: APPROVALS, PERMITS, APPLICATIONS AND ENFORCEMENT:

...

### H. Enforcement:

...

5. Cost Of Enforcement: The city shall be entitled to recover all costs incurred, including attorney fees, in the enforcement of actions under this chapter and in accordance with Utah Code ~~Annotated sections 10-9a-802~~ [Sections 10-20-1001](#) and ~~803~~ [10-20-1002](#), as amended.

...

## 9-31-080: VIOLATIONS:

Violations of this chapter shall be enforced consistent with this title and state code and may include fines and liens.

### A. Notice of Violation:

...

2. If an owner of record files a written objection to the written notice of violation in accordance with Utah Code ~~10-9a-530(5)~~ [Subsection 10-21-303\(4\)](#), as amended, the zoning administrator shall provide notice, hold a hearing, and conduct a review to determine whether the violation described in the written notice of violation has occurred. If the zoning administrator determines that the violation in the notice of violation has occurred, the city may impose any remedies permitted by applicable law.

...

## 9-38-010: PURPOSE:

The purpose of this chapter is to:

A. Comply with Utah Code ~~Annotated sections 10-9a-516~~ [Section 10-20-610](#), as amended ~~and 520~~; and

...

## 11-5-010: VACATING RIGHTS OF WAY:

The city council may declare by ordinance that a street or alley is vacated or narrowed or the name of a street or alley is changed in accordance with the procedures set forth in Utah Code ~~Annotated section 10-9a-609.5~~ [Section 10-20-813](#) et seq., as amended, regarding the vacation, narrowing or changing the name of a street.

...

#### 17-1-040: DEFINITIONS:

...

GENERAL PLAN: The comprehensive, long range general plan for proposed future development of land in the City, as provided in Utah Code ~~Annotated section 10-9a-401~~ [Section 10-20-401](#) et seq., as amended.

...

MASTER TRAFFIC AND TRANSPORTATION PLAN: That portion of the general plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Utah Code ~~Annotated section 10-9a-401~~ [Section 10-20-401](#) et seq., as amended.

...

PLAT, FINAL: The final drawing of a subdivision and dedication prepared for filing with the county recorder which complies with applicable requirements set forth in this title and other titles of this code and provisions adopted pursuant thereto. Such plat shall also be in conformity with Utah Code ~~Annotated sections 10-9a-603~~ [Sections 10-20-803](#), ~~17-23-17~~ [17-73-504](#), or 57-8-13 et seq., as amended.

...

#### 17-1-090: PROHIBITED ACTS:

A. 1. An owner of any land located in a subdivision, as defined in Utah Code ~~Annotated section 10-9a-103~~ [Section 10-20-102, as amended](#), who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

...

#### 17-1-120: APPEALS:

...

D. An applicant may appeal the city's failure to respond within twenty (20) business days on the fourth or final review described in Section 17-1-080(B)(6). If the City fails to respond within 20 business days on the fourth and final review, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel, in accordance with Utah Code ~~10-9a-508(5)(d)~~ [Subsection 10-20-911\(5\)\(d\), as amended](#), to review and approve or deny the final revised set of plans; or

...

#### 17-3-030: PRELIMINARY PLAT SUBMITTAL:

...

B. Preliminary Plat: A preliminary plat drawn at a scale not smaller than one hundred feet (100') to the inch and prepared, stamped and signed by a professional engineer licensed by the state of Utah, showing:

...

10. All recorded easements and existing rights-of-way located within the plat for:

...

d. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code ~~Annotated 10-9a-603(6)(c)~~ [Subsection 10-20-803\(6\)\(c\)](#), as amended; and

...

#### 17-4-030: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

...

R. The final plat shall show all recorded easements and existing rights-of-way located within the plat for:

...

4. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code ~~Annotated 10-9a-603(6)(c)~~ [Subsection 10-20-803\(6\)\(c\)](#), as amended.

...

#### 17-4-075: IMPROVEMENT COMPLETION ASSURANCES:

...

A. An applicant may provide the city with an improvement completion assurance as defined in Utah Code ~~Ann. § 10-9a-103~~ [Section 10-20-102, as amended](#), in an amount equal to one hundred percent (100%) of the estimated completion costs in lieu of an obligation required by this title. Acceptable forms of an improvement completion assurance limited by this code are:

...

#### 17-6-010: INFRASTRUCTURE DESIGN STANDARDS:

A. Standards for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be prepared by the city engineer. Standards for infrastructure improvements involving roadways shall also comply with Utah Code ~~10-9a-531~~ [Sections 10-21-616](#) and ~~Utah Code 10-9a-533~~ [10-20-617](#), as amended.

...



# MEMO



To: Planning Commission

From: Todd Taylor

Date: 2026-01-22

Re: Public Hearing: City Initiated Variance and Land Use Appeal Update Text Amendment Request (Legislative Item)

---

## Comments:

This application is a request for approval of a Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Titles 2, 3, 6, 8, 9, and 17 to address recent changes to Utah State Code. Please note that Titles 2, 3, 6, and 8 are not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

## Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

## Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and

5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

ATTACHMENTS:

[City Initiated Variance and Land Use Appeal Update TA SR.pdf](#)



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**Development Review Committee**

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

**To:** Draper City Planning Commission  
Business Date: January 22, 2026

**From:** Development Review Committee

**Prepared By:** Todd Taylor, Planner III  
Planning Division  
Community Development Department  
801-576-6510, todd.taylor@draperutah.gov

**Re: City Initiated Variance and Land Use Appeal Update – Text Amendment Request**

Application No.: 2026-0003-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 2, 3, 6, 8, 9, and 17 to address recent changes to Utah State Code related to Variances and Land Use Appeals.

**BACKGROUND AND SUMMARY**

This application is a request for approval of a Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Titles 2, 3, 6, 8, 9, and 17 to address recent changes to Utah State Code. Please note that Titles 2, 3, 6, and 8 are not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

The 2025 Utah State Legislative Session included House Bill (HB) 368 that enacted a provision that prohibits a municipality from requiring a public hearing for a variance or a land use appeal. Draper City needs to amend the DCMC in order to conform with this new State regulation.



## **ANALYSIS**

### **Text Amendments.**

This report will review the modifications being proposed. The legislative copy of the changes can be found in Exhibit B of this report. Additions to the text are indicated in blue, deletions in red, and unchanged text in black.

*DCMC Section 2-4-060: Constitutional Taking Issues:* The title and procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing. Additionally, a reference to the Utah State Code has been updated

*DCMC Section 3-5-030: Planning Commission:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 6-3-010: Denial of a Business License:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 6-3-020: Reasons for Suspension or Revocation:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 8-5-140: Appeal of Administrative Decisions:* The title and procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing.

*DCMC Section 9-3-040: Definitions:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 9-4-030: City Council:* The text for hearing appeals of decisions of the Historic Preservation Commission has been removed.

*DCMC Section 9-4-050: Appeals and Variance Officer:* The tile of this section has been changed to remove "Hearing" from the position title. The procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing. The decision process has been updated to reflect how it is currently undertaken. Additionally, a reference to the Utah State Code has been updated.

*DCMC Section 9-5-045: Noticing:* The section on noticing to third parties has been updated to have a clear procedure for noticing a public hearing versus a public meeting. Additionally, the radius for mailed notices for public hearings is reduced from 400 feet to 300 feet, which matches the radius used for notices for subdivisions that go to a public hearing.

*DCMC Section 9-5-110: Variances:* The procedures for Variances have been revised to clarify that items will be taken to a public meeting rather than a public hearing

*DCMC Section 9-5-180: Appeal Of Administrative Decisions:* The procedures for Appeals of Administrative Decisions have been revised to clarify that items will be taken to a public meeting rather than a public hearing

*DCMC Section 9-6-050: Nonconforming Structures:* The determination of whether expansion of a legal, nonconforming structure increases the degree of nonconformity has been revised for clarity. The Zoning Administrator instead of the Appeals and Variance Officer will make the determination.

*DCMC Section 9-6-140: Appeals:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 9-7-050: Types of Violations:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 9-7-060: Remedies:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 9-7-100: Appeals:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 9-26-050: Approvals, Permits, Applications and Enforcement:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 9-27-140: Lots and Yards:* The title for the Appeals and Variance Officer has been revised.

*DCMC Section 17-1-120: Appeals:* The title and procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing.

*DCMC Section 17-8-050: Review:* The title for the Appeals and Variance Officer has been revised.

#### *Criteria For Approval.*

A Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*
- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

## **REVIEWS**

Planning Division Review. The Draper City Planning Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings and the criteria for approval, or denial, as listed within the staff report.

## **MODEL MOTIONS**

*Sample Motion for Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Variance and Land Use Appeal Update Text Amendment, as requested by Draper City, Application No. 2026-0003-TA, based on the following findings and the criteria for approval listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

*Sample Motion for Modified Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Variance and Land Use Appeal Update Text Amendment, as requested by Draper City, Application No. 2026-0003-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

*Sample Motion for Negative Recommendation* – I move that we forward a negative recommendation to the City Council for the City Initiated Variance and Land Use Appeal Update Text Amendment, as requested by Draper City, Application No. 2026-0003-TA, based on the following findings and the criteria for denial listed in the Staff Report dated January 5, 2026.

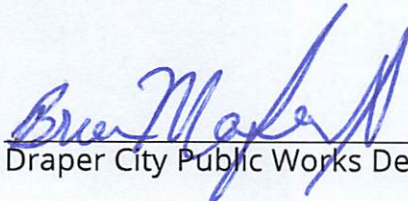
#### Findings for Denial:


1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.




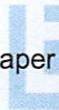
## DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

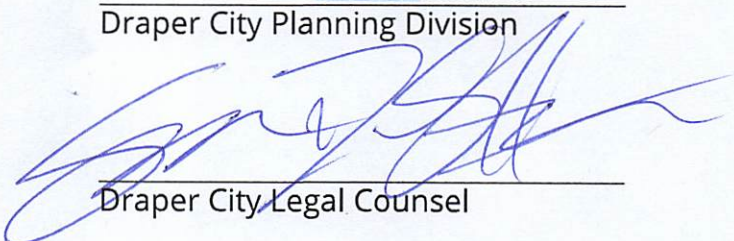
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

  
Draper City Public Works Department

  
Don Buckley  
Digitally signed by Don Buckley  
DN: C=US,  
E=don.buckley@draper.ut.us,  
O=Draper City Fire Department,  
OU=Fire Marshal, CN=Don Buckley  
Date: 2026.01.08 15:38:14-07'00'  
Draper City Fire Department

  
Matthew Symes  
Digitally signed by Matthew Symes  
DN: C=US,  
E=matt.symes@draperutah.gov,  
O=Draper City Corp., CN=Matthew Symes  
Date: 2026.01.08 08:27:24-07'00'  
Draper City Building Division

  
Todd Draper  
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DN: C=US,  
E=todd.draper@draperutah.gov,  
O=Draper City Community  
Development Department,  
OU=Planning and Zoning,  
CN=Todd Draper  
Date: 2026.01.08 09:49:52-07'00'  
Draper City Planning Division

  
Draper City Legal Counsel

## **EXHIBIT A DEPARTMENT REVIEWS**

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

### *Planning Division Review.*

1. No additional comments received.

### *Engineering and Public Works Divisions Review.*

1. No additional comments received.

### *Building Division Review.*

1. No additional comments received.

### *Fire Division Review.*

1. No additional comments received.

### *Legal Division Review.*

1. No additional comments received.

**EXHIBIT B**  
**LEGISLATIVE DRAFT**

2-4-060: CONSTITUTIONAL TAKING ISSUES:

...

E. Appeals:

...

3. Appeal Procedure and Timing. The Appeals and Variance ~~Hearing~~ Officer shall ~~hear~~ review all evidence regarding the appeal and render a decision and findings in writing within fourteen (14) days from the date the appeal was filed. If the Appeals and Variance ~~Hearing~~ Officer fails to ~~hear~~ review and decide the appeal within fourteen (14) days, the City's decision or action is presumed to be approved.

4. Standard of Review. The Appeals and Variance ~~Hearing~~ Officer shall review the facts and information presented by the applicant and the City to determine by a preponderance of the evidence whether or not the action by the City constitutes a constitutional taking. In doing so, he or she shall consider the criteria for an exaction under the Utah Code ~~§ 10-9a-508~~ Section 10-20-911, as amended, as well as applicable state and federal statutory and common law.

...

3-5-030: PLANNING COMMISSION:

There is hereby created and established a Planning Commission of Draper City to recommend and monitor the planning and development of the city.

J. Appeals:

...

2. Any affected person may appeal a planning commission decision by filing a written appeal to the appeals and variance ~~hearing~~ officer stating the grounds for appeal within fourteen (14) days from the date of the decision or action.

...

6-3-010: DENIAL OF A BUSINESS LICENSE:

After a person has made application to the city for a business license, the application may be denied for any of the following reasons:

...

E. Noncompliance with any requirement or condition set by the city council, planning commission or community development department, if applicable, under a conditional use

permit or by the appeals and variance ~~hearing~~ officer or community development department, if applicable, granting a variance or special exception.

...

#### 6-3-020: REASONS FOR SUSPENSION OR REVOCATION:

An existing business license may be suspended or revoked for any of the following reasons:

...

G. The licensee is not complying with a requirement or condition set by the city council, planning commission or community development department, if applicable, under a conditional use permit; by the appeals and variance ~~hearing~~ officer or community development department, if applicable, granting a variance or special exception; by the city council, or by agreement;

...

#### 8-5-140: APPEAL OF ADMINISTRATIVE DECISIONS:

A. The Appeals and Variance ~~Hearing~~ Officer, appointed pursuant to section [9-4-050](#) of this Code, shall ~~hear~~ [review](#) and decide appeals from administrative decisions applying the provisions of this chapter, specifically including appeals from the denial of a site license application by the Public Works Director or the Zoning Administrator.

B. An applicant for a site license may appeal the denial of the application to the Appeals and Variance ~~Hearing~~ Officer or City Council, as applicable, as provided in subsection C1 of this section. A complete notice of appeal shall be filed within fourteen (14) days of the decision which is appealed.

C. An appeal of an administrative decision shall be considered and processed as provided in this subsection:

...

2. After the notice of appeal is determined to be complete and timely filed, the Zoning Administrator shall schedule a [public meeting](#) ~~hearing~~ before the Appeals and Variance ~~Hearing~~ Officer within thirty (30) days of the date the notice of appeal is filed, unless otherwise agreed to in writing by the City and the appellant. At least ten (10) days prior to the [public meeting](#) ~~hearing~~, the Appeals and Variance ~~Hearing~~ Officer shall ~~give public~~ [provide due](#) notice ~~of the hearing and shall notify to~~ the parties in interest. Prior to the [public meeting](#) ~~hearing~~ the Zoning Administrator shall transmit to the appellate body all papers constituting the record of the action which is appealed.

3. An appeal to the Appeals and Variance **Hearing** Officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are specifically stayed by order of the Zoning Administrator. An appellant may request a stay by submitting to the Zoning Administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the Zoning Administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the Zoning Administrator. The Zoning Administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond.

4. The Appeals and Variance **Hearing** Officer shall review the appeal on the record ~~conduct at an open public meeting hearing based upon the record only~~, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The Appeals and Variance **Hearing** Officer shall determine the correctness of the lower decision and thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards. The Appeals and Variance **Hearing** Officer shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a site license.

5. After the Appeals and Variance **Hearing** Officer makes a decision, the Zoning Administrator shall give the applicant written notice of the decision. The decision takes effect on the date when the Appeal Authority issues a written decision.

...

#### 9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

VARIANCE: A modification granted by the appeals and variance **hearing** officer to a zoning requirement for height, bulk, area, width, setback, separation, or other numerical or quantitative requirement for a building or structure or other site improvements as set forth in this title.

...

9-4-030: CITY COUNCIL:

...

B. Powers And Duties Related To This Title: In administering this title, the City Council shall have the powers and duties set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title.

...

~~3. Hear and decide appeals from decisions of the Historic Preservation Commission.~~

4 3. Establish a fee schedule for applications required by provisions of this title.

...

9-4-050: APPEALS AND VARIANCE ~~HEARING~~ OFFICER:

A. There is hereby created and established an appeals and variance ~~hearing~~ officer of Draper City to provide for just and fair treatment in the administration of the city's zoning ordinances, in accordance with provisions of the Utah ~~m~~Municipal ~~l~~Land ~~u~~Use, ~~d~~Development, and ~~m~~Management ~~a~~Act, set forth at Utah Code ~~Annotated 10-9a-101~~ Section 10-20-101 et seq., as amended. The appeals and variance ~~hearing~~ officer shall have such powers and duties as set forth below.

B. Appointment: The Appeals and Variance ~~Hearing~~ Officer shall be appointed as follows:

1. The Appeals and Variance ~~Hearing~~ Officer shall be appointed by the Mayor with the advice and consent of the City Council.
2. The Appeals and Variance ~~Hearing~~ Officer shall be appointed for a term of one year and thereafter may be appointed for succeeding one-~~year~~ terms.
3. The Appeals and Variance ~~Hearing~~ Officer shall, as a minimum, have such training and experience as will qualify them to review and decide ~~conduct administrative or quasi-judicial hearings regarding~~ land use appeals and variances and conduct administrative proceedings related to, land use ~~development~~, and regulatory codes ~~dealing with issues related to land use~~.
4. The Mayor may remove the Appeals and Variance ~~Hearing~~ Officer for cause upon receipt of written charges filed against the appeals and variance ~~hearing~~ officer with the city manager and upon the advice and consent of the city council. The mayor shall provide the appeals and variance ~~hearing~~ officer with a public hearing if one is requested.
5. In the case of death, resignation, removal or disqualification, the position of appeals and variance ~~hearing~~ officer shall be promptly filled by a replacement



appointed by the mayor with the advice and consent of the city council for the unexpired term of the previous appeals and variance ~~hearing~~ officer.

6. The appeals and variance ~~hearing~~ officer shall be considered an independent contractor ~~and, and~~ as such, will enter into a year-long contract for services at the beginning of each appointed term. Terms for compensation and reimbursement will be determined and agreed upon in the aforementioned contract. The terms and conditions of the contract shall ultimately be approved by the city council prior to any individual entering into an agreement with the city to serve as the appeals and variance ~~hearing~~ officer.

7. The mayor may, from time to time, appoint an appeals and variance ~~hearing~~ officer pro tempore on a temporary basis when necessitated by the absence, unavailability, incapacity or disqualification of the regularly appointed appeals and variance ~~hearing~~ officer upon the advice and consent of the city council. Each appeals and variance ~~hearing~~ officer pro tempore shall, as a minimum, have qualifications ~~which are~~ similar to the regularly appointed appeals and variance ~~hearing~~ officer.

C. Organization And Procedure: The appeals and variance ~~hearing~~ officer shall organize and exercise its powers and duties as follows:

1. The appeals and variance ~~hearing~~ officer may adopt reasonable policies and procedures in accordance with city ordinances to govern the conduct of its meetings and ~~reviews~~ ~~hearings~~ and for any other purposes considered necessary for the functioning of the position ~~of appeals and variance hearing officer~~. Such policies and procedures shall be approved by the city council before taking effect.

2. The appeals and variance ~~hearing~~ officer shall hold ~~public~~ meetings as needed to consider matters within its purview under this title. The appeals and variance ~~hearing~~ officer ~~public~~ meetings shall be held on the first Wednesday after the first Tuesday of each month and such other times deemed necessary by the appeals and variance ~~hearing~~ officer. All ~~public~~ meetings ~~and hearings~~ shall be properly noticed and held in accordance with the ~~Utah eOpen and Public mMeetings Act law~~ set forth in Utah Code ~~Annotated section~~ Section 52-4-1 et seq., as amended. Written minutes of all ~~public~~ meetings ~~and hearings~~ of the appeals and variance ~~hearing~~ officer shall be prepared and filed in the office of the city recorder for review and access by the public in accordance with the Draper City ~~gGovernment~~ ~~rRecords~~ ~~aAccess~~ and ~~mManagement~~ ~~eOrdinance~~.

3. ~~The appeals and variance officer shall write a formal legal decision~~ ~~Decisions made by the appeals and variance hearing officer shall become effective at following~~ the ~~public~~ meeting ~~at which the matter is considered or hearing in which the decision is made~~, unless a different time is designated ~~in by~~ the appeals and variance ~~hearing~~ officer's ~~accepted rules or~~ at the ~~time the decision is made~~ ~~public~~ ~~meeting~~.

D. Powers And Duties: The powers and duties of the appeals and variance ~~hearing~~ officer shall be limited to the matters set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title:

1. Subject to the provisions of this chapter, ~~hear~~ review and decide appeals from zoning decisions of the planning commission or zoning administrator applying the provisions of this title.
2. ~~Hear~~ Review and decide variances from the terms of this title.
3. ~~Hear~~ Review and decide appeals from decisions made by the zoning administrator regarding chapter 6 of this title.

E. Appeals: Appeals to the appeals and variance ~~hearing~~ officer shall be filed in writing with the zoning administrator within fourteen (14) days from the date of the decision or action appealed as provided in subsection 9-5-180D1 of this title. The officer or department from whom the appeal is taken shall forthwith transmit to the appeals and variance ~~hearing~~ officer all papers constituting the record upon which the action appealed from was taken.

F. Scheduling and Notice ~~Of Hearing~~: The appeals and variance ~~hearing~~ officer shall ~~fix~~ schedule a reasonable time ~~to review for the hearing of~~ each appeal or variance request and provide due, give public notice ~~thereof as well as due notice~~ to the parties in interest, ~~at least ten (10) days prior to the hearing and shall set certain other criteria as to the form of notice whether by publication, certified mail or other criteria, reasonably designed to give notice to those parties subject to be affected thereby.~~

G. Decisions Of The Appeals And Variance ~~Hearing~~ Officer: ~~At the hearing of any matter,~~ The parties affected may appear in person, with or without an attorney, and submit materials or arguments at the public meeting. The appeals and variance ~~hearing~~ officer shall decide all appeals, variances, and other issues brought before it within a reasonable time.

H. Stay Of Proceedings: An appeal to the appeals and variance ~~hearing~~ officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are specifically stayed by order of the zoning administrator. An appellant may request a stay by submitting to the zoning administrator, in writing, an application for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the zoning administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the zoning administrator. The zoning administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the zoning administrator's decision regarding the grant or denial of a stay, any adversely affected



party may appeal the decision to the appeals and variance ~~hearing~~ officer, whose decision will be final.

I. Appeals From The Appeals And Variance ~~Hearing~~ Officer: A land use applicant or adversely affected party may file a petition for review of a final decision of the appeals and variance ~~hearing~~ officer and may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that the petition for such relief is presented to the court within thirty (30) days from the date of the decision of the appeals and variance ~~hearing~~ officer.

...

#### 9-5-045: NOTICING:

Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions:

...

#### C. Notice To Third Parties:

1. For site specific land use applications that require a public hearing, the city shall:

a. ~~M~~mail notice to the record owner of each lot or parcel within a ~~four~~ three hundred foot (~~400'~~ 300') radius of the subject property, ~~and. Properties that are within the three hundred foot (300') radius, but outside of Draper City boundaries, shall be sent notice equivalent to that sent to properties within Draper City.~~

b. ~~the applicant shall p~~ost one ~~city provided~~ sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign shall be posted on a nearby street as determined by the zoning administrator. ~~The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. It shall be the responsibility of the applicant to remove and dispose of the sign within five (5) calendar days after the hearing. Failure to do so shall constitute a violation of this section. Third party property owners who live within the four hundred foot (400') radius but outside of Draper City boundaries shall be sent notice equivalent to that sent to property owners within Draper City.~~

c. Periodically verify that the posted signs remain in place until the end of the notice period, and replace the signs within a reasonable time after discovering that they have been removed or damaged.

~~2. The applicant shall submit a signed affidavit of public posting.~~

~~3. The affidavit shall include a photograph verifying that the sign has been installed, at least ten (10) days prior to the public hearing.~~

~~4. Failure to post the public notice sign and provide the required verification at least ten (10) days prior to the public hearing will cause a delay in the processing of the application.~~

~~5. If the sign is destroyed or damaged, the applicant shall replace the sign within seventy two (72) hours of being notified.~~

2. For site specific land use applications which require a public meeting, the city shall mail notice to the record owner of each lot or parcel abutting the subject property. Properties that abut the subject property, but are outside of Draper City boundaries, shall be sent notice equivalent to that sent to properties within Draper City.

3. 6. If the City receives written request from the department of transportation for electronic notice of each land use application that may adversely impact the development of a high priority transportation corridor, the City shall provide such notice.

...

I. Notice Of Land Use Applications: The following land use applications shall be noticed at least ten (10) calendar days before the public hearing or meeting:

1. Conditional use permits;
2. Site plans or site plan amendments; and
3. Variances.

...

9-5-110: VARIANCES:

...

B. Authority: The appeals and variance ~~hearing~~ officer is authorized to ~~hear~~ review and decide variances to the provisions of this title as provided in this section.

...

D. Procedure: An application for a variance shall be considered and processed as provided in this subsection:

...

2. After the application is determined to be complete, the zoning administrator shall transmit the application and supporting materials to ~~schedule a public hearing before~~ the appeals and variance ~~hearing~~ officer for review. The appeals and variance officer shall schedule the matter for consideration at an open public meeting as provided in ~~S~~section 9-5-040 of this chapter. Notice to the applicant and parties in interest shall be ~~of the meeting should be given as~~ provided ~~in section 9-5-045 of this chapter.~~

...

4. The appeals and variance ~~hearing~~ officer shall consider the application ~~hold at an open and~~ public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the variance to approval standards.

5. After the appeals and variance ~~hearing~~ officer makes a decision, the zoning administrator shall give the applicant written notice of the decision.

...

E. Approval Standards: The following standards shall apply to a variance:

1. The appeals and variance ~~hearing~~ officer may grant a variance only if:

...

2. The appeals and variance ~~hearing~~ officer may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The appeals and variance ~~hearing~~ officer may not find an unreasonable hardship exists if the hardship is self-imposed or economic.

3. The appeals and variance ~~hearing~~ officer may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.

...

6. In granting a variance, the appeals and variance ~~hearing~~ officer may impose additional requirements on an applicant that will mitigate any harmful affects of the variance, or serve the purpose of the standard or requirement that is waived or modified.

...

F. Appeal Of Decision: Appeals of a decision of the appeals and variance ~~hearing~~ officer regarding a variance are governed by subsection 9-4-050(I) of this title.

...

#### 9-5-180: APPEAL OF ADMINISTRATIVE DECISIONS:

A. Purpose: This section sets forth procedures for appealing an administrative decision applying provisions of this title.

B. Authority: The appeals and variance ~~hearing~~ officer shall ~~hear~~ review and decide appeals from administrative decisions applying the provisions of this title.

C. Initiation: The land use applicant, an officer of the city, or an adversely affected party may appeal a decision administering or interpreting a provision of this title to the appeals and variance ~~hearing~~ officer as provided in subsection D(1) of this section. A complete Notice of Appeal shall be filed within ten (10) calendar days of the decision being appealed.

D. Procedure: An appeal of an administrative decision shall be considered and processed as provided in this subsection and shall respect the due process rights of the participants.

1. A complete Notice of Appeal shall be submitted to the Office of the zoning administrator on a form established by the administrator along with the fee established by the City in its consolidated fee schedule. The Notice of Appeal shall include at least the following information:

- a. The name, address and telephone number of the app~~ellant~~ellant~~licant~~ and the app~~ellant's~~ellant's agent, if any;
- b. The decision appealed;
- c. Grounds for the appeal; and
- d. A description of the action claimed by the app~~ellant~~ellant~~licant~~ to be incorrect.

2. After the Notice of Appeal is determined to be complete and timely filed, the zoning administrator shall ~~coordinate with~~ transmit to the appeals and variance ~~hearing~~ officer all papers constituting the record of the action appealed. The appeals and variance officer shall ~~to~~ schedule the matter for consideration at an open public meeting as provided in Section 9-5-040 of this title. Notice of the meeting shall be provided ~~given as provided in subsection 9-4-050(F) of this title.~~ ~~Prior to the meeting the zoning administrator shall transmit to the appeals and variance hearing officer all papers constituting the record of the action which is appealed.~~

3. An appeal to the appeals and variance ~~hearing~~ officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are

specifically stayed by order of the zoning administrator. An appellant may request a stay by submitting to the zoning administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the zoning administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the zoning administrator. The zoning administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the zoning administrator's decision regarding the grant or denial of a stay, any adversely affected party may appeal the decision to the appeals and variance ~~hearing~~ officer with jurisdiction over the appeal, whose decision will be final.

4. The appeals and variance ~~hearing~~ officer shall review the appeal on the record ~~conduct at an open public meeting hearing based upon the record only~~, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The appellant has the burden of proving that the officer or body erred. In reviewing ~~conducting~~ the appeal, ~~hearing~~ the appeals and variance ~~hearing~~ officer shall:

- a. Determine whether the record on appeal includes substantial evidence for each essential finding of fact;
- b. Determine the correctness of the officer or body's interpretation and application of the plain meaning of the land use regulations and thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards; and
- c. Interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

5. The appeals and variance ~~hearing~~ officer shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

6. After the appeals and variance ~~hearing~~ officer makes a decision, the zoning administrator shall give the appellant~~licant~~ written notice of the decision. The decision takes effect on the date when the appeal authority issues a written decision.

7. A record of all appeals shall be maintained in the Office of the zoning administrator.

...

#### 9-6-050: NONCONFORMING STRUCTURES:

...

C. Enlargement And Expansion: Any expansion of a nonconforming structure that increases the degree of nonconformity ~~ity~~<sup>ance</sup> is prohibited, except as provided in this subsection:

...

1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the zoning administrator.

2. A structure ~~which~~ that is legal and nonconforming as to height, area, or yard regulations may be added to or enlarged upon authorization by the ~~appeals and variance hearing officer~~ zoning administrator; provided, that the addition or enlargement does not increase the degree of nonconformity and the ~~appeals and variance hearing officer~~ zoning administrator, ~~after a hearing~~, finds the expansion is ~~to be~~ compatible with the character of the surrounding neighborhood, will not significantly adversely affect ~~and not detrimental to the community, as determined by the effect of the expansion on~~ traffic, ~~value of~~ adjacent or nearby property values, ~~and nearby properties, and the availability of adequate~~ or public facilities and services, and complies with all other applicable standards of this title.

...

#### 9-6-140: APPEALS:

Any adversely affected party by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom to the appeals and variance ~~hearing~~ officer as provided in this title.

...

#### 9-7-050: TYPES OF VIOLATIONS:

It shall be unlawful for any person to violate any provision of this title, cause the violation of any provision of this title, or fail or refuse to do some act required under this title, including any of the acts set forth in this section:

...

C. Development Or Use Inconsistent With Conditions Of Approval: To violate, by act or omission, any lawful term, condition, or qualification placed by the city council, planning commission, appeals and variance ~~hearing~~ officer, or officer of the city, as applicable, upon a required permit, certificate, or other form of authorization granted by the city council,

planning commission, appeals and variance **hearing** officer, or other city officer, allowing the use, development, or other activity upon land or improvements thereon.

...

#### 9-7-060: REMEDIES:

Any violation of the provisions of this title shall be subject to the enforcement remedies and penalties provided by this chapter and by Utah law, including any of the following:

A. Withhold Permits: The city may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists pursuant to this title or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city council, planning commission, appeals and variance **hearing** officer, or other city officer. The city may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or current owner is responsible for the violation in question.

...

#### 9-7-100: APPEALS:

Any adversely affected party by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom to the appeals and variance **hearing** officer as provided in this title.

...

#### 9-26-050: APPROVALS, PERMITS, APPLICATIONS AND ENFORCEMENT:

...

I. Appeal: An applicant for a sign permit or a permit holder may appeal the decision of the zoning administrator to revoke the permit to the appeals and variance **hearing** officer by filing an appeal application within fifteen (15) days of the date when the notice was served or the date of the certified mailing.

...

#### 9-27-140: LOTS AND YARDS:

...

C. Substandard Lots: No lot or parcel having less than the minimum width and area required by the zone where it is located may be divided from a larger parcel of land, whether by subdivision or metes and bounds, for the purpose, whether immediate or

future, of building or development as a lot except as permitted by this section or by the appeals and variance ~~hearing~~ officer pursuant to the requirements of this title.

...

#### 17-1-120: APPEALS:

A. Subject to subsection D, an appeal may be made to the Appeals and Variance ~~Hearing~~ Officer from any decision, determination or requirement of the Zoning Administrator or Planning Commission hereunder by filing with the community development department an application and notice thereof in writing within ten (10) calendar days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider or other adversely affected party deems themselves adversely affected.

B. The Zoning Administrator shall set the appeal for a public meeting hearing before the Appeals and Variance ~~Hearing~~ Officer within a reasonable time after receipt of the appeal. Such public meeting hearing may be continued by order of the Appeals and Variance ~~Hearing~~ Officer. The appellant shall be notified ~~of the appeal hearing date~~ at least seven (7) calendar days prior to the public meeting hearing. After reviewing hearing the appeal, the Appeals and Variance ~~Hearing~~ Officer may affirm, modify, or reverse the decision, determination or requirement appealed and enter any such orders as are in harmony with the spirit and purpose of this title. The Appeals and Variance ~~Hearing~~ Officer shall notify the appellant in writing of its ruling. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeals and Variance ~~Hearing~~ Officer.

C. An adversely affected party may appeal the Appeals and Variance ~~Hearing~~ Officer's decision to District Court as provided in Utah Code Annotated title 10, chapter 9a.

D. An applicant may appeal the city's failure to respond within twenty (20) business days on the fourth or final review described in Section 17-1-080(B)(6). If the City fails to respond within 20 business days on the fourth and final review, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

...

2. For a dispute arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and of the right to appeal the determination to the Appeals and Variance ~~Hearing~~ Officer in accordance with this section.

...

#### 17-8-050: REVIEW:

...



C. Appeal: The applicant may appeal any decision of the Zoning Administrator or Planning Commission to the Appeals and Variance ~~Hearing~~ Officer as provided in Section 17-1-120.

# MEMO



To: Planning Commission

From: Todd Taylor

Date: 2026-01-22

Re: Public Hearing: City Initiated Public Access Amenity Zoning Text Amendment Request  
(Legislative Item)

---

## Comments:

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

## Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

## Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

ATTACHMENTS:

[City Initiated Public Access Amenities TA SR.pdf](#)



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**Development Review Committee**

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

**To:** Draper City Planning Commission  
Business Date: January 22, 2026

**From:** Development Review Committee

**Prepared By:** Todd Taylor, Planner III  
Planning Division  
Community Development Department  
801-576-6510, todd.taylor@draperutah.gov

**Re: City Initiated Public Access Amenity – Zoning Text Amendment Request**

Application No.: 2026-0004-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Zoning Text Amendment to portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code related to public access amenities.

**BACKGROUND AND SUMMARY**

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

The 2025 Utah State Legislative Session included House Bill (HB) 368 that enacted regulations that prohibit a municipality requiring private maintenance of public access amenities, except for park strips and sidewalks, or amenities agreed upon through an agreement between the municipality and the private individual or entity. Draper City needs to amend the DCMC in order to conform with the new State regulations.



## **ANALYSIS**

### **Text Amendments.**

This report will review the modifications being proposed. The legislative copy of the changes can be found in Exhibit B of this report. Additions to the text are indicated in blue, deletions in red, and unchanged text in black.

*DCMC Section 9-10-080: Planned Residential Development Overlay Zone:* The required components for all PRDs have been updated to remove the word “public” from the requirements for open space.

*DCMC Section 9-14-010: Purpose And Objectives of the TSD Zone:* The objectives for the TSD zone have been updated to change “public use space” to “open space”. Additionally, the reference to Utah State Code has been updated.

*DCMC Section 9-14-020: Definitions:* The definition for “public use space” has been removed.

*DCMC Section 9-14-040: Intensity Areas and Station Hub:* The description of the intensity areas for the TSD zone has been updated to change “public use space” to “open space”.

*DCMC Section 9-14-060: Master Area Plan:* The intent and requirements for a Master Area Plan (MAP) in the TSD zone has been updated to change “public use space” to “open space”. Connections to existing trail systems is emphasized. Additionally, the reference to Utah State Code has been updated.

*DCMC Section 9-14-080: Development Standards and Urban Design Regulations:* The required buffer from the Galena Hills Subdivision has been updated to change “public use space” to “open space”.

*DCMC Section 9-14-090: Site Plan Review:* The site design for site plans in the TSD zone has been updated to change “public use space” to “open space”.

*DCMC Section 9-14-100: Project Specific Development Agreements:* The references to Utah State Code have been updated.

### **Criteria For Approval.**

A Zoning Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*
- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

## **REVIEWS**

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings and the criteria for approval, or denial, as listed within the staff report.

## **MODEL MOTIONS**

*Sample Motion for Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Public Access Amenity Zoning Text Amendment, as requested by Draper City, Application No. 2026-0004-TA, based on the following findings and the criteria for approval listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

*Sample Motion for Modified Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Public Access Amenity Zoning Text Amendment, as requested by Draper City, Application No. 2026-0004-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

*Sample Motion for Negative Recommendation* – I move that we forward a negative recommendation to the City Council for the City Initiated Public Access Amenity Zoning Text Amendment, as requested by Draper City, Application No. 2026-0004-TA, based on the following findings and the criteria for denial listed in the Staff Report dated January 5, 2026.

Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;

2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

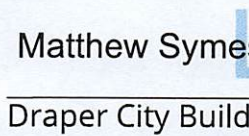



## DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

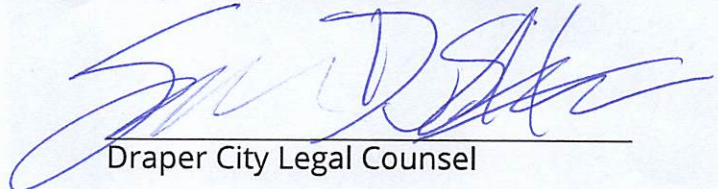
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

  
Draper City Public Works Department

 Digitally signed by Don Buckley  
DN: C=US,  
E=don.buckley@draper.ut.us, O=Draper  
City Fire Department, OU=Fire Marshal,  
CN=Don Buckley  
Date: 2026.01.08 15:39:22-07'00'  
Draper City Fire Department

  
Matthew Symes  
 Digitally signed by Matthew Symes  
DN: C=US,  
E=matt.symes@draperutah.gov,  
O=Draper City Corp., CN=Matthew Symes  
Date: 2026.01.08 08:27:49-07'00'  
Draper City Building Division

  
Todd Draper  
 Digitally signed by Todd Draper  
DN: C=US,  
E=todd.draper@draperutah.gov,  
O=Draper City Community  
Development Department,  
OU=Planning and Zoning,  
CN=Todd Draper  
Date: 2026.01.08 09:48:44-07'00'  
Draper City Planning Division

  
Draper City Legal Counsel

## **EXHIBIT A DEPARTMENT REVIEWS**

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

### *Planning Division Review.*

1. No additional comments received.

### *Engineering and Public Works Divisions Review.*

1. No additional comments received.

### *Building Division Review.*

1. No additional comments received.

### *Fire Division Review.*

1. No additional comments received.

### *Legal Division Review.*

1. No additional comments received.

## EXHIBIT B LEGISLATIVE DRAFT

### CHAPTER 10 RESIDENTIAL ZONES

...

#### 9-10-080: PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ZONE:

...

##### I. Requirements ~~F~~for All PRDs:

...

##### 2. Required Components ~~F~~for All PRDs:

a. Provision ~~O~~of ~~Public~~ Open Space: This shall mean the provision of common open space which is distinguishable by its quantity or quality and which is readily accessible to the residents of the development ~~and the public~~. Opportunities to connect to adjacent open space or park areas are preferred methods to achieve this requirement as encouraged as per the Draper City open space conservation plan and the Draper City parks, trails, and recreation plan. Examples of such areas are the Jordan River Parkway, Willow Creek, and Corner Creek, but may include other locally important spaces, trails, and parks. The minimum overall open space to qualify for this factor is twenty five percent (25%) of the entire project area within the project area (road rights of way, park strips, ~~private trails~~, and private yards cannot be utilized in calculating this percentage). One-half (1/2) of the overall provided open space shall be considered "developable land", as defined within this chapter (minimum 20 percent of overall project acreage). Public trails which conform to the locations shown on the Draper City master parks and trails plan, and related public spur trails, can be counted for this requirement. Small gathering places are also encouraged to be utilized and integrated throughout the project ~~and shall be open to the public whether maintained privately or publicly~~. All ~~public~~ open space that meets this requirement does not necessarily constitute acceptance of the open space for perpetual maintenance by Draper City.

No more than twenty five percent (25%) of the required overall PRD open space shall be in the form of linear parks or trails.

...

L. Findings Required: Before approval or modified approval of an application for a proposed PRD overlay zone, the planning commission and city council must find:

...

5. That all required elements of providing ~~public~~ open space, preserving natural features, and providing interior amenities and an innovative site plan, have been met, in accordance with this chapter.

...

#### 9-14-010: PURPOSE AND OBJECTIVES OF THE TSD ZONE:

...

B. Objectives: The TSD is intended to promote and provide incentives to create a clustered, high density residential mixed use and pedestrian friendly development with an effort to provide ready accessibility to freeway service as well as a unique public transit service environment. This type of development is generally referred to as TOD, or transit oriented development, and by focusing development in proximity to transit stations, transit oriented development can create interesting and successful urban centers, diminish urban sprawl, and play a major role in realizing regional development strategies. The objectives of the TSD are to:

...

10. Integrate ~~public-use~~ open spaces, plazas, courtyards and pocket parks and encourage, where reasonably possible, the connection of these areas to other uses in the TSD and existing ~~public-use~~ open space and recreational system in the community of Draper City;

...

15. Pursuant to the authority of Utah Code ~~Annotated section 10-9a-102(2)~~ Subsection 10-20-101(2), as amended, specifically authorize the execution of one or more project specific development agreements and other ancillary agreements in connection with TSD developments, which development and ancillary agreements may, among other things, specify the obligations of the respective parties with respect to the installation of required infrastructure improvements, reimbursement for system improvements and oversizing, alternative approval and regulatory methods for specific projects or such other matters as the City and the applicable project applicant may agree; and

...

#### 9-14-020: DEFINITIONS:

As used in this chapter:

...

~~PUBLIC USE SPACE: An area of land set aside, dedicated, designated or reserved for public or private use for recreational or amenity activities, including, but not limited to, parks, plazas and patios.~~

...

#### 9-14-040: INTENSITY AREAS AND STATION HUB:

A. Intensity Areas: The TSD is composed of three (3) specific intensity areas: TSD-1; TSD-2; and TSD-3. Density is expected to be highest in the TSD-1 and TSD-2 intensity areas, which shall be pedestrian oriented and well connected to ~~public-use~~ open spaces, parks, plazas and social gathering areas. Similar connectivity and pedestrian orientation is encouraged for the TSD-3 intensity area, but application of the foregoing requirements may not be as strictly applied given the orientation, grade, or other site specific constraints affecting the development of a particular parcel within the TSD-3 intensity area. Multiple uses consisting primarily of multi-family, commercial, retail, office, and a mix of the foregoing and other uses are particularly encouraged in the TSD-1 and TSD-2 intensity areas. The boundaries of the TSD-1, TSD-2, and TSD-3 intensity areas shall be as shown in section 9-14-110, exhibit 9-14-1 of this chapter, and may be adjusted from time to time as a text amendment to this chapter, pursuant to section 9-5-060 of this title. The official copies of all approved MAPs and intensity area boundaries shall be maintained in and by the Draper City Community Development Department.

...

#### 9-14-060: MASTER AREA PLAN:

A. Intent: The intent of the master area plan (MAP) and the process for submitting and obtaining approval of such MAP is to provide an applicant of large or phased projects (MAP area) with a mechanism to obtain the City's approval of a conceptual framework for such projects within the TSD. ~~Public-use~~ Open spaces, proposed land uses, and specific design and development standards within the MAP area shall be identified and a conceptual plan describing those elements of the MAP area shall be part of the MAP. An approved MAP constitutes approval of a master plan that will guide future development within the MAP area.

...

#### C. MAP Requirements:

1. Narrative: Each MAP shall include a narrative providing the following:

...

c. A general description of proposed land uses, parking plan and ~~public-use~~ open space elements to be included in the MAP area;



d. A general description of the transportation systems within the MAP area, whether existing or proposed, including collector and arterial streets, [public trails and trailheads](#), [public transit](#), and a general description of the proposed plan for accommodating auto, bicycle and pedestrian circulation and connectivity, and parking, along with the utilization and accommodation of any existing or proposed ~~public transit~~ connections within the MAP area or ~~located on~~ [to](#) adjoining properties;

...

g. A general description of the estimated sequence and timing of development of the MAP area, including the proposed phasing of ~~public use~~ [open](#) space and any major on site or off site infrastructure improvements or facilities required or anticipated to be required in connection with the development of the MAP area;

...

2. Graphics: Each MAP shall include the following graphic submittals:

...

b. A conceptual drawing identifying the general location of any arterial and collector roadways, bicycle networks, and ~~central or loop~~ trail systems and trailheads planned for the MAP area, [including connections to existing or planned trails](#);

c. A conceptual drawing identifying the general location of any [open space](#), ~~neighborhood~~ parks, [plazas](#), or other ~~major public use space~~ [social gathering](#) areas proposed for the MAP area; and

...

D. Review Process: Submittals for MAP approval shall follow the following process:

...

2. City Council Review: After receiving the recommendation from the planning commission with respect to a MAP, the city council shall hold a public hearing within thirty (30) days of receipt of the recommendation. The city council shall approve, approve with conditions or deny the MAP within twenty one (21) days of the public hearing. The decision of the city council to approve or deny a MAP shall be deemed a final decision entitling the applicant to appeal the decision to a district court as set forth in Utah Code ~~Annotated section 10-9a-801~~ [Section 10-20-1109, as amended](#), or ~~its successor section~~.

...

G. Major And Minor Amendments: Provided the written review of the ACC has been previously obtained and submitted to the city, including ACC review of a site plan or site plan amendment, an approved MAP may be amended at any time and such amendment may occur simultaneously with the processing of a site plan application or a site plan amendment. The Zoning Administrator shall decide whether a proposed amendment is a "major" or "minor" amendment. A major amendment shall be reviewed and approved or denied using the process established for the initial MAP approval. A minor amendment shall be reviewed and approved or denied by the Zoning Administrator. In order to initiate an amendment, the applicant shall submit to the Zoning Administrator those MAP submission items that would change if the proposed amendment were approved. Appeal of the Zoning Administrator's decision regarding a MAP amendment shall be to the City Council.

1. Major Amendments: Changes of the following types shall define an amendment as major:

...

b. Those which materially alter the location or amount of land ~~dedicated~~ allocated to parks, trails, ~~public-use~~ open space, natural areas or public facilities; or

...

#### 9-14-080: DEVELOPMENT STANDARDS AND URBAN DESIGN REGULATIONS:

...

B. Required Buffer: An average two hundred foot (200') wide, with a minimum one hundred foot (100') wide, recreational or ~~public-use~~ open space buffer is required immediately south of and adjacent to the existing Galena Hills Subdivision. There shall be no buffer required east of the west right-of-way boundary of Galena Park Boulevard, as shown in section 9-14-110, exhibit 9-14-1 of this chapter. This buffer shall be extensively landscaped and extend the length of the existing single-family residential development, and is meant to assist in transitioning from the smaller scale of the existing residential development to the taller, denser development of the TSD. Public infrastructure, including roadways and related improvements may be located within the required buffer area only for the purpose of providing connectivity to existing or proposed street rights-of-way. The provision of this connectivity may be for permanent or temporary connections to the existing or realigned Galena Hills Boulevard right-of-way and shall be provided in a manner that the street connection within the buffer area is minimized to the greatest extent possible for the most reasonable alignment. With the exception of the connection to the existing or realigned Galena Hills Boulevard, there shall be no streets or roadways allowed within the buffer area. Those portions of residential or commercial buildings that are located within the area that is within fifty feet (50') of the required buffer shall be limited to a maximum of thirty six feet (36') in height.

...

J. ~~Public Use~~ Open Space Requirements:

1. The TSD shall include at least fifteen percent (15%) of the total development area for ~~public-use~~ open space purposes, calculated on a per acre basis. For purposes of this requirement, ~~public-use~~ open space shall include parks, trails, plazas, courtyards, or other outdoor amenities and ~~public~~ spaces, including hard surfaced areas conducive to enjoyment of the outdoors in an urban setting. Street pavement, curb and gutter, park strip, and standard sidewalk, i.e., five feet (5') or less in width, shall not be considered ~~public-use~~ open space. For purposes of the determining ~~public-use~~ open spaces, sidewalks or walkways of at least ten feet (10') in width which are designed and constructed as a part of ~~the city's~~ a trail system may be counted and included as ~~public-use~~ open space.
2. Provided the mechanism for allocating or distributing the ~~public-use~~ open space is set forth in an approved MAP, the fifteen percent (15%) ~~public-use~~ open space may be calculated on an aggregated basis across multiple phases and/or across multiple parcels within the TSD. In such circumstances, individual site plans or project specific MAPs may be approved without including on site ~~public-use~~ open space, pursuant to an approved MAP ~~public-use~~ open space strategy.
3. Applicants of individual sites or phases may choose to make a onetime cash in lieu payment to the master developer to be used for the creation of ~~public-use~~ open space within the TSD.
4. Except as may be otherwise specified in an approved MAP, for large and phased developments, fifty percent (50%) of the required ~~public-use~~ open space area shall be complete when fifty percent (50%) of the total MAP land area has been developed. One hundred percent (100%) of ~~public-use~~ open space shall be complete when one hundred percent (100%) of the total MAP land area has been developed. These ~~public-use~~ open space completion requirements may be waived by the city depending on the distribution and location of individual components within the overall ~~public-use~~ open space system, as detailed in an approved MAP.

...

9-14-090: SITE PLAN REVIEW:

D. ACC Review Criteria: The ACC review shall address the following criteria:

...

2. Site Design:

...



g. Creation of outdoor ~~public~~ common spaces and contribution to the overall TSD ~~public-use~~ open space strategy;

...

#### 9-14-100: PROJECT SPECIFIC DEVELOPMENT AGREEMENTS:

A. Project Specific Development Agreements Permitted: Pursuant to the authority of Utah Code ~~Annotated section 10-9a-102(2)~~ Subsection 10-20-101(2), as amended, projects within the TSD may be developed pursuant to a project specific development agreement (PSDA) generally executed in connection with the completion of a MAP. Additional terms and conditions not addressed in the MAP may be agreed to by the parties to a PSDA. The provisions of an approved PSDA shall govern over any conflicting provisions of this Code, except when such provisions compromise the health, safety and welfare of individuals.

...

C. City Council Review: The City Council shall hold a public hearing within forty five (45) days of receipt of the PSDA application, unless additional time is requested by the applicant. The City Council shall approve or deny the PSDA within twenty one (21) days of the public hearing. The decision of the City Council to approve or deny a PSDA shall be deemed a final decision entitling the applicant to appeal the decision to a District Court as set forth in Utah Code ~~Annotated section 10-9a-801~~ Section 10-20-1109, as amended, or its successor section.

...

# MEMO



To: Planning Commission

From: Todd Taylor

Date: 2026-01-22

Re: Public Hearing: City Initiated Residential Parking Requirements Zoning Text Amendment Request (Legislative Item)

---

## Comments:

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

## Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

## Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

ATTACHMENTS:

[City Initiated Parking Requirements TA SR.pdf](#)



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**Development Review Committee**

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

**To:** Draper City Planning Commission  
Business Date: January 22, 2026

**From:** Development Review Committee

**Prepared By:** Todd Taylor, Planner III  
Planning Division  
Community Development Department  
801-576-6510, todd.taylor@draperutah.gov

**Re: City Initiated Residential Parking Requirements – Zoning Text Amendment Request**

Application No.: 2026-0005-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Zoning Text Amendment to portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code related to residential parking requirements.

**BACKGROUND AND SUMMARY**

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

The 2025 Utah State Legislative Session included Senate Bill (SB) 181 that enacted regulations regarding the size, configuration, and location of parking that is acceptable for one- and two-family housing and townhomes. Additionally, the new regulations restrict a municipality from requiring a garage for single-family attached or detached dwelling that is owner-occupied affordable housing. Draper City needs to amend the DCMC in order to conform with the new State regulations.



## **ANALYSIS**

### **Text Amendments.**

This report will review the modifications being proposed. The legislative copy of the changes can be found in Exhibit B of this report. Additions to the text are indicated in blue, deletions in red, and unchanged text in black.

*DCMC Section 9-3-040: Definitions:* The definition for “Parking, Tandem” has been updated to more clearly describe the type of parking situation.

*DCMC Section 9-11-105: (MARF) Major Freeway Arterial Frontage Road:* The standards for visitor parking in multiple-family dwellings in the MARF Zone have been updated to require the spaces be marked and located in an area of common ownership.

*DCMC Section 9-18K-030: Proposed Development Standards:* The standards for visitor parking in the Highline Commercial Special District have been updated to require the spaces be marked and located in an area of common ownership

*DCMC Section 9-25-050: Parking Location:* The text has been revised to exempt single-family attached or detached dwellings that are owner-occupied affordable housing from providing parking in a garage. The standards for visitor parking have also been updated to require the spaces be marked and located in an area of common ownership.

*DCMC Section 9-25-060: Number and Type of Parking Spaces:* The text has been revised to allow tandem spaces to count towards the parking requirements of single- and two-family dwellings and townhomes.

*DCMC Section 9-28-020: Edelweiss Master Planned Community Zone:* The standards for visitor parking in the Edelweiss Master Planned Community Zone have been updated to require the spaces be marked and located in an area of common ownership

*DCMC Section 9-31-055: Deviations:* The standards for providing two parking spaces for internal accessory dwelling units (I-ADUs) as part of the deviation process has been revised to allow tandem parking of those two spaces, similar to the new allowance for single- and two-family dwellings and townhomes.

*DCMC Section 9-32-030: Development Standards:* The standards for visitor parking in multiple family dwellings have been updated to require the spaces be marked and located in an area of common ownership.

### Criteria For Approval.

A Zoning Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*
- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

### **REVIEWS**

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings and the criteria for approval, or denial, as listed within the staff report.

## **MODEL MOTIONS**

*Sample Motion for Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Residential Parking Requirements Zoning Text Amendment, as requested by Draper City, Application No. 2026-0005-TA, based on the following findings and the criteria for approval listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

*Sample Motion for Modified Positive Recommendation* – I move that we forward a positive recommendation to the City Council for the City Initiated Residential Parking Requirements Zoning Text Amendment, as requested by Draper City, Application No. 2026-0005-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

*Sample Motion for Negative Recommendation* – I move that we forward a negative recommendation to the City Council for the City Initiated Residential Parking Requirements

Zoning Text Amendment, as requested by Draper City, Application No. 2026-0005-TA, based on the following findings and the criteria for denial listed in the Staff Report dated January 5, 2026.

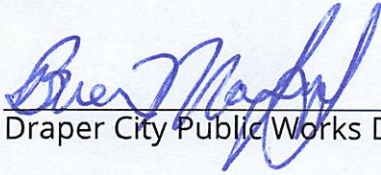
Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.



## DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.



Draper City Public Works Department

**Don Buckley**

Digitally signed by Don Buckley  
DN: C=US,  
E=don.buckley@draper.ut.us, O=Draper  
City Fire Department, OU=Fire Marshal,  
CN=Don Buckley  
Date: 2026.01.08 15:38:48-07'00'

Draper City Fire Department

**Matthew Symes**

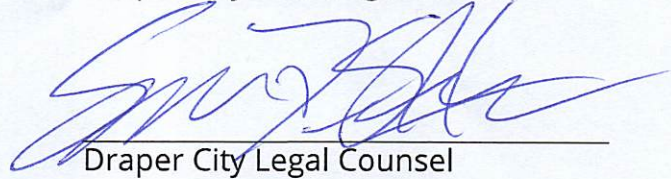
Digitally signed by Matthew Symes  
DN: C=US,  
E=matt.symes@draperutah.gov,  
O=Draper City Corp., CN=Matthew Symes  
Date: 2026.01.08 08:28:12-07'00'

Draper City Building Division

Todd Draper

Digitally signed by Todd Draper  
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E=todd.draper@draperutah.gov,  
O=Draper City Community  
Development Department,  
OU=Planning and Zoning,  
CN=Todd Draper  
Date: 2026.01.08 09:49:08-07'00'

Draper City Planning Division



Draper City Legal Counsel

## **EXHIBIT A DEPARTMENT REVIEWS**

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

### *Planning Division Review.*

1. No additional comments received.

### *Engineering and Public Works Divisions Review.*

1. No additional comments received.

### *Building Division Review.*

1. No additional comments received.

### *Fire Division Review.*

1. No additional comments received.

### *Legal Division Review.*

1. No additional comments received.

**EXHIBIT B**  
**LEGISLATIVE DRAFT**

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

PARKING, TANDEM: A pair of parking spaces which are located end to end in such a manner that one of the spaces is not directly accessible to the street, abuts a driveway, or parking aisle without traveling over the and is used to access one other parking space.

...

9-11-105: (MARF) MAJOR FREEWAY ARTERIAL FRONTAGE ROAD

...

B. Development Standards: The development standards of the Major Freeway Arterial Frontage zone will guide the design of the buildings, landscaping, parking, lighting, and signage located within the zone boundary. The concept plans included herein as exhibits (Exhibits B, C and D) show examples of various uses for illustrative purposes only and shall not be interpreted as binding upon the final development. Unless otherwise noted the development shall be in accordance with the development standards listed herein.

...

5. Multiple-Family Dwelling Uses:

...

w. Required ~~guest~~ visitor parking shall be provided in areas of common ownership, marked on the surface as "Visitor", evenly distributed throughout the multiple-family dwelling project, and easily accessible to visitors.

...

9-18K-030: PROPOSED DEVELOPMENT STANDARDS:

The development standards of the Highline Commercial Special District will guide the design of the buildings, landscaping, parking and signage located within the district boundaries. The master plan provides for office, retail, residential and general commercial development in designated areas in accordance with the development standards set forth in this article.

...

B. Residential District: All residential areas (see exhibit in section 9-18K-090 of this article for site plan) shall comply with the following development standards:

...

6. Parking Stalls: One (1) parking stall for every five (5) units ~~will~~ shall be designated as a visitor parking stall. Visitor stalls shall be provided in areas of common ownership and marked on the surface as "Visitor".

....

#### 9-25-050: PARKING LOCATION:

...

F. Parking For Residential Uses: All parking associated with residential uses shall be according to the following:

...

4. Required parking for single-family dwellings shall be provided within an enclosed garage, except that a garage shall not be required for a single-family attached or detached dwelling that is owner-occupied affordable housing as defined in Utah Code Section 10-20-618, as amended.

5. Required parking for an approved accessory dwelling unit shall not be required to be within an enclosed garage but shall be provided in a hard surfaced area.

6. Multi-family dwellings designed to include enclosed private garages may count the number of spaces within the garage toward the resident parking requirement when the garage is designed in compliance with subsection 9-25-070(A)(3) of this chapter and approved as a part of a site plan or site plan amendment.

7. Visitor parking for multiple-family dwellings shall be located in an area of common ownership and be accessible for the intermittent, short-term use of all visitors to a property.

...

#### 9-25-060: NUMBER AND TYPE OF PARKING SPACES:

...

F. Tandem Parking Spaces: Tandem parking spaces shall count toward required parking as only a single parking space per pairing. Both spaces in an unobstructed tandem pairing may be counted toward required parking in the following instances:

1. Single-family or two-family dwellings; or

~~1~~ 2. Multi-family dwellings, including townhomes, with private garages and driveways meeting ~~of~~ at least the minimum dimensions of standard parking spaces may count toward resident ~~resident~~ parking requirements, but the private garages shall not count toward ~~guest~~ visitor parking requirements; or

~~2~~ 3. Developments using ~~V~~ valet parking when managed through approved valet services.

...

#### 9-28-020: EDELWEISS MASTER PLANNED COMMUNITY ZONE:

The Edelweiss master planned community zone contains approximately sixty one (61) acres located at approximately 14500 South 2200 East.

...

F. Development Standards; Townhomes: A detailed site plan will be required for review and approval according to the standards set forth herein. Development of the townhome component within the Edelweiss MPC shall comply with the following development standards:

...

#### 11. Parking:

...

- b. ~~Guest~~ Visitor parking shall be provided at a ratio of one (1) stall for every four (4) units. Visitor stalls shall be provided in areas of common ownership and marked on the surface as "Visitor".

...

#### 9-31-055: DEVIATIONS:

A. Deviation Authorized: The Planning Commission may approve a deviation from strict compliance with the geographical restrictions of the I-ADU map in Exhibit A of this chapter upon finding that:

...

- 4. At least two (2) parking stalls meeting the requirements of 9-31-045(B)(2) are provided for use by occupants of the I-ADU. These parking stalls may be located in tandem with each other. The I-ADU parking stalls shall be in addition to, and shall not overlap with or count toward, the minimum parking requirements for the primary single-family dwelling.

...

#### 9-32-030: DEVELOPMENT STANDARDS:

...

C. Building Placement And Orientation: Multiple-family projects shall have a strong relationship to the public realm that will enhance the safety and efficiency of the project while improving the character of the neighborhood.

...

6. Required visitor parking shall be provided in an area of common ownership, clearly marked on the surface as "Visitor", evenly distributed throughout multiple-family projects, and easily accessible to visitors.
7. ~~Driveway and Private~~ garage parking shall not count toward ~~be included in~~ the multiple-family project's visitor parking count requirement.
8. On street parking, parallel or diagonal, is encouraged ~~to be provided~~ on private streets to satisfy as a substantial portion of the project's overall parking requirement. This provision is intended meant to provide create flexibility in ~~the available~~ parking spaces for residents and visitors.

...