

MINUTES OF THE DRAPER CITY PLANNING COMMISSION MEETING HELD ON THURSDAY, FEBRUARY 26, 2026, IN THE DRAPER CITY COUNCIL CHAMBERS

PARTICIPATING: Andrew Adams, Chair
Lisa Fowler, Vice-Chair
Commissioner Member Kendra Shirey
Commission Member Susan Nixon
Commission Member Mary Squire
Alternate Commission Member Laura Fidler

EXCUSED: Alternate Commission Member Christine Green
Commission Member Gary Ogden

STAFF: Jennifer Jastremsky, Community Development Director
Todd Draper, Planning Manager
Nick Whittaker, City Planner
Lori Stout, Executive Assistant
Brien Maxfield, City Engineer
Traci Gundersen, City Attorney
Spencer DuShane, Assistant City Attorney
Kennady Smith, Administrative Assistant

6:30 PM Business Meeting

Chair Andrew Adams called the meeting to order at 6:31 PM.

1. Items for Commission Consideration.

A. Public Hearing: The Break Site Plan and Cross Access Deviation Request. (Administrative Action)

On the request of Gary Knapp, representing LM Restaurant Group LC, a Site Plan and Cross Access Deviation located on 1.02 acres of property located at approximately 12240 South 700 East and 12258 South 700 East. Known as Applications 2024-0356-SP & 2025-0271-VAR, Staff Contact: Nick Whittaker, nick.whittaker@draperutah.gov, 801-576-6522.

City Planner Nick Whittaker presented the staff report. The vicinity, aerial, land use, and zoning maps were reviewed. The subject property is designated Neighborhood Commercial and zoned CN.

The site plan specifies two entry points to the property from 700 East. A commercial business is located to the south, an office commercial business to the west, and a residence to the north. The proposed structure will be The Break Bar. Draper City Municipal Code (“DCMC”) requires this type of establishment to have between 35 and 42 parking stalls, and the applicant proposed 38. Pedestrian connectivity will be provided to the street and sidewalk, including a concrete crosswalk.

The landscape plan includes 22% total landscaping coverage and 8% parking lot landscaping. An approximately 19-foot buffer was proposed between the subject property and an adjoining residence.

The applicant proposed a six-foot fence, and the recommended Condition of Approval was to increase the fence height to eight feet, as required by DCMC.

Architectural renderings were reviewed. The primary building material will be brick in three different colors. Rooftop mechanical equipment will be screened with cedar planks.

Mr. Whittaker reviewed the recommended Conditions of Approval and reported that two conditions identified changes on the photometric plan that must be corrected prior to issuance of a building permit:

1. Light pole colors were not provided as required. DCMC requires all light poles to be black unless the Planning Commission authorizes another color.
2. Maximum illumination ratios of 9.7:1 during business hours and 11.5 after hours were indicated on the plan. However, DCMC specifies a maximum of 2.5:1 at all times.

The applicant requested a deviation from the cross-access requirement for the property to the south. Per the DCMC, the Planning Commission may grant a deviation if the criteria are met. It was the applicant's position that the deviation should be allowed due to a significant grade change at the south property line, and the property was not previously designed to provide reciprocal cross access.

Based on his review, Mr. Whittaker believed that the request met the following criteria:

- Requiring cross-access would result in the slope of the cross-access drive exceeding 12%.
- The property was not previously designed and required to provide reciprocal cross access to the subject property.

In response to a question from Chair Adams, Mr. Whittaker reported that the applicant did not provide a specific slope percentage, but his review determined that the slope exceeds 12%. Chair Adams stated that new construction on established properties can sometimes place a burden on the property owners to create cross-access in areas that were not designed for it. Mr. Whittaker indicated that the application also met the deviation requirement listed in DCMC Section 9-25-080(E)(2)(d)(1), which addresses that issue.

Commissioner Fowler asked if any City or State laws would prevent an establishment from serving alcohol adjacent to a residence. Mr. Whittaker noted that alcohol licensing is a separate process, and other entities would make that determination. Community Development Director Jennifer Jastremsky reported that the City Council had provided local consent for the bar establishment. Assistant City Attorney Spencer DuShane added that Utah alcohol laws pre-empt most local authorities, but the establishment had completed the City's process.

In response to a question raised by Commissioner Nixon, City Engineer Brien Maxfield reported that the site has two one-way access points. Sites of its size typically have a single access. As 700 East is a Utah Department of Transportation ("UDOT") road, UDOT reviewed and approved the second access point, subject to the condition that the existing center island be extended north past both accesses. Ingress and egress will be one-way, so narrower lanes were allowed.

Gary Knapp and Mike Culligan were present on behalf of the applicant. In response to a question from Chair Adams, Mr. Knapp reported that the displayed rendering was not current, and no garage doors were planned. In response to a follow-up question, Mr. Whittaker clarified that the rendering was not included in the Staff Report, so it would not be a barrier to approval.

Commissioner Fowler asked if the slope had been measured for the cross-access deviation request. Mr. Culligan reported that the vertical elevation difference between lots is 28 inches, and there is a concrete retaining wall between the properties.

The Conditions of Approval and required modifications to the photometric plan were discussed, and the applicant indicated that they would meet those requirements.

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

Motion: Commissioner Fowler moved to APPROVE the Cross Access Deviation, as requested by Gary Knapp, representing LM Restaurant Group, LC, Application No. 2025-0271-VAR, based on the following Finding for Approval listed in the Staff Report dated February 13, 2026.

Finding for Approval:

1. The request meets the criteria for a deviation from the requirement to provide cross access as described in Section 9-25-080(E)(2)(d)(1) of the DCMC.

Second: Commissioner Squire seconded the motion.

Vote on Motion: 5-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				
Green, Alternate					X

Motion: Commissioner Squire moved to APPROVE the Site Plan, as requested by Gary Knapp, representing LM Restaurant Group, LC, Application No. 2024-0356-SP, based on the Conditions and following Finding for Approval listed in the Staff Report dated February 13, 2026.

Findings for Approval:

1. The site plan reflects the full development of the property.
2. The site plan conforms to applicable standards set forth in ordinance, including but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials.
3. The proposed development plans meet the intent, goals, and objectives of the general plan and the purpose of the CC zoning district in which the site is located.
4. The public facilities and services in the area are adequate to support the subject development, as required by engineering standards and specifications.
5. The proposed development plans will comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of the DCMC, including traffic, storm water drainage, and utilities concerns.

Second: Commissioner Shirey seconded the motion.

Vote on Motion: 5-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				
Green, Alternate					X

**B. Public Hearing: Jones Lawnmowing, LLC Home Occupation Conditional Use Permit Request.
(Administrative Item)**

On behalf of Naaman Jones, representing Jones Lawnmowing, LLC., a request for approval of a Home Occupation Conditional Use Permit, on approximately 0.34 acres located at 191 E. Browns Loop Way. Known as Application 2025-0273-USE, Staff Contact: Nick Whittaker, (801) 576-6522, Nick.Whittaker@draperutah.gov.

City Planner Nick Whittaker presented the Staff Report. The vicinity, aerial, land use, and zoning maps were reviewed. The subject property is on a corner lot, with an entry on the south side of the dwelling and a garage on the east side. The property is designated Residential Medium Density and zoned RA2.

The applicant provides a lawn-mowing service, and all equipment is stored in the third-car garage. A dumpster is stored on the driveway and screened by a six-foot vinyl fence. Off-street parking is

provided for two employee vehicles in addition to the applicant's vehicle. A 78-square-foot space in the home is used for the business.

Mr. Whittaker reported that the home's driveway was currently noncompliant. DCMC allows a maximum of 30 feet of sidewalk width, and the recommended Condition of Approval was that it be brought into compliance.

The identified potential impacts were:

- Employees coming to the home and associated traffic
- Business vehicles parked on the street
- Noticeable storing of inventory and supplies in the yard area
- Keeping a dumpster at the property.

Proposed mitigations:

- All requirements of Draper City Engineering, Public Works, Planning, and Fire Divisions are satisfied.
- A Draper City business license must be obtained.
- No customers shall come to the home.
- The business shall be limited to a maximum of two non-resident employees, who must park in designated off-street parking stalls as shown in the Site Plan.
- Storage of all inventory, supplies, and equipment shall be inside the third-car garage.
- Dumpster shall be screened, and its lid closed except when being filled or emptied.
- Dumpster shall be maintained at all times and emptied at least once per week.
- Business operations shall not create any nuisances listed in DCMC Section 9-34-040(G).
- The applicant shall bring their driveway into compliance.

Site photographs were reviewed. In response to a question raised by Commissioner Fowler, Mr. Whittaker reported that driveways are measured at the property line, which in this case was the rear edge of the sidewalk. DCMC does not specify how much it must be cut back from the property line, but there must be a gap between the sidewalk and the cement in the employee parking area. The driveway code and its application were discussed.

Commissioner Nixon stated that the recommended Conditions of Approval did not specify that the trailer must be parked in the third-car garage, and it was parked on the street when she visited the site. Mr. Whittaker indicated that it should be included in Condition 7.

Commissioner Squire remarked that she did not recall a dumpster ever being allowed for a Home Occupation. Mr. Whittaker agreed that it is uncommon. However, by screening the dumpster, the applicant was in compliance with DCMC. The applicant was responsible for mitigating any odor, noise, or other nuisances. Mr. DuShane added that the purpose of a Home Occupation Conditional Use Permit is to determine whether the business would disturb or change the nature of the residential neighborhood, and that the Planning Commission is responsible for reviewing the application and determining whether conditions can be imposed to mitigate any detrimental effects. It was noted that

in the past, the Planning Commission had determined that things not explicitly forbidden by DCMC would not be appropriate for a Home Occupation.

The applicant, Naaman Jones, stated that the driveway is 29.5 feet wide. The approach was also 29.5 feet wide, but it had been cut back from the sidewalk and was now in compliance. A concrete pad behind the gate is used to park one open and one enclosed trailer. He does not own the trailer that was parked on the street. The trailer used for his business is backed into the garage every evening.

The site plan was reviewed. In response to a question from Chair Adams, Mr. Jones stated that the office space is actually in his laundry room, as all administrative work is performed on a laptop computer. The personal-use trailers are stored in the backyard behind a gate. He will be installing road base and compressed gravel in the space between the sidewalk and parking pad.

The dumpster is emptied four times per week to avoid odors and overfilling. The truck arrives after 9:00 a.m., and it takes approximately five minutes to empty. In response to a question from Commissioner Squire, Mr. Jones reported that lawn clippings and leaves are placed in plastic bags and disposed of in the dumpster. It is filled almost daily. If he did not have a dumpster, he would need between 20 and 30 garbage cans. Commissioner Squire stated that she understands the dumpster is a better option for his business, but questioned its appropriateness for a neighborhood.

Mr. Jones addressed an email comment received and indicated that the complaint concerned issues that arose when the dumpster was replaced. They arrived earlier than expected and brought the wrong-sized container. In response to a question from Chair Adams, he stated that he had not considered moving the dumpster to a commercial area but could speak with a client about the possibility.

In response to a question from Commissioner Nixon, Mr. Jones reported that it is a four-yard dumpster, approximately five feet tall. It is emptied by a regular commercial garbage truck that pulls into the driveway and backs out.

Commissioner Squire asked about employee parking. Mr. Jones stated that the company has eight employees. The two members of his weeding crew park at the home and work from his second truck. He picks up the other employees at a different location. No employees park on the street. His family has adequate parking at the home.

Chair Adams opened the public hearing.

Shalise Benjamin stated that she lives across the street from the subject property. She hears the dumpster being emptied, but is not bothered by it. There are no odors. Mr. Jones is a great neighbor. She supported the application and believed that other neighbors felt the same.

Shawn Benjamin stated that he lives across the street and that the garbage truck sounds like a regular residential truck. The neighbor closest to the dumpster enclosure has a seven-foot brick fence, so it is blocked from view. No one on that side of the street has complained. He is a member of a government affairs committee and understands the importance of code, but he does not believe the City should diminish people's capacity to earn a living.

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

In response to a question from Chair Adams, Mr. Whittaker stated that any neighbors with complaints about the dumpster should contact Code Enforcement. If the issue is not corrected, the Home Occupation Permit could be pulled. Chair Adams stated that the dumpster is not prohibited by DCMC and that the lots in the neighborhood are very large. It would be a bigger issue in other neighborhoods.

Commissioner Squire stated that she understands there is no neighbor to the east and that the neighbor to the south supported the application. However, the emailed comment was not referring to a one-time event. If approved, she was inclined to place time limitations on emptying the dumpster. Mr. Jones stated that the truck normally arrives during regular business hours, typically between 10:00 a.m. and 2:00 p.m.

Commissioner Fidler asked about placing the dumpster in a business parking lot. Mr. Jones stated that he could contact the owner of the Jensen Companies about doing so. Commissioner Fidler shared Commissioner Squire's concerns. Although dumpsters are allowed for residential use in conjunction with the other components of the business, it has become more of a commercial business that is well beyond a typical Home Occupation. Chair Adams agreed that it could be an issue with some current or future neighbors.

In response to a question from Chair Adams, Ms. Jastremsky stated that the Planning Commission could continue the item to the next meeting and ask the applicant to determine whether the dumpster could be placed offsite, or add a Condition of Approval requiring that the dumpster be located offsite. If he could not find a suitable location, he would need to reapply to amend the permit. Mr. Jones asked if an enclosure would be required on a commercial property. Ms. Jastremsky stated that a six-foot-tall masonry-walled enclosure is required on commercial properties.

Commissioner Squire stated that she was uncomfortable with a dumpster being emptied four times per week in a residential area. Her preference was to give the applicant the opportunity to find another location. In response to a question, Mr. Jones stated that the dumpster is filled every night, but he may be able to reduce pickups to three times per week.

Mr. Jones reported that his business license could not be renewed until the Home Occupation was approved, so his preference would be to move forward with the permit, subject to the condition that the dumpster be removed.

Planning Manager Todd Draper stated that the eight total nonresident employees and the two nonresident employees who will park on-site should be specified in the motion.

Motion: Commissioner Squire moved to APPROVE the Home Occupation Conditional Use Permit, as requested by Naaman Jones, Application 2025-0273-USE, based on the Findings for Approval and subject to the Conditions listed in the Staff Report dated February 16, 2026, and as modified by the following:

1. That all requirements of the Draper City Engineering, Public Works, Building,

Planning and Fire Divisions are satisfied.

- 2. That a Draper City business license shall be obtained and maintained by the business owner for as long as the business remains in operation.**
- 3. Only one (1) business vehicle shall be allowed as part of the business, and that vehicle must be parked on the property in the location shown on the approved site plan when at the subject property.**
- 4. No customers are permitted to come to the home.**
- 5. The business shall be limited to a maximum of two (2) non-resident employees. A maximum of two non-resident employees is allowed at the home.**
- 6. The employees shall park their vehicles in the designated off-street parking stalls as shown in the site plan.**
- 7. Storage of all inventory, supplies, and equipment shall be located inside the third car garage. The trailer shall be stored in the third-car garage.**
- 8. The business or business operations shall not create any of the nuisances listed in DCMC Section 9-34-040(G).**
- 9. The applicant shall bring their driveway into compliance by reducing the width to no more than 30 feet as described in DCMC 9-10-075(A)(1)**
- 10. The dumpster must be moved off-site as of April 1, 2026. No dumpster will be utilized on the property.**

Second: Commissioner Nixon seconded the motion.

Vote on Motion: 5-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				
Green, Alternate					X

**C. Public Hearing: City-Initiated Highland Boundary Adjustment Land Use Map and Zoning Map Amendment Requests.
(Legislative Action)**

On the request of Draper City for Zoning and Land Use Map Amendments to remove approximately 0.25 acres of property from the Draper City Zoning and Land Use Maps. The property is located at approximately 16199 South 3300 East and is the subject of a municipal boundary line adjustment with Highland City. Known and applications 2026-0017-MA & 2026-0018-MA. Staff contact: Todd Draper, 801-576-6335, todd.draper@draperutah.gov.

Mr. Draper reported that the amendment would remove the property from the Land Use and Zoning Maps due to a boundary adjustment with the City of Highland. The property was designated Residential Hillside Low Density and zoned A5 Hillside Sensitive Overlay. Although not part of the current application, the boundary adjustment also included annexation of some land into Draper City.

Chair Adams opened the public hearing.

Mary Anne Norling stated that she lives near the subject property and was curious about why Highland purchased the small strip of land. She also had questions about the Suncrest Development Agreement, website map, Hillside Sensitive Overlay, Staff contacts, and public hearing sign locations.

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

Ms. Jastremsky reported that the Alpine Hollow development will be directly north of the subject property, and Highland City was exploring trail options. As the property had been purchased by Highland, the adjustment would bring their city-owned property within city boundaries.

Mr. Draper reported that the Sunset Development Agreement was still codified and included in the Staff Report due to a potential discrepancy in parcel alignment, but Staff did not believe the subject property was within the agreement area. Most of the Suncrest area is in the Hillside Sensitive Overlay, which carries additional restrictions and geotechnical requirements. The sign Ms. Norling referred to had been moved so that it is now completely visible, and the item would be heard by the City Council at its March 3, 2026, meeting.

Motion: Commissioner Fowler moved to forward positive recommendations of APPROVAL to the City Council for the proposed Land Use Map and Zoning Map Amendments, as requested by Draper City, applications 2026-0017-MA and 2026-0018-MA, based on the findings and criteria for approval as listed in the Staff Report dated February 5, 2026.

Findings for Approval:

- 1. The proposed amendments are consistent with the goals, objectives, and policies of the City's General Plan.**
- 2. The proposed amendments are harmonious with the overall character of existing development in the vicinity of the subject property.**

3. **The proposed amendments will not affect the standards of any applicable overlay zone.**
4. **The proposed amendments will not adversely affect adjacent property.**
5. **There will be adequate facilities and services to serve the subject property within Highland City.**
6. **The proposed Land Use Map amendments comply with DCMC Section 9-2-020(F).**

Second: Commissioner Shirey seconded the motion.

Vote on Motion: 5-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				
Green, Alternate					X

2. **Other Business.**
Coordination between City Staff and the Planning Commission (as needed).
3. **Adjournment.**

Motion: Commissioner Squire moved to ADJOURN.

The meeting adjourned at 8:09 PM.