

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

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

EXCUSED: Commission Member Gary Ogden
Commissioner Member Christine Green
Spencer DuShane, Assistant City Attorney

STAFF: Mike Barker, City Manager
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

6:30 PM Business Meeting

Chair Andrew Adams called the meeting to order at 6:46 PM after technical difficulties with the meeting recording system delayed the start.

1. Items for Commission Consideration.

- A. Action Item: Approve Planning Commission Meeting Minutes for January 8, 2026.**
(Administrative Action)
Approval of Planning Commission Meeting Minutes for January 8, 2026
- B. Action Item: Approve Planning Commission Meeting Minutes for January 22, 2026.**
(Administrative Action)
Approval of Planning Commission Meeting Minutes for January 22, 2026

Motion: Commissioner Nixon moved to APPROVE the January 8, 2026, and January 22, 2026, Meeting Minutes, as presented.

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

**C. Public Hearing: Organize Simply, LLC Home Occupation Conditional Use Permit Request.
(Administrative Item)**

On behalf of Tracy and Daniel Bowers, representing Organize Simply, LLC, a request for approval of a Home Occupation Conditional Use Permit (“CUP”), on approximately 0.39 acres located at 786 E. Southfork Dr. Known as Application 2026-0027-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 property is designated Residential Medium Density and zoned RA2. The applicant requested permission to operate a home office providing professional organizing services, which are requested online and fulfilled at the client’s property. One nonresident employee works at the subject property two to three times per week between 8:00 a.m. and 5:00 p.m.

The site and floor plans were reviewed, as well as site photographs. The main floor home office is used for business administration. Two business vans with logo wraps are stored in the detached garage, along with supplies and inventory. Three parking stalls are available for employee parking.

Identified potential impacts include:

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

Proposed mitigations were as follows:

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. That only one (1) nonresident employee shall be permitted to work at the subject property.
4. That one (1) off street parking stall shall be provided for the nonresident employees vehicle as shown in the associated site plan.
5. That only two (2) business vehicles shall be parked at the property and stored within the detached garage.
6. That no customers shall come to the home

Commissioner Fowler expressed concern about the percentage of the detached garage being used for the business. The Planning Commission recently denied a similar request because too much of the garage was being used for storage. Mr. Whittaker clarified that the Draper City Municipal Code (“DCMC”) specifies a permitted percentage of the residence that may be used for the Home Occupation, but that provision does not apply to detached structures. A total of 250 square feet of storage space is allowed, and the applicant had requested a deviation from that standard.

Per DCMC Section 9-34-040(H):

The Home Occupation shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes. The Home Occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located. Not more than twenty five percent (25%) of the dwelling unit shall be used for the home occupation.

Mr. Whittaker indicated that they comply with the standard. The business will use a 109-square-foot home office within the dwelling for administrative purposes, which is approximately 2% of the dwelling unit. The 1,152-square-foot detached garage will be used to store two business vehicles and inventory. The area being used within the detached garage is 28% of the dwelling size.

The applicants, Tracy and Daniel Bowers, were present to answer questions. Ms. Bowers stated that they had more inventory than they had realized, but they love Draper and want to obey the rules. All inventory and both vehicles fit in the detached garage, and they can move one van to the attached garage if necessary. They typically only use one van each day. The vans were previously parked outside because they were unaware that wrapped vehicles must be hidden, but they have since been parked inside the garage. Nothing is stored outside.

Commissioner Fowler stated that an emailed comment from a neighbor indicated that more than one employee comes to the home. Ms. Bowers stated that one employee parks in the driveway and leaves with a van each morning, and occasionally a second employee parks there as well. A third part-time employee is at the home for one to two hours a few times each week. Only one employee works on the premises, primarily in the detached garage.

In response to a follow-up question from Commissioner Fowler, Mr. Whittaker reported that the off-street parking requirements may need to be modified, as any employee who parks at the

property must have an off-street parking stall. There were three stalls available at the home. Ms. Bowers stated that all three employees typically will not be at the home at the same time, but they may park there together. Commissioner Fowler clarified that the issue was traffic coming to the home, not who is physically onsite.

Community Development Director Jennifer Jastremsky stated that, in evaluating the application, the Planning Commission needed to consider whether the proposed number of employees was acceptable and whether there was adequate on-site parking. The applicant had one to two employees at the site daily, with an occasional third part-time employee, and the Conditions of Approval should account for that number.

Commissioner Nixon referred to the applicant's Facebook business page, which references a different address. Ms. Bowers stated that she was not familiar with the address, and her only place of business was the home office. The address listed on Facebook may be their post office box. In response to a follow-up question, she confirmed that there are two business vehicles, and only one is typically used.

Chair Adams opened the public hearing.

Larry Dixon gave his address as on Corner Ridge Court. Organized Simply had been operating without a license for at least four years, still did not have one, and had stated that they would obtain one only if a number of exceptions to the City Code were authorized and the city condoned the illegal warehouse they had built. He believes the business was operated with deception, and the violation of City Codes had been commercially profitable for them for too long. Draper has good codes, but they are pointless if not enforced. The applicant built a warehouse to store inventory and claimed it was a residential garage, thereby circumventing the vetting process, concealing their true intent, and avoiding the permitting process. It was his opinion that the inventory and vehicles should be moved to an appropriate industrial setting, as commercial delivery vehicles do not belong in residential areas, and the business did not qualify as a Home Occupation. If the application was approved, he believed it would reward those who circumvent the city government.

Christina Kesler-Day gave her address on Brown Farm Lane. She was not aware of the impact analysis until she heard about it at the meeting, but it sounded like a smaller scale of the Bangerter Crossroads development. She was neither for nor against it, but it would set a precedent that would affect residents. Draper City needs to uphold its codes and ordinances. People like living in Draper because it is a nice place to live, but the more the ordinances that protect residents are degraded, the more the quality of life is negatively impacted.

Erik Dixon gave his address on Corner Ridge Court. He moved to Draper after serving honorably for 15 years as a combat aviator and continues to serve in the Utah Air National Guard. He chose the neighborhood to raise his family, and he was present to protect his investment. Organized Simply is a remarkable business, but he objected to the location. The owner stated that she wanted to comply with all laws, but there was no active Draper City business license on file for the address. The applicant told *CanvasRebel Magazine* that they "built a 25-by-48-foot warehouse and filled it with over 50 shelves." That was not a home office, but rather a multi-state distribution warehouse in a residential zone. His children's elementary school bus makes two stops on Southfork Drive,

adjacent to the property, to pick up 15 to 20 children, and a special-needs bus picks up a child three houses down from the subject property. He asked if a traffic safety study had been conducted, because a commercial logistics hub cannot be approved next to a bus stop without one. While every family faces a 14% property tax increase this year, the business was using a residential exemption to run a commercial-scale warehouse. Conditions were not a solution but rather a transfer of the problem from the City to the neighbors, and commercial creep is how neighborhoods die. He asked that the Planning Commission serve as the line of defense to maintain the City's residential character by denying the permit and moving the business into the commercial space it had earned through success.

Lisa Brown gave her address on Southfork Drive, directly across from the subject property. She had never experienced traffic problems. The vans leave in the morning and sometimes are loaded at night. The applicants were great, respectful neighbors. She believes they just did not know that they needed a permit and were working to obtain one. She was more concerned about people running the stop sign near the bus stop.

Charles Anderson gave his address on Southfork Drive. The neighborhood is filled with large outbuildings, and he believes the applicant's detached garage is consistent with that standard. However, the other structures were built for residential use. If consistency includes both visual appearance and intent to use, a warehouse is not consistent with the neighborhood. The Bowers' business had grown, and they had been good stewards of the street on which they lived. He did not have a personal issue with their business but believed that the proposed mitigations were shortsighted if the growth it had experienced in the past two to three years was expected to continue. He asked who would enforce the requirements when they have up to 20 employees and are building another extended garage. He did not want to live in a combined residential and commercial neighborhood and asked that the permit be denied. The Bowers are respectful of the neighborhood, but the next similar business owner may not be, and that can of worms should not be opened.

Kathleen Hannan stated that she is a resident of Draper and opposed the application. She agreed with her neighbors and believed it would be a slippery slope. People did not move to Draper to live next to a warehouse, and the applicant was trying to circumvent the system for their own benefit rather than comply with business requirements. They had been operating for over four years without a business license. She asked at what point the rules are enforced. She was also concerned about legal liability, as it may increase the likelihood that pedestrians, especially children, will be struck by vehicles. As a defense attorney, she would read the minutes to determine who approved the permit and then go after them.

Loie Lowry identified herself as a resident of the neighborhood and stated that she can see the subject property from her home. She is more concerned about children getting off the school bus with people running the stop sign than about someone who has a business in their home. The business does not bother her. She did not know they had built a warehouse; she just thought it was a garage. She did not believe it was an issue for the neighborhood. She has asked the police department to park a patrol car in the cul-de-sac to catch people running the stop sign at the intersection of Corner Ridge Court and Southfork Drive. She thinks it is great that the applicant

has built a business. She knows the family and is certain they will find another place to run it out of when it grows.

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

In response to a question raised by Chair Adams, Mr. Whittaker confirmed that Draper City allows Home Occupations. A CUP would allow various aspects of a Home Occupation beyond a simple home office and sets conditions for things like storage, employees, work vehicles, etc. Chair Adams stated that it is conditional because the City imposes conditions on the permit, and it applies only to the business as it currently exists. Whether a business can be run from a home was not up for debate. The Planning Commission was considering the business's potential detrimental impacts and how they could be mitigated to ensure it is not a nuisance.

Chair Adams asked about the consequences of failing to obtain a business license. Mr. Whittaker confirmed that both State and City business licenses are required. Home Occupations typically do not apply for a business license in advance, as the license would be denied until the CUP is issued.

Chair Adams asked for more details on deliveries to the home. Ms. Bowers stated that deliveries are received from Amazon and FedEx and usually left on the porch, although occasionally larger deliveries are placed in the garage. The work vans are loaded with organizing products, such as bins and baskets, in the evening.

Ms. Bowers stated that she understood her neighbors' complaints and that she wanted to obey the rules. The business was registered with Utah as soon as it opened, and the garage was properly permitted. They did not know that they also needed a city license. She understands that the vehicles should not be visible, and they are now parked in the garage. They cannot afford a warehouse but will move the business as soon as they can. Mr. Bowers added that the business will not grow until that time.

Commissioner Shirey referred to public comment that the garage was being used for multi-state distribution and asked whether any products were made on-site for distribution and picked up by delivery vehicles. Ms. Bowers denied the allegation. Mr. Bowers added that items in the garage are only used for clients in Utah.

Chair Adams indicated that the number of employees allowed onsite should be clarified in the motion, but the applicant had a generous amount of off-street parking available.

Commissioner Nixon stated that two vehicles will be parked in the garage, similar to other Home Occupations in which a contractor keeps a truck and trailer behind a fence. Chair Adams remarked that it is also a separate garage. Often, businesses store inventory in the garage, and residents must park in the driveway.

The conditions of approval were discussed, including limiting the number of employees and vehicles. In response to a question, Ms. Jastremsky reported that no comments were received regarding hours of operation.

Regarding the staff recommendation for only one on-site employee, Mr. Whittaker clarified that it was due to a misunderstanding. One employee will work at the property, but up to two employees may leave their vehicles there during work hours. It was noted that those employees also work at the property when loading the work vans. Ms. Bowers clarified that employees sometimes help load the vans for the next day, but she and Mr. Bowers can load them if necessary. The part-time onsite employee works approximately four hours each week and is typically gone before the other employees return. No more than two employee vehicles are parked on-site at any one time.

Motion: Commissioner Shirey moved to APPROVE the Home Occupation Conditional Use Permit, as requested by Daniel and Tracy Bowers, representing Organize Simply, LLC, application 2026-0027-USE, based on the following Findings for Approval and subject to the conditions listed in the Staff Report dated March 13, 2026, together with the following modified findings or additional conditions:

1. Condition of Approval 3 is modified to allow two (2) nonresident employees to work at the subject property at any one time.
2. Condition of Approval 4 is modified to allow three (3) off-street parking stalls for parking of up to three (3) nonresident employee vehicles.

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

**D. Public Hearing: Openshaw Corner Development Agreement Request.
(Legislative Item)**

On the request of Charlie Openshaw and Porter Openshaw, representing CJO Holdings, LLC and P&J Ventures, LLC, A Development Agreement request for approximately 1.44 acres, located at approximately 207 East 13800 South, known as application 2025-0305-DA, Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

Planning Manager, Todd Draper, presented the Staff Report and reviewed the Vicinity, Aerial, Land Use, and Zoning Maps. The subject property is located at the intersection of 13800 South and Bangerter Highway. It is designated Commercial Office/Service and zoned Office Residential

(“OR”) and RA1 residential. If approved by the City Council, the Development Agreement would allow the December 2025 rezone and land use map amendment to take effect as those approvals were contingent on a Development Agreement being recorded by May 7, 2026. That approval would change the zoning on the property to Regional Commercial (“CR”) and change its land use designation to Regional Commercial.

The conceptual Site Plan was reviewed. Shared right-in/right-out access to 13800 South will be through the property to the east. Two buildings were proposed with parking in the center. In the event that a cross-access agreement could not be reached, an alternative Site Plan was also provided, indicating temporary access from 13800 South. Staff noted a possible discrepancy in the location of the access. Mr. Draper reported that use restrictions were also proposed in Exhibit D, but the applicant inadvertently included conditional and permitted uses in the table that needed to be removed. Right-of-way dedication and construction easements were also included in the agreement.

Development Agreements must include an identified benefit to the city. Benefits included:

- Dedicated land for right-of-way-improvements at 13800 South and Bangerter Highway.
- Increased revenues from the value of the property, construction, and other development activities.
- Potentially undesirable uses were limited.
- The agreement allows for more certainty as to what will be developed.
- Building heights will be restricted to 30 feet.

Benefits to the developer are as follows:

- The property will be rezoned CR and designated Regional Commercial.
- Vehicular access onto 13800 South will be allowed.
- Utilities will be stubbed to the property as part of the adjacent City roadway improvements.
- Perimeter and overall site landscaping requirements will be reduced.
- Restaurants under 2,500 square feet in size will require five parking stalls per 1,000 square feet, a reduction from the eight to 10 stalls typically required.
- Building entrances do not have to face the street.

Staff had concerns about the agreement as written. The following changes were recommended:

- A reciprocal cross-access agreement is required by the DCMC. However, Mr. Draper noted that the two parties were close to reaching an agreement.
- Regarding the temporary access, specific information was needed on when it can be installed and removed. The property owner is responsible for the improvements, and they must be constructed to City standards.
- Parking lot planter islands were proposed at a width of four feet. Staff recommended increasing this to 5 feet to accommodate trees.
- Other text updates and clarifications as noted in Exhibit A of the Staff Report.

If the Planning Commission makes a positive recommendation to the City Council, Staff requested that the motion include a direction that the above modifications be made prior to the Council's review.

Commissioner Fowler asked why the Planning Commission should move forward without a final Development Agreement. Mr. Draper stated that it is not unusual to move forward while corrections are pending. In this case, the modifications could be completed before the City Council heard the item. Ms. Jastremsky added that the Planning Commission's role in reviewing Development Agreements is to review the requested deviations from City Code, determine whether they are appropriate, and forward a recommendation to the City Council. Details of the agreement and whether to enter into it are matters for the Council to decide.

Landscaping deviations were reviewed. The applicant requested a reduction in the required landscaping percentage from 20% to 10% throughout the site, with 5 feet of perimeter landscaping. They also requested that the percentage of the parking lot landscaping be reduced to 0%, but the conceptual Site Plan included end-row landscape islands. Deviations were also requested for entrance locations, building height, uses, and parking requirements for restaurants smaller than 2,500 square feet.

Commissioner Squire asked about the deviation to allow building setbacks of zero. Mr. Draper reported that the CR Zone does not include required setbacks, so a zero-foot setback would be allowed without the Development Agreement. Setbacks are usually determined by landscaping requirements. Commissioner Fowler noted that the development will coordinate with the northern lot, so there will likely be a zero setback at that property line. Commissioner Squire remarked that they are separate applications and should be analyzed separately. If the setback was only appropriate if the northern property is developed, the Development Agreement should reflect that. Chair Adams stated that the Staff recommendations would accomplish that goal.

Chair Adams asked about cross-access and temporary access. Mr. Draper reported that each property owner would be responsible for executing the agreements, which must be reciprocal. Access could also be granted through an easement that is attached to the deed and conditioned on a reciprocal easement. The final agreements must be recorded. There will be no cross-access until the northern property is developed, so temporary access may be required initially.

In response to a question raised by Commissioner Nixon, Ms. Jastremsky clarified that the property is not adjacent to a residential development. An adjoining property was currently zoned residential, but the next agenda item was a Development Agreement request which would change the zoning to CR if approved, similar to this application. Commissioner Nixon asked about dumpster access. Ms. Jastremsky reported that DCMC does not specify where dumpsters should be located, but it does include screening standards. Dumpsters must be inside a six-foot concrete or masonry enclosure with a non-see-through gate, and landscaping is required around the enclosure.

Chair Adams stated that he agreed with the Staff recommendation to require five-foot landscape islands in the parking lot, as four-foot islands do not provide enough room for trees.

Steve Lovell spoke on behalf of the applicant. They were confident that they could address all Staff concerns, and the cross-access agreement with the adjacent property owner was nearing completion.

Chair Adams opened the public hearing.

Christina Kesler-Day gave her address on Brown Farm Lane. She was concerned that the development was adjacent to Bangerter Crossroads and that the lack of a Development Agreement could leave it vulnerable to undesirable outcomes. Landscaping and setback deviations would set a precedent that Bangerter Crossroads could exploit.

Shawna Fuller reported that she has lived in Draper for 34 years. She urged the Planning Commission to require a 10-foot landscaping buffer, as that would help residents feel better about the development.

Augusto Bernardo asked about traffic impacts from the development and how cars will exit if traffic is backed up at Bangerter Highway.

David York gave his address on Morning Ridge Circle. He urged the Planning Commission to consider the two Development Agreements together, as the subject property cannot function without a cross-access easement to the 17-acre Bangerter Crossroads property. If Openshaw were approved and Bangerter Crossroads were never developed, the temporary access would become permanent. He asked about the enforcement of the cross-access agreement. Section 4.5.2 would allow Openshaw to build a gas station if Bangerter Crossroads did not submit plans for one within 12 months, but “submit” was undefined. Each Development Agreement also had its own traffic study, but he did not believe the combined impact on 13800 had been analyzed. The projects are interdependent but structured to create finger-pointing when things go wrong. Section 2.7 requires the city to pay for all Openshaw frontage improvements on 13800 South and does not include a cap. Bangerter Crossroads will also be accessed from 13800 South, and he was concerned about who would pay if utilities needed to be upsized. He believes the agreement would eliminate all protective standards in the Draper Commercial Code and lock the city into it for 10 years.

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

Chair Adams clarified that the Planning Commission would not be approving the Development Agreements, and whether to consider them individually or in conjunction was a City Council decision.

City Engineer Brien Maxfield spoke to traffic concerns. An existing City project for street improvements required additional right-of-way from both the current and next applications. That project was fully funded, and the City was ready to move forward with improvements to the public frontages on both properties at 13800 South and Bangerter Highway. The project would address deficiencies and improve traffic flow. The more traffic that can be kept flowing, the safer it will be. It is in the City’s interest to limit access points, and the Development Agreement would do so. Staff believed it was the best solution for the property. When an application is received, the traffic impacts of that specific development are reviewed. A single developer cannot be held responsible

for city deficiencies like those present in the area. Project impacts are addressed during the Site Plan approval process, including an engineering analysis of the traffic generated by proposed uses.

In response to a question raised by Chair Adams, Mr. Maxfield confirmed that the conceptual Site Plan included the proposed frontage. A free-flowing turn will improve traffic flow on 13800 South northbound onto Bangerter Highway and reduce delays as vehicles will merge more easily onto Bangerter Highway and Interstate 15.

Commissioner Fidler asked if a stoplight would be added at 300 East and 13800 South. Mr. Maxfield reported that the project was funded to \$3.25 million and Phase 1 would begin on the west side and move east. A signal at 300 East and 13800 South was part of Phase 2, but the timing of that phase would depend on the construction costs for Phase 1.

City Manager Mike Barker reported that the area at 300 East, from the traffic circle south to 13800 South, was currently under study, and that installing the traffic signal was a high priority for the City Council. He believed that the Council would direct the staff to install the signal contemporaneously with the construction of the Bangerter Crossroads site.

In response to a question from Commissioner Squire, Mr. Maxfield reported that on major collector roads such as 13800 South, the minimum access distance is typically 350 feet. That was not possible with this development, but the access would be located as far to the east as possible. He did not know the specific distance, but it would be more than 120 feet from the Bangerter Highway intersection. If a temporary access was required, it would be in the approximate location shown on the alternate conceptual Site Plan.

Mr. Lovell provided context on the requested setbacks. The parcel size had previously been reduced due to improvements to 13800 South, and the Development Agreement would dedicate additional property to the City. The applicant was giving up land, which reduced the amount available for landscaping and parking, and, in return, they were asking for leeway on those requirements. Temporary access is their Plan B. They are very close to reaching an agreement on cross-access with the adjacent property owner, so the temporary access should not be necessary. In response to a question from Chair Adams, Mr. Lovell confirmed that the traffic flow would be similar regardless of the access point.

Commissioner Fowler appreciated the applicant's willingness to dedicate land to the city for a new traffic pattern. She believed the deviations were a fair tradeoff. Commissioner Nixon agreed; however, her preference was for 10-foot perimeter landscaping as the property is on a visible corner and five feet is not adequate for waterwise landscaping.

Motion: Commissioner Fowler moved to forward a positive recommendation to the City Council for APPROVAL of the Openshaw Corner Development Agreement as requested Charlie Openshaw and Porter Openshaw, representing CJO Holdings, LLC and P&J Ventures, LLC, Application 2025-0305-DA, based on the Findings for Approval listed in the staff report dated March 16, 2026, together with the following additional recommendations:

1. **That all noted concerns and changes identified by City Staff as outlined in the Staff Report be addressed and included in the Development Agreement that is approved by the City Council.**
2. **That perimeter landscaping be increased to a minimum of 10 feet.**

Second: Commissioner Nixon seconded the motion.

Vote on Motion: 4-to-1 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

**E. Public Hearing: Bangerter Crossroads Development Agreement Request.
(Legislative Item)**

On the request of Duaine Rasmussen, representing Tom Lloyd and Lloyd's TLC Limited, A Development Agreement request for approximately 17.88 acres, located at approximately 13782 South 300 East, known as Application 2025-0304-DA, Staff Contact: Todd Draper, (801) 576-6335, todd.draper@draperutah.gov.

Mr. Draper presented the staff report and the Vicinity, Aerial, Land Use, and Zoning Maps. The subject property is adjacent to the Openshaw property near Bangerter Highway, 13800 South, 300 East, and 150 East. The property was currently zoned RA1 and designated Residential Low-Medium Density, Residential Medium Density, and Office/Service. If the Development Agreement is approved, the Regional Commercial land-use designation and CR Zone would be applied per the December 2025 approval of the rezone and land use map amendment.

The Master Site Plan was reviewed. An anchor tenant, a junior anchor tenant, and an outparcel building were proposed. Connection to the adjacent development was indicated on the plan. Mr. Draper reported that the applicant was in negotiations with the Utah Department of Transportation ("UDOT") to purchase a small parcel included in the site plan. A detention pond currently on the parcel would be removed, and drainage would be redirected to a pond at the northwest corner of the development. Concept elevations for all buildings were included in the Development Agreement, and Staff review determined that the proposed colors and materials complied with the current City ordinance.

The landscape plan included the following deviation requests:

- Reduction in the overall amount of site landscaping and perimeter landscaping.
- Five-foot landscape buffer and five-foot sidewalk along the residentially-zoned property to the north of the anchor tenant, as well as an eight-foot precast concrete fence.
- A 22-foot landscape buffer between the anchor tenant and adjacent residential properties to the south, decreasing to 11 feet at the far eastern property, and a six-foot precast concrete fence.
- Parking lot landscaping of 5%, with no landscaping between head-to-head parking rows.
- Reduction in the number of trees included in the landscaping buffer.

Mr. Draper noted that the Staff Report indicated Exhibits I and M had not been received; however, those exhibits were now available. Exhibit I: Outdoor Sales and Display Plan included outside sales areas, electric vehicle charging stations, customer pickup area, cart returns, and Americans with Disabilities Act (“ADA”) parking stalls. Exhibit M references a portion of the detention pond that will be dedicated to the city.

The Screening Plan and elevations were reviewed. Frontage along 300 East will include a typical sidewalk, a 10-foot planting area with trees and a berm, and a six-foot solid wall.

Mr. Draper reported that the staff had concerns with the submitted Lighting Plan. The photometric data differed from what is typically included, and readings near residential properties exceeded the 0.2-foot candles (“FC”) specified in the city ordinance. A deviation was requested to allow bronze light poles up to 30 feet in height in the center of the development, but all perimeter light poles will be 20 feet. The fuel canopy lighting was proposed at 60 FC, a deviation from the 15 FC allowed by ordinance. As the industry standard is 20 to 30 FC, the staff recommended denying this deviation.

The Signage Plan and concept renderings were reviewed. A pilon sign would be located at the Bangerter Highway entrance, with monument-sized signs at the fuel station and a five-foot non-illuminated monument sign at the rear entrance on 300 East. Typical fuel price signage was also proposed. A deviation was requested to allow the monument signs to be up to 12 feet in height.

Restrictions were proposed to prohibit the following uses:

- Carwash
- Oil Change
- Automobile Repair

Six-foot perimeter fencing was proposed, with an increase to eight feet along the eastern property line and north of the anchor tenant. Citizen comments indicated that sections of the existing fence are less than eight feet, and Staff recommended installing eight-foot fencing in those locations.

Benefits to the City would include:

- Dedicated land for right-of-way-improvements at Bangerter Highway and 150 East.
- Increased revenues.

- Potentially undesirable uses were limited.
- The agreement allows for more certainty as to what will be developed.
- Pedestrian and vehicular connections will be provided throughout the commercial center.

Benefits to the developer are as follows:

- The property will be rezoned CR and designated Regional Commercial.
- Pedestrian and vehicular access points will be approved.
- Reduced landscaping requirements.
- Increased light pole height in parking areas.
- Higher illumination levels at the property boundary and fuel canopy.
- Allowance to use additional wall-pack lighting on the anchor tenant building.
- More parking will be allowed than required by ordinance.
- A deviation from screening requirements will be provided.
- The anchor tenant building entrance will be allowed to face the parking lot.
- Fewer trees will be required in the buffer areas.
- Taller monument signage will be allowed.

Mr. Draper reviewed Staff concerns with the proposed Development Agreement and requested that any motion include the recommendations outlined in the Staff Report.

- A reciprocal cross-access agreement is required.
- Excessive illumination was proposed at the residential boundaries and under the fuel canopy.
- Additional clarification was needed on the use of turf grass.
- Exhibit drawings must be consistent.
- No building height limit was proposed.
- No alternative plan was provided, indicating the applicant's intentions if the UDOT property is not acquired.
- Current language regarding application processing may be contrary to State regulations.
- In several instances, the city was being asked to make findings absent studies, reports, or other evidence that is typically required. Those sections should be removed.
- Other text updates and clarifications as noted in the Staff Report.
- Concept renderings of all elevations should be included in the Development Agreement.

Commissioner Fowler remarked that the Staff review, beginning on Page 15 of the Staff Report, identified issues that need to be addressed but did not make specific recommendations regarding maximum foot candles, building heights, etc. She was very concerned about potential negative impacts on the residential neighborhood. Mr. Draper stated that the Planning Commission can make specific recommendations to the City Council.

Chair Adams asked about gas station canopy lighting at other locations in the city. Ms. Jastremsky reported that the staff would review those specifications prior to the City Council meeting. In response to his follow-up question, Ms. Jastremsky clarified that minor changes to the Concept

Plan are permitted, but any major changes, such as relocating the fuel station, would require an amendment to the Development Agreement. Chair Adams stated that he was pleased that the fuel station would be as far from the residential area as possible, but its lighting should be in line with other fuel stations in the city. Ms. Jastremsky indicated that the Planning Commission may want to consider directing Staff to research approvals for existing fuel stations so the Council can determine what is appropriate based on that information.

Commissioner Nixon expressed concerns about the proposed signage, as the requested deviations would double the allowed height for some signs. The monument signs at Bangerter Crossing across the street are six feet tall, and the tower sign is less than 20 feet tall; she believes Bangerter Crossroads should have similar requirements. In response to a question from Chair Adams, she confirmed that the proposed signage was significantly taller than that in the Day Dairy development. Chair Adams agreed that the signage should meet the current City ordinance. Ms. Jastremsky reported that the Day Dairy monument signs were allowed to be seven feet tall, a one-foot variance.

Commissioner Nixon remarked that no dumpster locations were noted on the conceptual Site Plan, but she was not concerned, as there was ample space for them.

In response to a question raised by Chair Adams, Mr. Draper clarified that fencing would be six feet along the far northern and southeastern property lines and eight feet along the eastern side of the detention pond and connecting property line to 300 East. Chair Adams stated that the fence should be eight feet high along the entire perimeter.

Commission Squire asked about the flooding risk from locating the detention pond near homes. Mr. Maxfield reported that the City basin was oversized to accommodate extra capacity. The portion of the detention pond behind the junior anchor tenant would be constructed by the applicant and, as proposed, would meet all City requirements. The low point of the development is near the basin, so any flooding would occur on 150 East. Residential developments east of the applicant's portion of the basin were built up to accommodate basements and were at a higher elevation than the existing site grading.

Commissioner Squire expressed concern about the proposed buffers between the development and residential properties to the south and northeast. Mr. Draper clarified that the city requires a 20-foot land-use buffer and a 6-foot fence, so the proposal was consistent with code. Commissioner Squire stressed the importance of structuring the agreement to mitigate negative impacts on people living near the development.

Commissioner Shirey asked why the number of trees was reduced. Mr. Draper indicated that the question was best directed to the applicant, but Staff would prefer that the number of trees comply with DCMC. One tree is required for every 400 square feet of buffer area, and trees are also required between buildings and adjacent residential properties. Screening along 300 East would have significantly more trees than required, but the area near the junior anchor tenant building would have significantly fewer. Ms. Jastremsky noted that some trees may benefit neighboring homes, but the staff would need to determine appropriate locations to avoid adversely affecting

the City's detention pond. Mr. Draper added that the pond is 79 feet wide at its center, and landscaping would typically be planted along the five-foot perimeter.

Commissioner Squire remarked that the proposed 300 East frontage would have ample screening, but a minimal buffer was proposed along residential properties that would be most impacted by noise and lights. Mr. Draper reported that the proposed quantity of trees in those areas was likely in compliance, but specific calculations were not available.

Duaine Rasmussen spoke on behalf of the applicant. They had been under time constraints to submit the Development Agreement and welcomed the Planning Commission and Staff recommendations for changes. The Lighting Plan was being sent back to their photometric contractor to ensure that it meets City standards, particularly near residential areas. They were willing to ensure that all fencing would be eight feet high. The Site Plan would be part of the Development Agreement, so building locations would not move. After comments were made on the traffic study, the traffic engineer updated it and forwarded it to Mr. Maxfield, and Mr. Rasmussen believed the city was satisfied with the study.

Commissioner Squire asked Mr. Rasmussen to address the developer's obligation to screen the property from adjacent residential homes. Mr. Rasmussen stated that screening on the north side was limited by the detention pond, but they would try to find places to plant trees that would not interfere with its operation. The south side is more problematic due to limited space, but they would work with the staff to determine what could be done given the site's constraints. Commissioner Squire expressed concern about the number of lights and noted that additional evergreen trees, if planted in the area, would lessen negative impacts on neighboring homes, especially in winter.

Mr. Rasmussen introduced project engineer Troy Wolverton. Mr. Wolverton reported that there was a property line overlap to the south, and the 11-foot buffer shown in that area was to the current deed line. Once that issue is resolved, the buffer will be 20 feet. If it is less than 20 feet, the wall should be eight feet tall. They did not intend to have a six-foot wall and a 10-foot landscape buffer. Specific tree species had not yet been identified. They received direction from Staff regarding the screening of 300 East, and their understanding at the time was that they could move trees to that location and still meet the overall site requirements. Both evergreen and deciduous trees were proposed. Their intention was to address any issues before presenting the Development Agreement to the City Council.

Regarding lighting, Mr. Wolverton stated that gas stations in the area sell products in a convenience store, but at this location, all products will be outside, under the canopy. Brighter lighting was proposed to address related security concerns, and he did not believe DCMC adequately met the requirements of current technologies, such as facial-recognition cameras. He compared it to drive-throughs at new America First Credit Union locations, which average 50 FC, and indicated that the highest proposed under the canopy was 57 FC.

Commissioner Squire pointed out that the issue they were discussing had been raised when the project first came before the Planning Commission in November 2025, and that they had discussed the need for a Development Agreement extensively due to the adjacent residential properties. She

found it frustrating that the applicant was proposing signs twice the size allowed by City code and pushing the limits in other areas as well. It seemed like a positive recommendation would be forwarded, but it would have a list of 50 required changes, which she was unwilling to support. She preferred that the Development Agreement be closer to its final form.

In response to a question raised by Commissioner Fowler, Mr. Rasmussen stated that the maximum building height would be 35 feet, but actual building heights should be substantially lower. Heights were indicated on the supplied elevations, but no maximum height was specified in the Development Agreement language. Mr. Rasmussen stated that the Planning Commission had legitimate concerns, and the applicant was committed to reaching a resolution with the staff.

Chair Adams opened the public hearing.

Chris Mace gave his address on Meadow Heights Lane, which backs up to the detention pond. The wall is currently six feet, and he would prefer it to be eight feet. They were told that the development would be best for the city, but he had thought there would be more compromises. He did not believe there were any pipes in that area of the detention pond, so there was no reason why they could not add more screening trees.

David York gave his address on Morning Ridge Circle. The Planning Commission should ask whether the project belongs in Draper and on this property, and he believed the answer to both questions was no. The property was still zoned RA1, and the ordinance passed by the City Council was subject to a Development Agreement that adequately addresses traffic mitigation, roadway improvements, infrastructure funding, and other public benefits. Instead of addressing those concerns, the proposed Development Agreement overrode them. It exempted itself from City standards, deferred critical issues, and left traffic access and circulation undefined. He thought it was a rush job to meet an artificial deadline. It also violated City lighting ordinances. Draper City requires a maximum of 0.2 FC, but the agreement proposed 1.9 FC for the perimeter and 60 FC for the fuel station canopy. DCMC sets a density of one pole per 10,000 square feet, but the applicant proposed 91 light poles, or one every 8,600 square feet. Illumination readings are required every 5 feet, but they were provided only at 15-foot intervals. The code protections were put in place to prevent light trespass into residential neighborhoods, and the lighting in the proposal alone indicated that the project was not suitable for a property surrounded by residences on three sides. The project would place its operational functions (deliveries, loading, and trash collection) in front of residential homes. City code requires service areas to be oriented away from residences, and the proposal pointed them toward residences. If the project could not fit without turning 300 East into part of its commercial circulation system, handling both commercial and service traffic, then it did not fit.

Rosemary Thomas gave her address on Brown Farm Lane. She believed the project was incompatible with the area because it would depend on 300 East functioning as a commercial corridor. With no left-turn access onto Bangerter Highway, even more of the project burden would be shifted onto 300 East, and traffic would be redirected to a street not designed to handle the volume or intensity. She asked the city to show how residents would be expected to exit her neighborhood traveling south. They were told there would be a right-in/right-out, but she did not see it on the plans. Residents were being asked to absorb impacts that do not align with existing

infrastructure. Increased traffic and commercial activity would affect safety, noise levels, and the overall quality of life in a very real and lasting way. If the project moved forward, she requested that meaningful, enforceable protections be put in place. Buffering must be done correctly with mature, substantial trees 20 feet tall at installation, not small saplings that will take decades to grow. The proposal fell short of established standards. A five-foot landscape buffer with an eight-foot fence was proposed, where a 10-foot buffer is standard. On the south side, the required 22 feet was reduced to only 11 feet. Those deviations would materially affect screening, compatibility, and property values for surrounding residents. The standards exist for a reason and should be followed. The Planning Commission's previous negative recommendation was not followed by the City Council. Given the concerns already identified, she strongly urged that the Commission once again recommend denial, as it is their responsibility to ensure that the development fits the neighborhood, not the other way around. She requested that they not approve a project that would turn a residential street into a commercial access point. If they did move forward, she requested that they require real, enforceable protections that preserve safety, livability, and the community's character.

Robbie Stagg gave his address on Sher Lane and reiterated his neighbors' request for an eight-foot wall. The Development Agreement discussed a High-Intensity Activated Crosswalk ("HAWK") signal, which would be appropriate because, if 300 East is an access point, it will increase safety concerns, and children will need to cross the street either at this location or at Stokes Avenue. He asked if the temporary access could be moved because otherwise, vehicle lights would shine into neighboring homes when making a right turn. He lives less than 1,000 feet from the entrance but will have to drive a mile to get back to his house due to all the right-in/right-out turns.

Fernando Luege gave his address in Draper. He believed that the project was being fitted to the primary tenant's building, but that conditions should first be put in place, and then the building size could be determined based on feasibility. The longest residential boundary for the project would face the primary tenant's loading bay, which would create significant noise projection. He had requested that a full row of parking be removed, the landscape buffers be increased, and more mature evergreen trees be installed to protect the residences. The developer responded that the tenant and building size required that number of parking stalls. He then referred to Exhibit K and stated that expanding the width of the landscape buffer was critical, with the retaining wall as far as possible from the border wall to avoid sound projection.

Greg Wall reported that he works for Land X Development at 134 West 13100 South. His company developed the Concord Farm Lane subdivision, which is the eight new homes north of the anchor tenant's building, and was under contract to purchase Mr. Leuge's property. They had been in communication with the applicant regarding the 10-foot overlap, and he had forwarded the matter to the title company for resolution. He requested that a condition of approval be added to indicate that the matter be resolved prior to final approval. Additionally, he was concerned about the proposed landscape buffer to the north of the anchor building, which he deemed inadequate and would prevent them from developing the property they had under contract. DCMC Section 9-23-110 requires a 20-foot landscape buffer between all commercial and office uses when located adjacent to a residential zone, and one tree per 400 square feet of buffer area is required. The developer indicated that they could not plant the required coverage due to the detention basin, which was concerning. He requested that the same density and types of

trees found on the south side of the basin be planted on the north side adjacent to Concord Farm Lane and the property they had under contract. He also took issue with the proposed landscape buffer and sidewalk and offered to work with the developer to find an alternate design.

Matt Smith gave his address on Brown Farm Lane and asserted that the Traffic Study performed for the development did not accurately reflect the proposed master Site Plan, as it assumed that all properties are general retail except for the gas station. However, the conceptual Site Plan showed that the pad properties would be drive-throughs such as banks or fast-food restaurants, which have very different land uses. According to the Institute of Transportation Engineers Trip Generation Manual, a retail store generates 68 trips per day per 1,000 square feet, whereas a drive-through establishment generates 468. The traffic study assumed that all properties would be retail and projected 9,000 trips per day. However, when the correct land uses are applied to the submitted master Site Plan, the projected traffic increases to almost 16,000 trips per day. Even at the original projection of 9,000 trips per day, nearby intersections were projected to reach the level of service D, which is barely acceptable. He found it difficult to believe they could maintain a D if the traffic increases to 16,000 trips per day. He respectfully requested that the Planning Commission recommend denying the proposal until the types of tenants and uses were clearly specified. He also asked that the City require a new traffic impact study that accurately reflects the land use, and contract with an engineering firm to perform an independent peer review of the study. He believes that everyone shares the same goal of responsible development that supports economic growth while protecting the quality of life and mobility for Draper citizens.

Lee Holiday gave his address on Concord Farm Lane and indicated that he shared Commissioner Squire's concerns. He was not opposed to the project, but there were ways to improve it, and the lighting was too bright. No matter what they do, lights will shine into neighboring homes, but they can be dimmer. If the gas station were concerned about people stealing sodas, it could move them inside. They did not need 60 foot-candles of light, which he will probably see from his house. He was also concerned about prospective tenants and asked if additional uses should be prohibited. He understands that Draper City does not want anything planted in the detention basin; that may be good for the city, but not for residents. He believes the City should require the same trees in this area as elsewhere on the property. When his neighborhood was built, they had to plant three-inch caliper trees along 300 East, and some of what was proposed for the subject property were smaller. Trees should be installed prior to construction.

Jordan Wild gave his address on Brown Farm Lane. The Staff Report mentioned evaluating a traffic signal at the crosswalk at 300 East, and he asked whether the Planning Commission would condition approval on the installation of the signal. He also had questions about the reason for increasing lighting at the corner, reducing plant sizes from two gallons to one gallon, and whether the ban on trucks at the intersection would be enforced. If trucks are not allowed at that intersection, he asked about their specific entry and exit points to the loading docks, as well as dumpster locations and garbage truck routing. Required outdoor amenities had been reduced, but if the neighborhood where to eat and spend time there, they should not be allowed to reduce the number of gathering and eating places.

Trent Jarman gave his address on Brown Farm Lane, which will be affected by delivery vehicles backing up. Smiths will be the tenant, and the existing Smiths have minimal trees at the rear

because they do not replace them when they die. Residents asked the developer to plant evergreens to block light and sound in the winter. There will be garbage, cardboard, and broken shopping carts behind the building, and that is what neighbors will see when they pull out onto 300 East. If a traffic light is installed on 300 East, cars will back up, and more will cut through the neighborhood. They will be dealing with a ton of traffic.

Tallen Wardle gave his address in Draper and indicated that his front yard had become a staging area for road rage incidents and car accidents. He purchased the property from his grandparents, and it had been in his family for 30 years. He put a lot of money and labor into improving it, but halted renovations when he realized he might be investing in a residential property doomed to become a gas station or vacant lot. Ingress and egress were already issues, and he questioned how the City would handle the intersection's limiting factor. He found it convenient that the discussion about installation or budgeting of the traffic signal had been postponed to an ambiguous phase two. He requested that a plan be made to address issues at the intersection prior to approval. He is a general contractor who supports development, but there needs to be a reason and logic behind it, and consideration must be given to existing residents.

Kayla Kielsmeier gave her address in Draper. They already have to deal with street and traffic lights shining into their backyard, and announcements at the carwash make their dogs bark. She was concerned that her backyard would only be minimally protected from light and sound. She must leave 30 minutes before her son's sports practices at Draper Park Middle School to get him there on time because of traffic, and she was skeptical that a traffic light at 300 East would help, since traffic is already so backed up. Her son catches the bus at the corner, and some of his friends have to cross the street to reach the bus stop. She would hate to see a child be struck by a vehicle while trying to get on the school bus. People do not pay attention, and there is already too much traffic, and now they would be adding to it with this large development.

Augusto Bernardo gave his address on Sher Lane. He thanked Commissioner Squire for pointing out that the eastern landscape buffer needs more protection and screening trees. He asked the Planning Commission to consider how area residents will be affected by the decision.

Christina Kesler-Day gave her address on Brown Farm Lane. She thanked Rosemary Thomas, Matt Smith, and David York for the work and research they put into helping the community. The project differs from the America First Credit Union because there are homes on three sides of the development. Neighbors have had multiple meetings with the City Council, City Manager, and Mr. Rasmussen and have clearly conveyed their concerns about the traffic study, landscaping buffers, lighting, and scale. Mr. York was correct in stating that the development does not conform to the Site Plan, and she believes it is an embarrassment to Draper City and its staff. She asked everyone how they would feel about the development going on next door to their home. It was not going to be next door to the developer or landowner's house, but next to hers. Residents had asked the city for help in salvaging their neighborhoods for months. They moved to Draper because it was a nice place to live, but this was exploitation, and the developer kept pushing and pushing.

Mindy York gave her address on Morning Ridge Circle and asked that, instead of sending a conditional recommendation of approval to the City Council with dozens of changes, the Planning Commission deny the application.

Kenzie Simons gave her address in Draper. She was concerned about traffic on 300 East. She already has difficulty turning left from her road to take her children to school and activities, and is worried about how long it will take when there are thousands more cars on the road. She and her children use the crosswalk at Stokes Avenue and 300 East daily. It is very dangerous because cars do not stop. She requested that the developer install more substantial crosswalks because many children walk along 300 East to the parks. The line for pick-ups and drop-offs at Channing Hall can extend all the way down 300 East, and the development will add even more traffic. She is very concerned about safety in the area.

Jeff Thomas stated that he lives on Brown Farm Lane and asked that the traffic study be expanded to include areas north of the subject property. He will have to exit Brown Farm Lane and travel down 13800 South to turn right into Smith's. To return home, he will have to drive back up 300 East to the roundabout at the dog park and come all the way back to Brown Farm Lane. Residents coming from the east and south will have to exit right onto 300 East, then turn left or right from there. That means a lot of traffic will flow out of 300 East and work its way around the park. He also asked how the right-in/right-out entries at 300 East and 13800 South would be enforced.

Shawna Fuller gave her address on Ranch Circle. She indicated that 300 East is increasingly used as a bypass when accidents occur on Interstate 15, which are becoming more frequent. Even when that does not happen, it can take 20 minutes for her to go westbound on 13800 South to Interstate 15 at 4:00 p.m. because of the number of cars already on the freeway and arterial roads.

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

Chair Adams stated that, as Mr. Maxfield had reported, developers cannot be required to correct City deficiencies, so improvements like a HAWK system would need to be installed by the city. He asked Mr. Maxfield what could reasonably be asked of the City Council and to review the proposed mitigations for traffic impacts outlined in the Development Agreement.

Mr. Maxfield reported that Development Agreements typically address onsite items. Engineering aspects of the site and its impacts on surrounding infrastructure are analyzed at Site Plan approval when information on actual uses and trip generation is available. The Draper Traffic Committee analyzes intersections, crosswalks, school routes, and other locations to determine whether specific improvements are justified. Citizens spoke about a HAWK signal, which is a controlled system that allows pedestrians to cross. They are mid-block crossings that cannot be installed at intersections because they are not visible in all directions. The City is always concerned about unsafe crossings, and he would discuss the issue with the Traffic Committee.

Staff had analyzed connection points and turning movements for the development, and right-in/right-out is the best movement given traffic volumes. Adding a left-turn movement would slow traffic and create additional conflict points. Their intent was to engineer it to address existing problems and accommodate potential traffic generated by the development. An independent

consultant that is not affiliated with the developer reviews traffic studies for the city, so an outside review will be conducted when the Site Plan is submitted. Staff will then evaluate any recommended mitigations and review improvements to address safety concerns, such as lane widening, additional turn pockets, additional signals, or signal timing.

Regarding citizen comments on the use of porkchops (curbs to prevent vehicles from traveling in a specific direction) or other methods to prevent trucks from entering the property, it is important to ensure that fire trucks can access the property. Because they are approximately the same size as delivery trucks, the city limits their use. However, signage and striping will be installed, and the police department will enforce traffic regulations. In response to a question raised by Commissioner Fowler, Mr. Maxfield stated that fire trucks require 13 feet of clearance, so an overhead clearance bar could not be used.

In response to a question from Commissioner Squire, Mr. Maxfield confirmed that the entrance from 300 East will be right-in/right-out only. Commissioner Squire stated that it would cause issues, as people consistently U-turn at the “No U-Turns” sign in front of Harmon’s.

Commissioner Squire asked why the HAWK signal was discussed in the Development Agreement if the developer was not responsible for its installation. Mr. Draper reported that the language was provided by the developer to address concerns raised by residents, and a modification had been requested to clarify that the city is responsible for studying and installing the signal. Chair Adams asked if the developer could be asked to install the signal, as it is an expensive system.

Commissioner Squire stated that a citizen had made a valid point about the installation of small, slow-growing trees and asked if a maturity requirement could be added to the Development Agreement. Mr. Draper reported that the developer had proposed two-inch caliper trees, which were consistent with the city ordinance. When larger trees are planted, their survival decreases. Chair Adams remarked that the berm, elevation difference, and wall will provide initial screening. Commissioner Squire pointed out that the renderings show mature trees, which is not a realistic portrayal.

Mr. Rasmussen stated that they had many discussions with the staff about the HAWK signal. Mr. Maxfield and the Traffic Committee want to ensure that it is warranted and installed in the right place, and he was unsure of the timing for that decision. However, they would be willing to participate in the project. He and the neighbors have differing opinions on how the property should be developed. If the Planning Commission was comfortable with sending the list of recommendations to the City Council, he asked that they forward a positive recommendation. If they were not inclined to do so, he requested that the item be tabled until the next meeting so any pending issues could be addressed. He believes a resolution can be reached.

Chair Adams stated that there had been comments that the Development Agreement was not ready or that the meeting was premature, but the meeting had been productive. He saw no reason to table the item, as the same issues would be raised at that time. He recommended that the signage height be consistent with other signage in the city, and fencing, screening, and lighting requirements be addressed. Regarding lighting, the more well-lit the property, the more secure it is, but that comes at a huge cost in light pollution. He agreed with Commissioner Fowler that the

staff should provide a foot-candle recommendation. He understands why the applicant had requested the level of illumination, but the staff needed to determine what was appropriate.

In response to a question, Commissioner Nixon stated that signage should be consistent with the Code and the area. Chair Adams stated that the references to signage in the Development Agreement are unclear, as some refer only to the anchor tenant, while others refer to all sub-tenants. Commissioner Nixon added that heights, widths, locations, spacing, and other details should be specified. It was a difficult situation, but she had faith that the City Council and Staff would look out for the City's best interests. The more time the Council has to look at it, the better. She was in favor of forwarding a recommendation outlining all concerns and changes.

Additional items to be included in the motion were discussed. The Commission agreed that the minimum fence height should be eight feet. Perimeter trees should follow the ordinance, with the detention pond perimeter matching the 300 East frontages as closely as possible, because every impacted home deserves as few noises, light, and other impacts as possible.

Commissioner Fowler referred to the citizen's suggestion to remove parking on the north side of the 300 East exit and asked whether that should be included in the motion. It was decided that the recommendation should focus on screening. Parking may need to be removed to accomplish that goal, but the priority should be on protecting residents. The same should apply to the south perimeter, including near the currently vacant parcel.

Whether to require evergreen trees was discussed. Commissioner Nixon noted that evergreens are wider and require more space than a 10-foot landscape buffer provides. It was decided that the determination should be left to the staff. A maximum building height of 35 feet is recommended, and boundary line issues must be resolved prior to issuance of a building permit. The Commission agreed that the proposed outdoor amenity space was adequate.

In response to a question, Ms. Jastremsky reported that the city standard for perimeter lighting sets a maximum of 0.2 FC. She recommended that the developer be required to comply with that standard. Lighting under the fuel station canopy should comply with DCMC or with what has been allowed elsewhere in the city, and light readings must be taken every 5 feet.

The citizen's request to move the 150 East access closer to Bangerter Highway so vehicle headlights do not shine into nearby homes was discussed. Chair Adams remarked that it would be harder to move the access than to provide adequate screening of the headlight pollution.

The Planning Commission discussed how to proceed. Commissioner Squire stated that she was not in favor of forwarding a positive recommendation due to the extent of the necessary changes, but noted that the list included all her concerns.

Motion: Commissioner Fowler moved to forward a positive recommendation to the City Council for APPROVAL of the Bangerter Crossroads Development Agreement as requested by Duaine Rasmussen, representing Tom Lloyd and Lloyd's TLC Limited, Application 2025-0304-DA, based on the Findings for Approval listed in the Staff Report dated March 19, 2026, together with the following additional recommendations:

1. That all noted concerns and changes identified by City Staff as outlined in the Staff Report, including but not limited to those included with Exhibits A and G, be addressed and included in the Development Agreement that is approved by the City Council.
2. That signage be consistent with DCMC.
3. That solid perimeter fencing bordering on residential properties has a minimum height of eight feet.
4. That perimeter trees be increased to mirror the proposed buffer along 300 East as much as possible, or at a minimum, comply with DCMC and provide screening for residential neighborhoods.
5. That parking stalls be removed on the north side of the anchor tenant and replaced with trees, if possible, as well as potentially on the south side to provide a better buffer for residences.
6. That perimeter lighting complies with DCMC, and lighting under the fuel station canopy complies with DCMC or is consistent with what is allowed in nearby fuel stations.
7. That the Photometric Plan be updated to provide light readings every five feet.
8. That building elevations should have a maximum of 35 feet.
9. That all boundary issues must be resolved prior to issuance of a building permit.

Second: Commissioner Nixon seconded the motion.

Vote on Motion: 4-to-1 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).

None.

3. Adjournment.

Motion: Commissioner Squire moved to ADJOURN.

The meeting adjourned at 10:49 PM.