
Development Review Committee

1020 East Pioneer Road
Draper, UT 84020

STAFF REPORT

October 25, 2021

To: Jennifer Jastremsky, Zoning Administrator

Approved with conditions as listed in the staff report

Date

From: Todd A. Draper, AICP, Planner III
801-576-6335, todd.draper@draperutah.gov

Re: The Charleston – Site Plan Amendment Request

Application No.: APR-0087-2021

Applicant: Marco Silva, representing CDM Property Management, LLC

Project Location: Approximately 1229 E. Pioneer Rd.

Current Zoning: Town Center (TC) Zone

Acreage: Approximately 0.85 Acres (Approximately 37,026 ft²)

Request: Request for approval of a Site Plan Amendment in the TC zone regarding proposed changes to the site plan, landscaping, and outdoor restaurant seating.

SUMMARY AND BACKGROUND

This application is a request for approval of a Site Plan Amendment for approximately 0.85 acres located on the north side of Pioneer Rd. at approximately 1229 E. Pioneer Rd. (Exhibit B). The property is currently zoned TC. The applicant is requesting that a Site Plan Amendment be approved to allow for the development of the site to include new landscaping, outdoor patio areas, and outdoor restaurant seating.

The main 2-story building on the property houses the Charleston Draper Restaurant and was built in 1878 and is also known as the historic Joshua Terry residence. Prior to use as a restaurant the property was used as a bed and breakfast inn, and had a retail antique store. The other ancillary buildings located on the property are currently used as a gift shop/retail space and as office space and were built in 1887 and 1947 respectively.

This application was made in response to informal enforcement actions taken by the city

related to citizen complaints received about alterations to the commercial site being made without the necessary review and approval for those alterations. Some of the site changes proposed with this application have been installed without authorization or permits prior to submittal of this application and some additional changes to the site have allegedly occurred after the submittal of the application.

ANALYSIS

General Plan and Zoning. The Land Use Map of the General Plan calls for the Town Center land use designation for the subject property (Exhibit C). This category is characterized as follows:

Town Center

LAND USE DESCRIPTION	
CHARACTERISTICS	<ul style="list-style-type: none"> • Requires a commitment to exceptional levels of quality and a specific plan of development that meets the City's approval • Advance the traditional town center character by supporting the preservation and adaptive re-use of existing structures, the preservation of existing natural features, new development that blends in with existing conditions, architectural standards befitting a town center destination, and site design standards that promote walkability and human scale • Reasonable scale, to encourage secondary forms of circulation • Not bisected by arterial streets • A well-conceived site, with access to and integration with mass transit facilities • Buildings designed per the standards of the City's design guidelines and Town Center ordinance • Amenities provided as per the quality design standards • Allowance of buildings with a maximum height of three (3) stories
LAND USE MIX	<ul style="list-style-type: none"> • Multifamily Residential • Office • Commercial • Institutional
DENSITY	<ul style="list-style-type: none"> • Density range: 6-25 units per acre
COMPATIBLE ZONING	<ul style="list-style-type: none"> • Town Center (TC)
LOCATION	<ul style="list-style-type: none"> • Adjacent to and near Draper Town Center light rail station, Draper City Hall, Draper City Park and Draper Historical Park

The property has been assigned the TC zoning classification, supporting basic commercial development and multifamily residential development of up to six (6) dwelling units per acre (Exhibit D). According to Draper City Municipal Code (DCMC) Section 9-8-020 the purpose of the TC zone is to *"provide a method for implementing special provisions found*

within the general plan and the Draper City conservation area master plan regarding the establishment and promotion of a historic core area of the community characterized by stringent design standards for buildings, public spaces, site design and landscaping with a harmonious mix of commercial uses, limited high density residential uses and civic areas." TC zoning abuts the property on the east, south and west. The R3 (Single-family Residential, 13,000 ft² minimum lot size) zoning abuts the subject property on the north.

Site Plan Layout. The proposed site plan (Exhibit E), shows both existing and proposed modifications to the site to create outdoor seating and dining spaces for the Charleston Draper Restaurant. Sometime between 2018 and 2021 outdoor patio areas were added to the site including outdoor restaurant seating, exterior lighting, a storage shed, water features and fountains, and two (2) permanently installed outdoor kitchen islands complete with counter space, sinks, plumbing, refrigeration units, and electrical outlets. All of these site changes and construction work were completed without obtaining the necessary approvals or permits. These improvements are also under review as part of this application.

The newest proposed plans include additional proposed changes to the site including the installation of additional patio spaces and outdoor seating on the west and north sides of the restaurant building. The plans as proposed do not comply with minimum ordinance submittal requirements regarding the provision of site calculations and tabulation tables. Staff recommendation of approval for the Site Plan Amendment application is conditioned upon compliance with the calculated details within the tabulation tables created by staff and redlined onto the plans as well as all other redline clarifications provided by staff on the plans as submitted.

The seating plan (Exhibit F) depicts outdoor seating for 59. Staff recommendation of approval for the Site Plan Amendment application is conditioned upon compliance with the outdoor seating plan proposal as graphically depicted at 59 total seats. Although outdoor seating does not increase required parking counts under the DCMC, the seating may create an additional demand for parking within the existing non-conforming parking area when shared with other businesses operating from the site. A fixed number for the seating capacity is also necessary in determining any subsequent occupancy based requirements of the building code. The Draper City Chief Building Official has indicated in discussions with the applicant that an increase in the patron occupancy of the restaurant will require a review of the restroom facilities within the restaurant building to determine if they are adequate. No details regarding the existing or proposed restroom facilities within the restaurant building were provided by the applicant with this application. Such submittal is required with a building permit. In verbal discussions with the owner of the business, the indication was that customers are not seated inside the building when the outdoor seating is in use. Staff recommendation for approval of the Site Plan Amendment application is conditioned upon submitting the necessary interior floor plans and drawings to the Building Division that demonstrate compliance with building code requirements pertaining

to occupancy and restroom space, or provide construction drawings showing how building code compliance will be achieved as part of a building permit application. A building permit application will be required for any modifications being made to existing buildings on the site or for new buildings proposed to be constructed. Additionally, the staff recommendation for approval of the Site Plan Amendment is conditioned upon the outdoor seating count being less than or equal to the internal seating count with only one of the seating areas being able to be utilized at any one time.

As the outdoor kitchen islands and associated utility connections were installed without permits or inspections they present a health and safety issue to both patrons and restaurant staff. The applicant declined requests made by planning staff during the review of this application to provide all requested details regarding the plumbing and electrical connections. Staff's recommendation of approval for the Site Plan Amendment application is conditioned upon the applicant submitting complete construction plans and documents to the Building Division demonstrating compliance with building code for the outdoor kitchen areas as part of a building permit application and completing all inspections to verify that the outdoor kitchen areas are constructed in compliance with applicable building codes.

At the conclusion of the third (3rd) review within the site plan review process a response letter from the applicants engineering firm was provided that had not been previously provided to planning staff as part of the submittal documents for review stating, *"The islands will not have any utilities connected to them. They are simply counter space."* Available inspection and documentation of the site by staff indicates that this an inaccurate statement. The applicants landscaping contractor subsequently provided staff with a verbal indication that the applicant would be open to removing the unauthorized utility connections while keeping the counter space. Further verbal dialogue with the applicant and business owner indicated that they will remove all utility connections (plumbing and mechanical) with the exception of the electrical connections from the kitchen islands. As an alternative recommendation of staff, the approval of the Site Plan Amendment application could be conditioned upon obtaining a demolition permit to remove existing utility lines and connections from the outdoor kitchen islands and areas and completion of the removal of the unapproved utility connections entirely back to their source connection. A building / electrical permit including inspections would continue to be required for any applicable portion(s) of the outdoor kitchen areas that are to remain, to verify that the kitchen areas are constructed in compliance with applicable building and electrical codes.

The additions of the patio dining areas significantly increase the impervious areas of the property creating the need to control the drainage water generated during storm events. Approximately 2,766 ft² of impervious area was added to the front of the property per the submitted site plan and approximately 1,672 ft² of impervious area was added or is proposed to be added to the side and rear of the property. The drainage calculations provided by the applicant's engineer do not account for the full amount of impervious area

added to and proposed to be added to the property. The site plan includes drainage details regarding the collection of this water into two (2) retention ponds that will need to be created onsite. Staff recommendation of approval for the Site Plan Amendment application is conditioned on the submittal of; 1) an updated drainage report from a state licensed professional engineer utilizing the actual square footage of the impervious areas identified by the city as being under review as part of this Site Plan Amendment application, and 2) submittal of site grading and drainage plans stamped by a state licensed professional engineer as part of the application for the required land disturbance permit that show the retention ponds to be constructed in compliance with the required retention volumes and free-board based on the updated drainage report calculations.

A storage shed of approximately two-hundred square feet (200 sf²) in size was constructed approximately one foot (1') from the northernmost property line and adjacent to the residentially zoned property between 2017 and 2018 based on available historical photographs of the site. The most recent drawings provided by the applicant depict the southwest corner of this shed, but do not provide sufficient details of its size or location. A minimum twenty foot (20') land use buffer is required between the expanding commercial uses on the property and the adjacent residential property per the TC zone and the applicable landscape requirements of DCMC Title 9 Chapter 23. Staff recommendation of approval for the Site Plan Amendment application is conditioned upon relocation of the shed building out of the required land use buffer and to a location that complies with the setbacks and location requirements of the TC zone, or removal of the shed building from the site. The impervious area created by the shed has been included in the staff identified square footage for calculating storm water retention requirements in the rear of the property, if the shed is removed from the property the area of the shed may be subtracted from the drainage calculations.

Landscaping. The landscape plans as proposed do not comply with requirements of the DCMC and staff has redlined the proposed plans to identify specific changes or conditions necessary to conform to ordinance based upon the submitted landscape plans (Exhibit G). Approximately 38% of the site is landscaped which does exceed the minimum 15% required in the TC zone.

An extensive number of the trees listed as existing trees on the submitted landscape plans, do not exist, or did not exist at the time of the Site Plan Amendment application. At least fourteen (14) of the deciduous trees claiming to be existing trees on the proposed landscape plan did not exist at the time of application and details regarding their species and caliper size has not been provided as required. New deciduous shade trees shall be a minimum of two inch (2") caliper at time of planting. Ornamental trees and evergreen trees shall have a minimum height of six feet (6') at time of planting. A minimum of thirty-six (36) total trees meeting minimum size requirements are required for the site per the TC zone requirements. Sixteen (16) existing trees are accounted for on the proposed plans. Staff recommendation of approval for the Site Plan Amendment application is conditioned upon

installation of the remaining twenty (20) trees required by ordinance on the site that are in compliance with the minimum size requirements of ordinance at the time of planting. These trees must also be installed per the notations contained on the redlined landscape planting plan.

Irrigation systems must be installed to adequately support all new and recent plantings. The proposed plans do not provide irrigation to all existing or proposed landscaping. Staff recommendation of approval for the Site Plan Amendment application also conditioned upon the continued existence, maintenance, and watering of the landscaping planter areas between buildings that were omitted from the landscape planting plan and landscape irrigation plans. This condition for recommended approval may require the owner or applicant to water areas of the property by hand as necessary.

Parking. The existing parking is considered non-conforming and includes four (4) paved stalls, two (2) of which are accessible ADA stalls, and a graveled area with an indeterminate number of unmarked parking spaces. No parking requirement exists in ordinance specifically for outdoor restaurant seating. Restaurant parking is based on the square footage of the restaurant building and this proposed amendment is not proposing changes to the square footage of any of the existing buildings on the site. As such the proposed changes do not require an increase in the number of parking stalls or modifications to the areas designated for parking on the property.

Lighting. The applicant originally submitted exterior lighting plans that as proposed violated applicable ordinances. Some lights and electrical infrastructure has been installed related to those previous plans prior to any approval from Draper City. The most recent update from the applicant indicates that they will not install new site lighting and will remove all existing exterior lighting. Staff recommendation of approval for the Site Plan Amendment is conditioned upon application for and receipt of a demolition permit for removal of all existing exterior lighting, wiring, and infrastructure installed for the intent to service exterior lighting. The only exceptions are the 4 existing exterior light fixtures attached directly to wall of the main restaurant building which may remain.

The landscape plan (Exhibit G) calls out locations for post and lantern style lighting fixtures, including some on pedestals including two (2) shown within the right of way. These fixtures not permitted to be installed in the right of way and are not permitted to be lit as the current proposal includes no exterior lighting. Staff recommends approval of the Site Plan Amendment on condition that the lampposts and pedestals if installed are not installed in the right of way, decorative only and inoperable, are not lit or able to be lit, and have no lightbulbs installed.

Fencing. The property fencing is existing and changes are not proposed. The adjacent residential development has installed a white vinyl fence along the northernmost property line between the two properties. A white vinyl rail fence exists along the west property line

as well as a portion of the south property line near the outdoor restaurant seating and patio.

Previous Conditions of Approval. In 2016 the current property owner began making unauthorized illegal changes to the property and afterwards submitted an application for proposed changes to the site, specifically the parking area. That application was ultimately withdrawn, and enforcement actions were required to have the property owner remove the unauthorized changes from the site and restore the property to its prior legal nonconforming status. The property owner was advised at that time that any desired changes to the site required the submittal of a new Site Plan Amendment application and compliance with DCMC standards. A letter giving notice to the owner of the acceptance by the city of the restoration work was dated March 20, 2017 (Exhibit H).

Criteria For Approval. The criteria for review and potential approval of a Site Plan Amendment request is found in Sections 9-5-060(E) and (H) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

Site Plan Amendment 9-5-090 (E) and (H)

E. Standards For Approval: The following standards shall apply to the approval of a site plan:

- 1. The entire site shall be developed at one time unless a phased development plan is approved.*
- 2. A site plan shall conform to applicable standards set forth in this title, 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 zone 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 comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of this code, including traffic, storm water drainage, and utilities concerns.*

H. Amendments: Except as may be provided for in this section, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:

- 1. Alteration or expansion of an approved site plan may be permitted by the Zoning Administrator upon making the following findings:*
 - a. The proposed use is consistent with uses permitted on the site;*
 - b. Existing uses were permitted when the site plan was approved, or have received a conditional use permit;*
 - c. The proposed use and site will conform to applicable requirements of this Code;*

- d. *The proposed expansion meets the approval standards of subsection E of this section;*
- e. *The site can accommodate any change in the number of people on the site or any change in impact on surrounding infrastructure; and*
2. *If the Zoning Administrator cannot make the findings required in this subsection H, the amended site plan may only be approved by the Planning Commission. The Planning Commission may only approve an amended site plan after a public hearing that complies with all requirements of this code, including section 9-5-045.*
3. *If the Zoning Administrator can make all findings required in this subsection H the Zoning Administrator may approve the proposed amendment without a public hearing and without notice.*
4. *Properties that do not conform to the standards found within this code may be required to come into compliance, subject to the standards in 9-6-040, 9-6-050, 9-6-060, and 9-6-070 of this title.*

REVIEWS

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

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

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

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

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

STAFF RECOMMENDATION

Staff finds that the application can comply with the DCMC if specific conditions of approval are met and recommends that the Zoning Administrator review the request and approve the application based on the findings listed below and the criteria for approval, as listed

within the staff report.

If the Zoning Administrator decides to approve the request, staff recommends they include the following conditions of approval:

1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. Compliance with the calculated details within the tabulation tables created by staff and redlined onto the plans as well as all other redline clarifications provided by staff on the plans as submitted and approved.
3. The maximum number of outdoor restaurant seats shall be in accordance with the approved plan drawing and contain no more than 59 total outdoor seats. The outdoor seating count shall be further limited to not exceed that of the internal seating count and only one of the seating areas may be utilized at any one time.
4. Submittal of accurate interior floor plans and drawings of the restaurant building to the Building Division and the Chief Building Official for their review and approval that demonstrate compliance with building code requirements for the stated restaurant occupancy of 59 seats, or the submittal of construction plans inclusive of interior floor plans of the restaurant building as part of a building permit application showing how sufficient building code compliant restroom facilities will be added to accommodate the restaurant occupancy.
5.
 - a. The submittal of complete construction plans and documents demonstrating compliance with building code for the outdoor kitchen work areas as part of applicable building, plumbing, mechanical and/or electrical permit applications and completion of all necessary work and inspections to substantiate that the outdoor kitchen areas are constructed in compliance with applicable building and electrical codes.

Or,

 - b. The removal of all utility connections to the kitchen islands and all associated kitchen appurtenances associated with those connections under a demolition permit issued by the Building Division. Electrical connections to the kitchen islands are permitted to remain if an electrical permit is obtained and they are brought into compliance with applicable building and electrical codes and pass the inspection of the Building Division. Inspections verifying the demolition work was completed in accordance with minimum requirements of the building code and the building official are also required.
6. As part of the application for the required land disturbance permit, the

applicant shall submit an updated drainage report with updated drainage calculations, signed by a State of Utah licensed professional engineer utilizing the actual square footage of the impervious areas added or being to the property as identified by the City Staff as being part of the review of this Site Plan Amendment application.

7. As part of the application for the required land disturbance permit, the applicant shall submit site, grading, and drainage plans signed and stamped by a State of Utah licensed professional engineer, which show the retention ponds in compliance with the required retention volumes and free-board based on the updated drainage report calculations required by the condition number 7 listed above.
8. That the shed building constructed along the north property line next to the residentially zoned property be brought into compliance with setback, land use buffer, and other locational requirements of the TC zone, or be entirely removed from the site.
9. That the additional twenty (20) trees required by ordinance and identified on the redlined landscape planting plan be installed. All installed trees shall be permanently planted in the ground, shall comply with the minimum type and size requirements listed in the staff report and on the redlined plans at the time of planting, and shall be provided with adequate irrigation for their maintenance.
10. Site irrigation systems shall be installed to adequately support all new and recent plantings in addition to existing landscaping.
11. Continued existence, maintenance, and watering of the landscaping planter areas between buildings that were omitted from the landscape planting plan and landscape irrigation plans shall be required.
12. Application for and receipt of a demolitions permit to remove all exterior lighting, including all electrical wiring and infrastructure installed to service exterior lighting. The only exceptions are the 4 existing exterior light fixtures attached directly to wall of the main restaurant building which may remain.
13. The lamppost style lights lampposts and pedestals if installed shall not be installed in the right of way, shall not be operable (decorative only), shall not have electrical lines or infrastructure installed to them, shall not be able to be lit, and shall have no lightbulbs installed in them.
14. All building, plumbing, electrical, and/or mechanical permits for work to be done on the property to bring it into conformance with applicable ordinance requirements and the conditions associated with this Site Plan Amendment application approval must be pulled by the state licensed contractors

responsible for the work. All required inspections must occur and the work must be completed to the satisfaction of applicable city inspectors and staff.

The findings for approval as are follows:

1. The proposed development plans and included conditions of approval meet the intent, goals, and objectives of the Draper City General Plan.
 - a. The proposal with the included conditions of approval will enhance the Town Center area and contribute to the stated intention of sustaining a robust, unique and local business environment.
 - b. The proposal with the included conditions of approval related to the provision of storm water retention on the property will support goal PCR-2 of the General Plan with respects to protecting the health, safety, and welfare of the public from the impacts of flooding.
2. The proposed development plans and included conditions of approval will meet the requirements and provisions of the Draper City Municipal Code.
3. The proposed development plans and included conditions of approval will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
4. The proposed development with the included conditions of approval conforms to the general aesthetic and physical development of the area.
5. The public services in the area are adequate to support the subject development.
6. The proposed use is consistent with uses permitted on the site.
7. Existing uses were permitted when the site plan was approved, or have received a conditional use permit.
8. The site can accommodate any change in the number of people on the site or any change in impact on surrounding infrastructure

The findings for denial as are follows:

1. The proposed development plans do not meet the intent, goals, and objectives of the Draper City General Plan.
 - a. The plans as proposed do not improve or enhance the links between the physical and social relationship of the non-residential land use and the surrounding residential neighborhood.
 - b. The plans as proposed do not represent redevelopment that invigorates an area while also respecting the character of adjacent neighborhoods.

2. The proposed development plans do not meet the requirements and provisions of the Draper City Municipal Code.
3. The proposed development plans will be deleterious to the health, safety, and general welfare of the general public and the residents of adjacent properties.
4. The proposed development does not conform to the general aesthetic and physical development of the area.
5. Reasonable conditions of approval cannot be placed on the Site Plan Amendment to meet the requirements of the Draper City Municipal Code.
6. The proposed use is not consistent with the uses permitted on the site.
7. The site is unable to accommodate proposed changes in the number of people on the site or the changes in impacts on surrounding infrastructure.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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

Brien Maxfield

Digitally signed by Brien Maxfield
DN: cn=Brien Maxfield, o=Draper City,
ou=PW - Engineering,
email=brien.maxfield@draperutah.gov, c=US
Date: 2021.09.29 16:21:04 -06'00'

Draper City Public Works Department

Jennifer Jastremsky

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O=Planning Division, OU=Draper City, CN=Jennifer
Jastremsky
Date: 2021.09.24 12:13:31-06'00'

Draper City Planning Division

Don Buckley

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DN: C=US, E=don.buckley@draper.ut.us,
O=Draper City Fire Department, OU=Fire
Marshal, CN=Don Buckley
Date: 2021.10.04 14:16:18-06'00'

Draper City Fire Department

Mike Barker

Digitally signed by Mike Barker
Date: 2021.10.27 15:09:28
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Draper City Legal Counsel

Keith Collier

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E=keith.collier@draperutah.gov, O=Draper
City, OU=Building Official, CN=Keith Collier
Date: 2021.09.24 13:08:01-06'00'

Draper City Building Division

EXHIBIT A DEPARTMENT REVIEWS

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

Planning Division Review.

1. No additional Comments.

Engineering and Public Works Divisions Review.

CONDITIONALLY MEETS REQUIREMENTS (if the following is met)

General

1. Once site plan has been approved, a Land Disturbance Permit is required prior to construction activities onsite. Permit is obtained through the Engineering Division and is required prior to Building Permit issuance. *Comment is informational. No action required before approval.*
2. Any work in the public right-of-way will require an Encroachment Permit obtained through the Engineering Division. *Comment is informational. No action required before approval.*

Grading and Drainage

3. Update Drainage Report calculations to match with the provided retention pond volumes shown on plan.
4. No retention pond allowed on the public right-of-way.
5. Identify emergency spillway, per Drainage Design Criteria, page 21.

Building Division Review.

1. No additional Comments

Fire Division Review.

1. No additional Comments

**EXHIBIT B
AERIAL MAP**



Date Printed: 9/17/2021

The Charleston Site Plan Amendment
1229 E. Pioneer Rd.

0 60 120 240 Feet

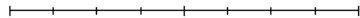
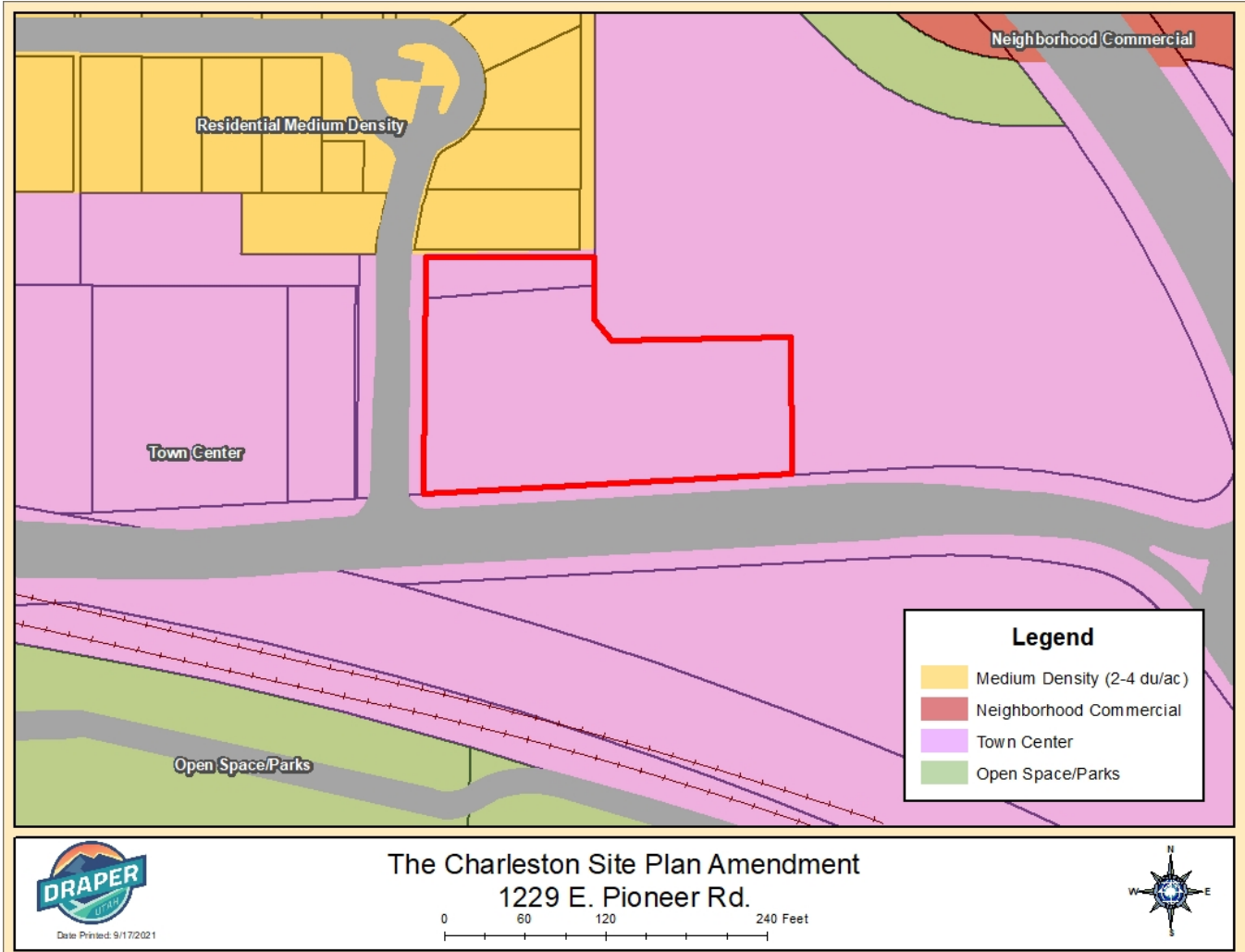
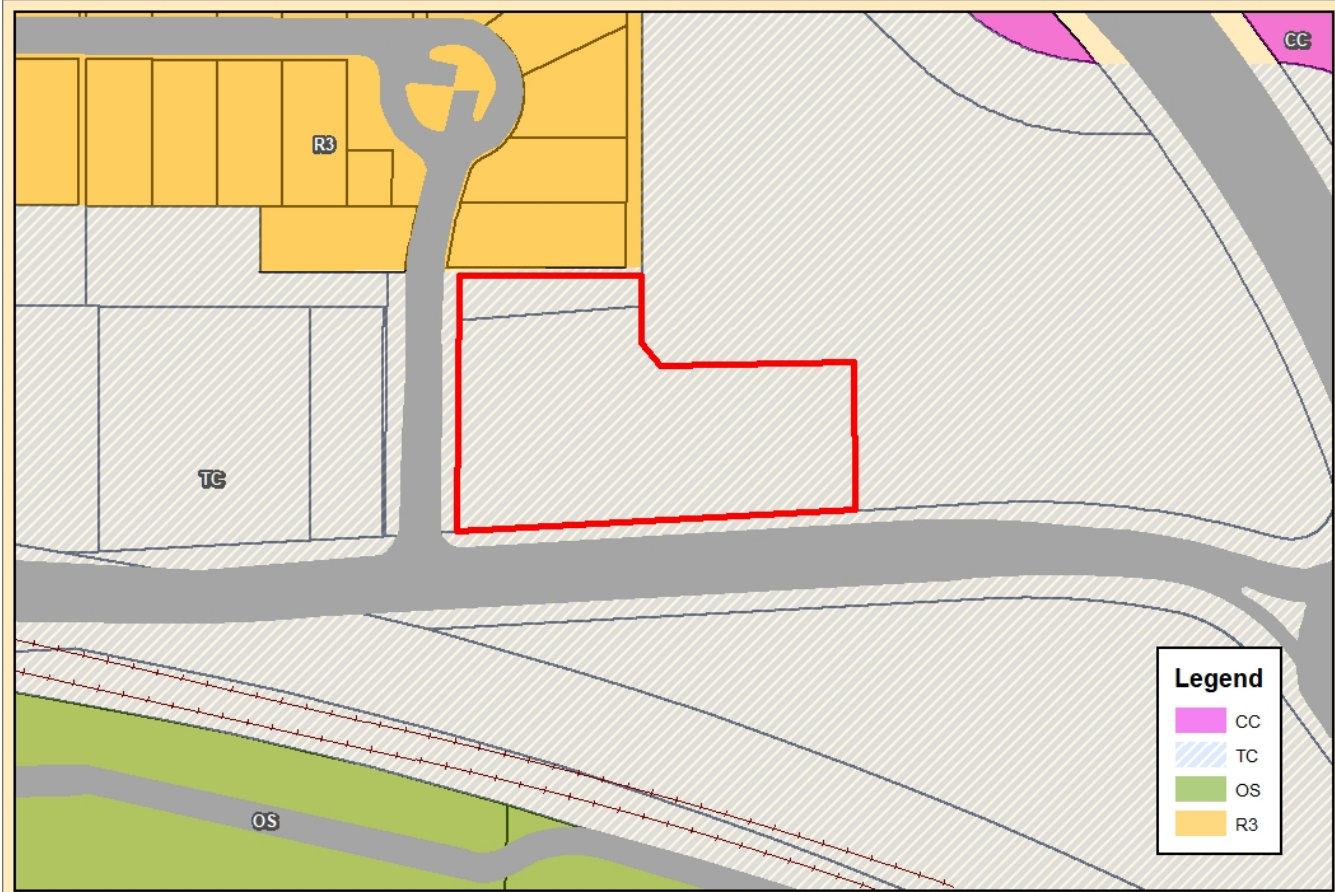


EXHIBIT C LAND USE MAP



**EXHIBIT D
ZONING MAP**



Legend	
	CC
	TC
	OS
	R3



Date Printed: 9/17/2021

**The Charleston Site Plan Amendment
1229 E. Pioneer Rd.**

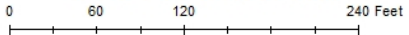


EXHIBIT E
SITE GRADING AND DRAINAGE PLAN

Shed was added to the property between 2017 and 2018 without required permits and approvals and may not be located in the required 20' land use buffer. The shed will need to be moved out of the required buffer, or be removed from the property. If kept the impervious area calculations must account for this.

LEGEND AND ABBREVIATIONS

- BSW = BACK OF SIDEWALK
 - FG = FINISH GRADE (LANDSCAPE/DIRT)
 - MFF = MAIN FINISH FLOOR
 - GFF = GARAGE FINISH FLOOR
 - FS = FINISH SURFACE (HARDSCAPE)
 - GB = GRADE BREAK
 - EG = EXISTING GRADE
 - LP = LOW POINT
- X.XX% DIRECTION OF FLOW & SLOPE
 - (XX.XX) AC EXISTING GRADE
 - XX.XX TC PROPOSED GRADE
 - (XXXX) PROPOSED CONTOUR
 - (XXXX) EXISTING CONTOUR
 - RIGHT OF WAY/PROPERTY LINE
 - FENCE
 - PAVERS
 - PERVIOUS GRAVEL TRAIL
 - LANDSCAPE BED



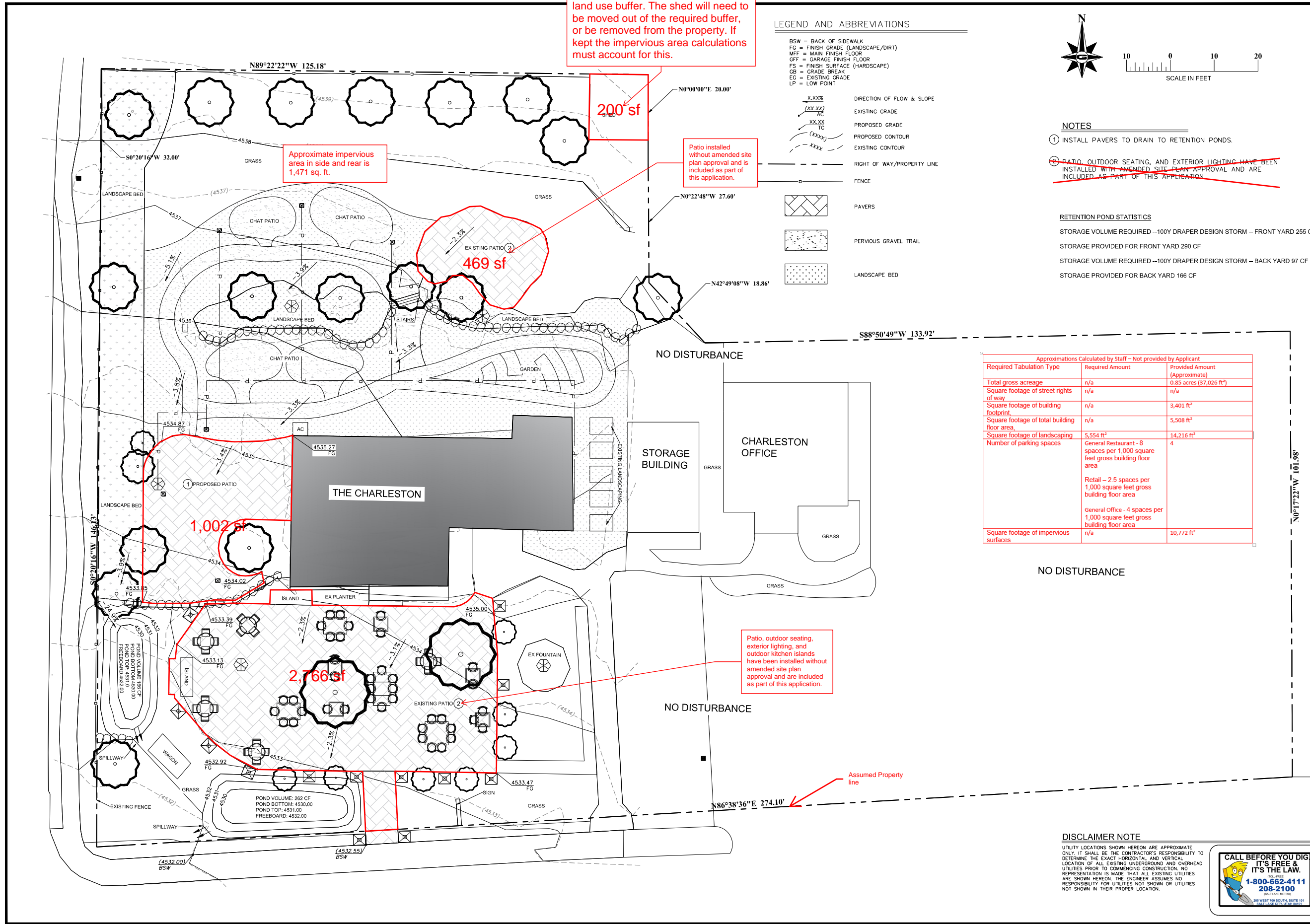
NOTES

- 1. INSTALL PAVERS TO DRAIN TO RETENTION PONDS.
- ~~2. PATIO, OUTDOOR SEATING, AND EXTERIOR LIGHTING HAVE BEEN INSTALLED WITH AMENDED SITE PLAN APPROVAL AND ARE INCLUDED AS PART OF THIS APPLICATION.~~

RETENTION POND STATISTICS

STORAGE VOLUME REQUIRED --100Y DRAPER DESIGN STORM -- FRONT YARD 255 CF
 STORAGE PROVIDED FOR FRONT YARD 290 CF
 STORAGE VOLUME REQUIRED --100Y DRAPER DESIGN STORM -- BACK YARD 97 CF
 STORAGE PROVIDED FOR BACK YARD 166 CF

Approximations Calculated by Staff - Not provided by Applicant		
Required Tabulation Type	Required Amount	Provided Amount (Approximate)
Total gross acreage	n/a	0.85 acres (37,026 ft ²)
Square footage of street rights of way	n/a	n/a
Square footage of building footprint	n/a	3,401 ft ²
Square footage of total building floor area	n/a	5,508 ft ²
Square footage of landscaping	5,554 ft ²	14,216 ft ²
Number of parking spaces	General Restaurant - 8 spaces per 1,000 square feet gross building floor area Retail - 2.5 spaces per 1,000 square feet gross building floor area General Office - 4 spaces per 1,000 square feet gross building floor area	4
Square footage of impervious surfaces	n/a	10,772 ft ²



Approximate impervious area in side and rear is 1,471 sq. ft.

200' sf

Patio installed without amended site plan approval and is included as part of this application.

469' sf

1,002' sf

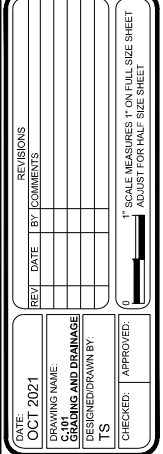
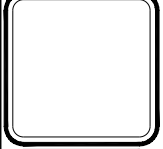
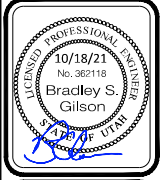
2,766' sf

Patio, outdoor seating, exterior lighting, and outdoor kitchen islands have been installed without amended site plan approval and are included as part of this application.

Assumed Property line

DISCLAIMER NOTE

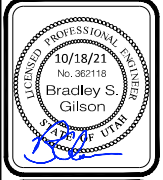
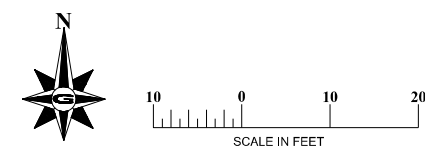
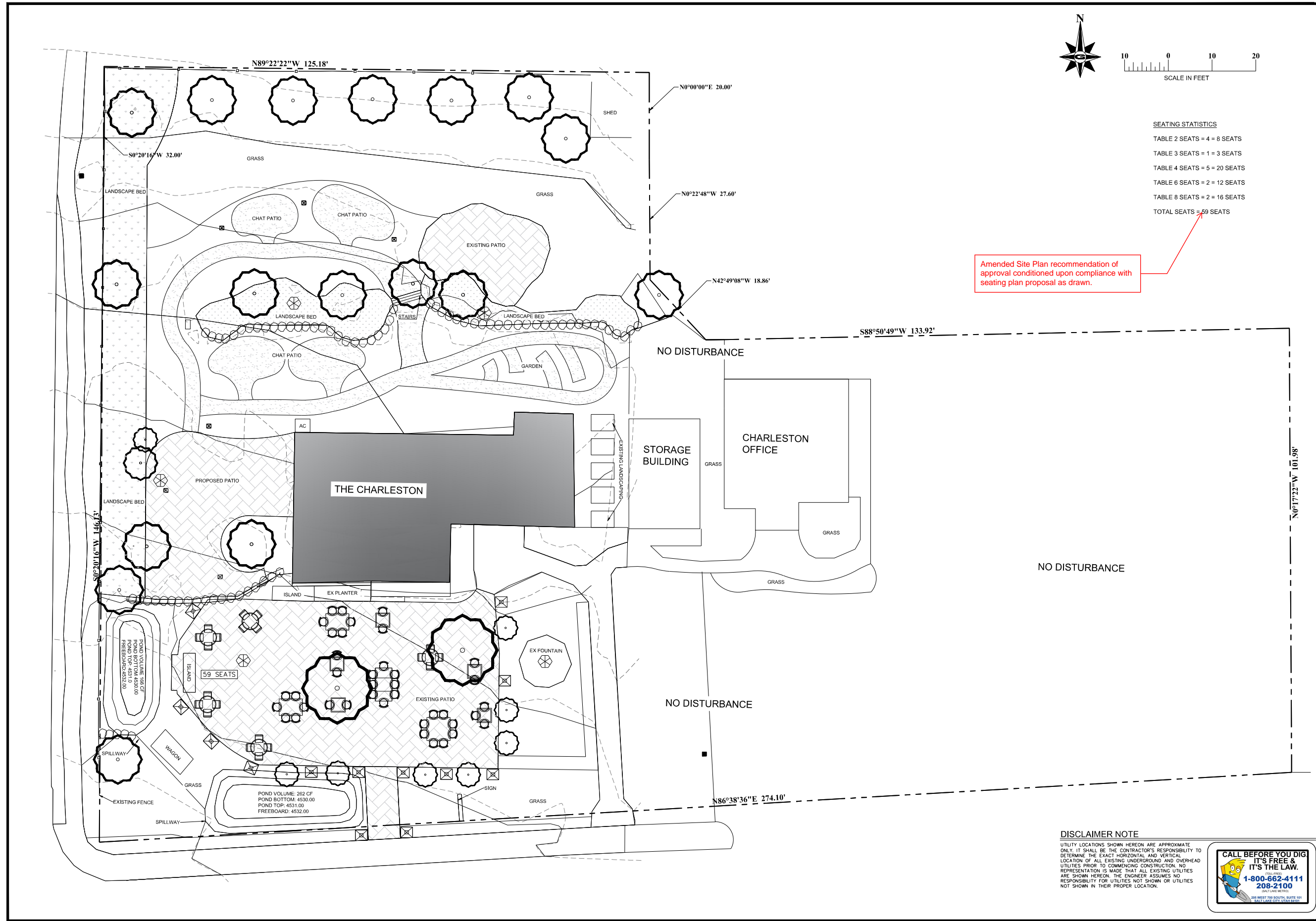
UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO COMMENCING CONSTRUCTION. NO REPRESENTATION IS MADE THAT ALL EXISTING UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.



SITE, GRADING, & DRAINAGE PLAN
 THE CHARLESTON
 1229 PIONEER DR.
 DRAPER, UT 84020

REVISION:
 PROJ # **SIL.010**
C.101

**EXHIBIT F
SEATING PLAN**



REV	DATE	BY	COMMENTS

DATE	APPROVED	REVISIONS
OCT 2021		

DATE: OCT 2021
 DRAWING NAME: C.102 SEATING AND DRAINAGE
 DESIGNED/DRAWN BY: TS
 CHECKED: [Signature]

SEATING PLAN
 THE CHARLESTON
 1229 PIONEER DR.
 DRAPER, UT 84020

REVISION:
 PROJ # **SIL.010**
C.102



EXHIBIT G
LANDSCAPE PLANS



Photographic evidence does not corroborate the assertion of the landscaping planting plan that there are existing deciduous trees buffering between the subject property and the residential property to the north. Amended Site Plan recommendation of approval conditioned upon the installation of 6 deciduous shade trees of a minimum 2" caliper along the northernmost property line in the locations shown on the landscape planting plan, as well as all other plantings as shown.

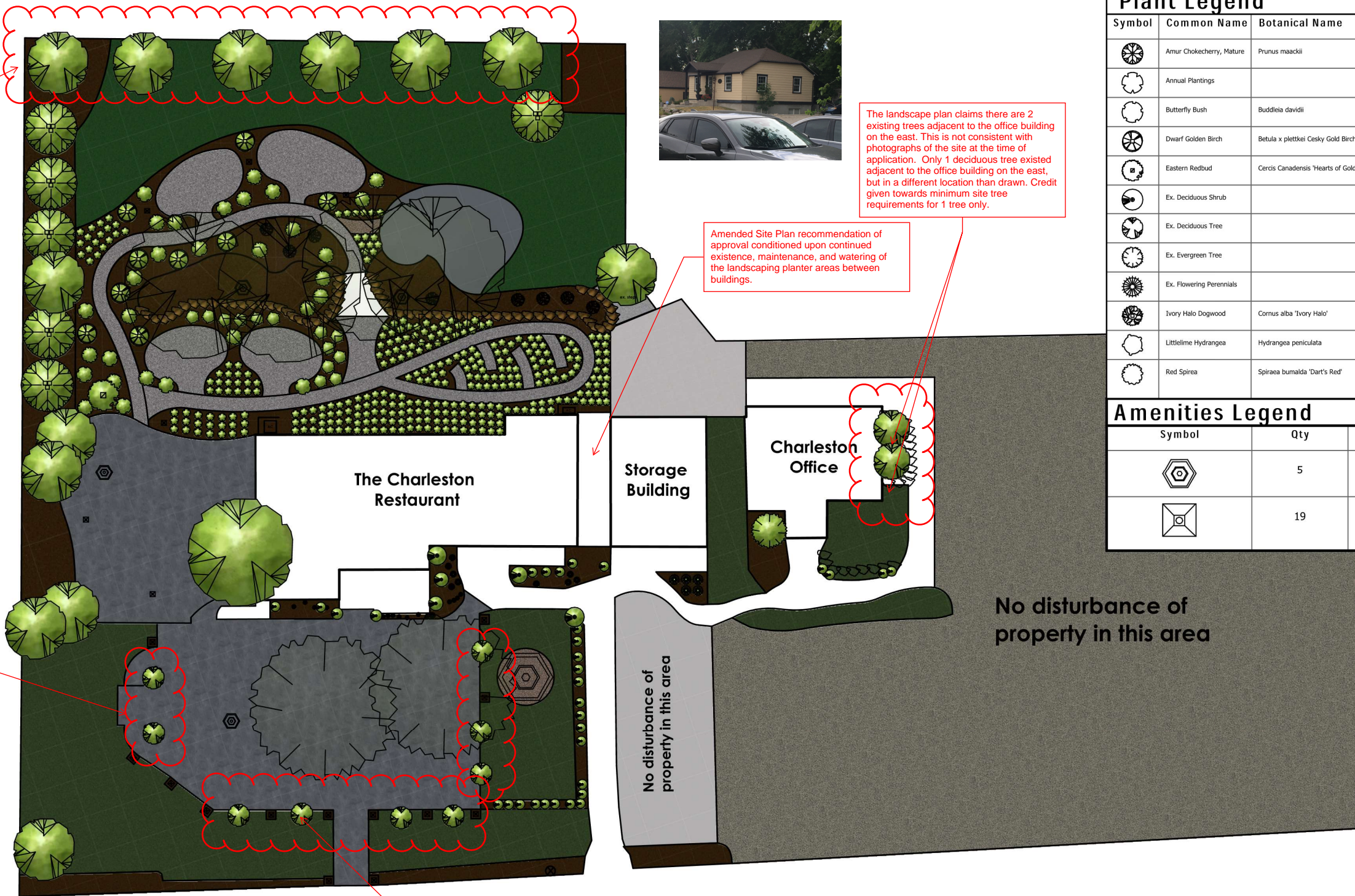


The landscape plan claims there are 2 existing trees adjacent to the office building on the east. This is not consistent with photographs of the site at the time of application. Only 1 deciduous tree existed adjacent to the office building on the east, but in a different location than drawn. Credit given towards minimum site tree requirements for 1 tree only.

Amended Site Plan recommendation of approval conditioned upon continued existence, maintenance, and watering of the landscaping planter areas between buildings.



2 ornamental trees installed on the western end of the front patio do not meet minimum 6 foot height requirement and do not count towards minimum site tree requirements.



Plant Legend					
Symbol	Common Name	Botanical Name	Qty.	Gal.	Min. Height
	Amur Chokecherry, Mature	Prunus maackii	6	1" Cal.	30 ft.
	Annual Plantings		325	Flat	
	Butterfly Bush	Buddleia davidii	12	#5	
	Dwarf Golden Birch	Betula x plettkei Cesky Gold Birch	9	#5	2 ft.
	Eastern Redbud	Cercis Canadensis 'Hearts of Gold'	1	1" Cal.	20 ft.
	Ex. Deciduous Shrub		37	--	
	Ex. Deciduous Tree		13 ^{28'}	--	
	Ex. Evergreen Tree		3	--	
	Ex. Flowering Perennials		48	--	
	Ivory Halo Dogwood	Cornus alba 'Ivory Halo'	8	#5	6 ft.
	Littlelime Hydrangea	Hydrangea peniculata	13	#5	
	Red Spirea	Spiraea bumalda 'Dart's Red'	18	#5	

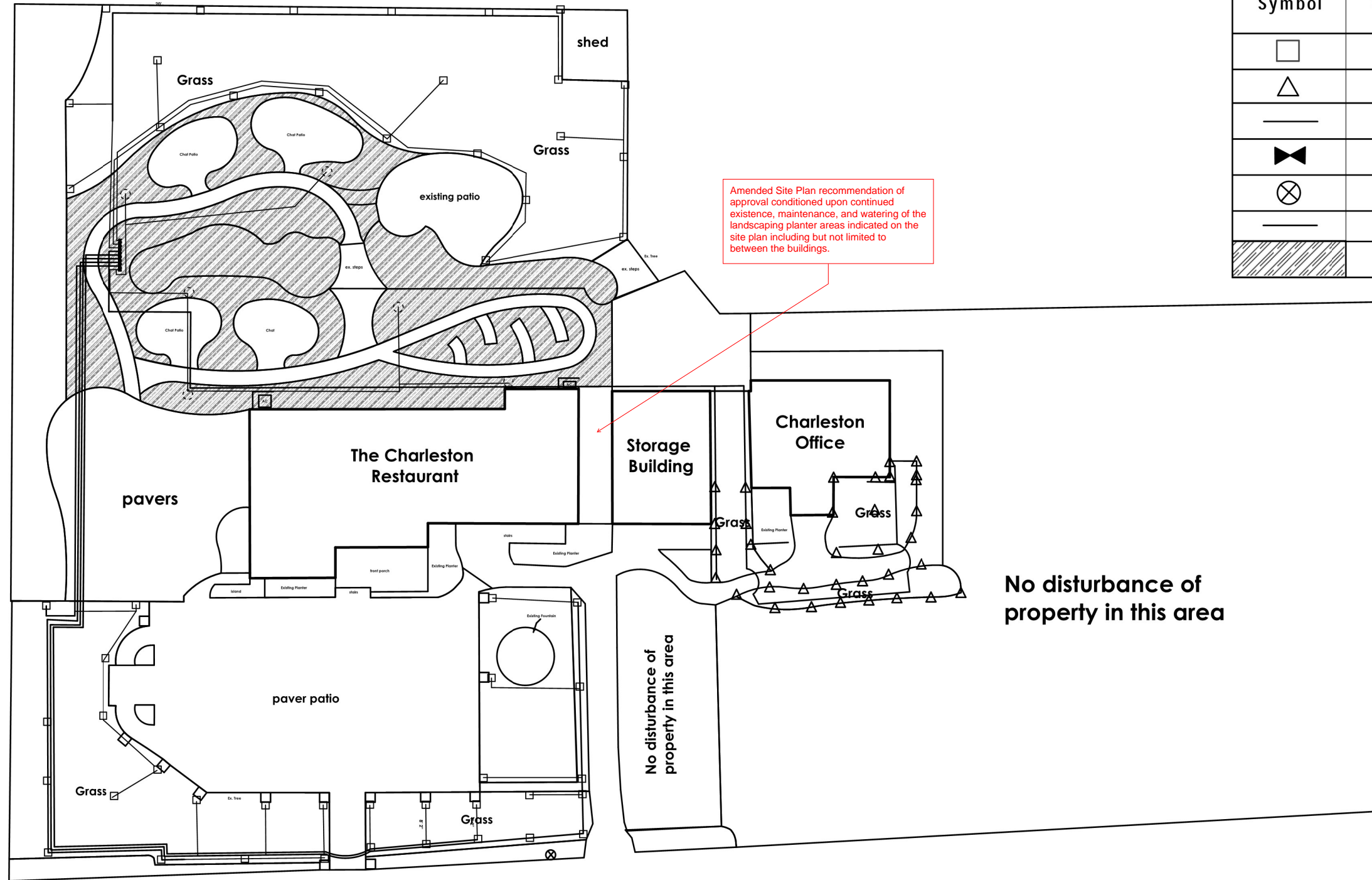
Amenities Legend		
Symbol	Qty	Name
	5	Fountain
	19	Light Post

At least 14 of the deciduous trees claimed as existing trees were not in existence at the time of application. New deciduous shade trees shall be a minimum of 2" caliper at time of planting. Ornamental trees and evergreen trees shall have a minimum height of 6 feet at time of planting. 36 trees meeting minimum size requirements are required, 16 existing trees are accounted for. Amended Site Plan recommendation of approval conditioned upon installation of the remaining 20 trees as indicated on the red-lined Planting Plan.





7 deciduous trees shown as surrounding the front patio on the landscape planting plan did not exist at the time of the application. Amended Site Plan recommendation of approval conditioned upon the installation of 7 deciduous shade trees of a minimum 2" caliper, or 7 ornamental trees of a minimum 6' height are planted in the locations shown on the landscape planting plan. Trees planted in movable planters will not be counted towards the minimum site tree requirements.

Parkstone Residence



Irrigation Legend		
Symbol	Qty	Name
□	18	3500 Rotors
△	12	4" Pop-Up
---	--	Lateral Lines
⋈	7	Valve
⊗	--	POC
—	--	Mainline
▨		Drip Zones

DATE: 07/26/2021	The Charleston Restaurant - Landscape Plan 1229 Pioneer Rd, Draper, UT 84020	 N	Scale:	
Rollins Landscaping			1/32" = 1'	

**EXHIBIT H
COMPLIANCE LETTER**



March 20, 2017

Charleston Cafe
Attn: Dan and Naomi Martinsen
14048 Canyon Vista Ln
Draper, UT 84020

RE: Notice of Approval for the Charleston Café Legal Nonconforming Status Request

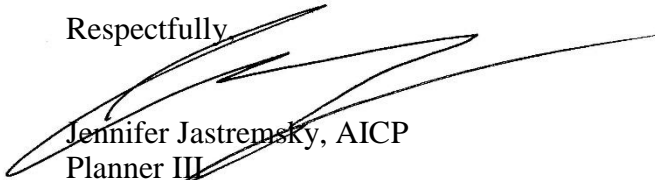
Dear Mr. and Mrs. Martinsen,

On February 22, 2017, Draper City Staff inspected the property at 1229 East Pioneer Road and determined that the property has been returned to its previous legal nonconforming status. The Amended Site Plan, application SP-248-2016 has not been approved. If changes to the site are desired, a new Amended Site Plan application will be required and the improvements shall conform to all applicable Draper City Municipal Code standards.

Please be aware that the approval of a Legal Nonconforming Status by Draper City in no way exempts the property from complying with other requirements that may be in effect on the property such as CC&R's, zoning, subdivision, site plan, land disturbance, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. If you have further questions, please contact me at jennifer.jastremsky@draper.ut.us or 801-576-6328.

Respectfully


Jennifer Jastremsky, AICP
Planner III
Community Development Department

Cc Dan Boles, Zoning Administrator
Karen Burnett, GIS Manager
Gaylene Davidson, Planning Coordinator
Vivien Pearson, Business License Coordinator
Jennifer Larson, Executive Assistant, Engineering Department
File