



October 2, 2020

Drapergate Coffee and Vape LLC  
Attn: Sam Saif  
12276 S State St.  
City, State Zip

***RE: Drapergate Coffee and Vape Gazebo Addition Site Plan Approval Extension***

Dear Saif,

On September 24, 2019, the Draper City Zoning Administrator granted site plan amendment approval for Drapergate Coffee and Vape Gazebo Addition, located at 12276 South State St. The application number is SPR-718-2019.

Draper City Municipal Code (DCMC) Section 9-5-090(J) states:

*Failure to obtain a land disturbance permit within one year of approval of any site plan shall void the prior site plan approval. Prior to the expiration of the one-year period, an applicant may submit a written request with the community development department for a site plan extension of up to six (6) months. Approval of this extension may only be granted by the Zoning Administrator or Planning Commission, whichever is the approval authority outlined in this section, provided the applicant can meet the requirements for extension under section [9-5-030](#) and demonstrate substantial action toward obtaining a land disturbance permit. If a site plan expires, a new application shall be submitted. If there have been no changes to applicable codes which would necessitate updates to the previously approved plans, the applicant will be charged a new application fee of fifty percent (50%) of the fee outlined in the consolidated fee schedule and the application shall be approved by the Planning Commission as an action item. Changes to applicable codes that require alteration of the previously approved site plan shall be subject to a new application fee at one hundred percent (100%) of the fee established in the consolidated fee schedule and a public hearing before the Planning Commission.*

Draper City Municipal Code (DCMC) Section 9-5-080(J) states:

*Unless there is substantial action under a conditional use permit within one year from the date of its issuance, said permit shall expire and shall have no further force or effect. A written request may be submitted to the Community Development Department prior to expiration of the conditional use permit for an extension of up to six (6) months, subject to approval of the Planning Commission, provided substantial action is shown toward*



*establishing the conditional use and the requirements for extension under section [9-5-030](#) of this chapter are met.*

To date, no land disturbance permit has been acquired or improvements begun to the property. As such, the applicant has requested a six (6) month extension to the site plan amendment approval. Attached to this letter is the applicant's written request for approval extension, and the original application approval staff report. Staff received the request for extension on September 24, 2020, prior to the expiration of the September 24, 2019 approvals.

The applicant has applied for their land disturbance permit and anticipate pulling the permit soon.

The Zoning Administrator finds that there is good cause to obtain an extension and substantial action has occurred toward acquiring the land disturbance permit. The site plan amendment approval has been extended for six months. The new expiration date is March 24, 2021.

If you have further questions, please contact me at [jennifer.jastremsky@draper.ut.us](mailto:jennifer.jastremsky@draper.ut.us) or at 801-576-6328.

Respectfully,

Jennifer Jastremsky, AICP  
Senior Planner/ Zoning Administrator  
Community Development Department

Cc File

## Jennifer Jastremsky

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**From:** Sam Saif <aosaif82@hotmail.com>  
**Sent:** Thursday, September 24, 2020 11:28 AM  
**To:** Jennifer Jastremsky  
**Subject:** Re: Drapergate Approval Extension  
**Attachments:** (SD102)-Aug13-20 (1).pdf

hello there Jennifer this is Sam with Drapergate Coffee and Vape and would like to officialy ask for a 6 month extension on our site plan approval. we should be really close on pulling the permit today or in the next few days. also i am attatching the small move that we are doing so we don't have to move landscape or mess with it.

thank you

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**From:** Jennifer Jastremsky <jennifer.jastremsky@draper.ut.us>  
**Sent:** Thursday, September 24, 2020 11:02 AM  
**To:** aosaif82@hotmail.com <aosaif82@hotmail.com>  
**Subject:** Drapergate Approval Extension

Sam, you site plan is set to expire today unless the land disturbance permit is pulled. I know you are close to pulling it, but you will need to request a 6 month extension on your site plan approval. This will give you extra time to finish the LDP process and pull that permit. I need an email from you requesting a 6 month extension to your approval per DCMC Section 9-5-090(J).

I will need this letter by 5pm today or your site plan will expire and you will have to reapply for amended site plan approval.

Thanks -Jen

Jennifer Jastremsky, AICP  
Senior Planner/Zoning Administrator

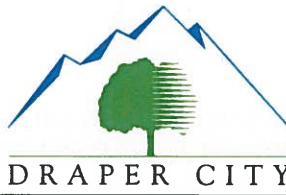
Draper City  
1020 E Pioneer Rd.  
Draper, UT 84020

801-576-6328

[Jennifer.jastremsky@draper.ut.us](mailto:jennifer.jastremsky@draper.ut.us)

[www.draper.ut.us](http://www.draper.ut.us)

Due to the COVID-19 outbreak Community Development will NOT be meeting with the public face to face. Please contact us via email or phone. Thank you for patience during this time. Additional guidance on Community Development Department operations can be found in our 'COVID-19 Update': <https://www.draper.ut.us/196/Community-Development>



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**Development Review Committee**  
1020 East Pioneer Road  
Draper, UT 84020

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**STAFF REPORT**  
September 24, 2019

**To:** Jennifer Jastremsky, Zoning Administrator

Approved

Date

9/24/19

**From:** Jennifer Jastremsky, AICP, Senior Planner

**Prepared By:** Jennifer Jastremsky, AICP, Planner II  
Planning Division  
Community Development Department  
801-576-6328, [Jennifer.jastremsky@draper.ut.us](mailto:Jennifer.jastremsky@draper.ut.us)

**Re:** **Drapergate Coffee Vape Gazebo Addition – Amended Site Plan Request**

Application No.: SPR-718-2019  
Applicant: Hana Omar, representing Clear Water Investment  
Project Location: 12276 South Sate St.  
Current Zoning: CI (Interchange Commercial) Zone  
Acreage: Approximately 1.63 Acres (Approximately 71,002.8 ft<sup>2</sup>)  
Request: Request for approval of an amended site plan in the CI (Interchange Commercial) zone regarding covered patio addition.

**SUMMARY**

This application is a request for approval of an amended site plan for approximately 1.63 acres located on the west side of State Street, at approximately 12276 South State St. The property is currently zoned CI (Interchange Commercial). The applicant is requesting that an amended site plan be approved to allow for the addition of a covered patio to the site.

**BACKGROUND**

The property was developed as a Flying J gas station in the late 1990's. The gas station closed about a decade ago and the site has been either vacant or used as a car dealership. The Drapergate Coffee and Vape store and restaurant opened in 2018.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Community Commercial land use designation for the subject property. This category “permits the full scope of commercial land uses that are destination-oriented.”



The property has been assigned the CI (Interchange Commercial) zoning classification. The purpose of the CI zone “is to provide areas with visibility and access from Interstate 15 that are commuter and traveler oriented.”

The General Plan calls for the CC (Community Commercial), CR (Regional Commercial), CG (General Commercial), and CI zones as the preferred zoning classifications for the Community Commercial designation. The adjoining properties are zoned CI on the north and east, the CR zone to the east, and the CSD-DP (Draper Peaks Commercial Special District) zone to the south.

*Site Plan.* The applicant is proposing to add a 22-foot by 39-foot outdoor covered patio. The cover will be 11-feet tall and connect to the building. The patio area will be fenced in with iron and class fencing. In order to create this outdoor area, the applicant will be removing five parking spaces along the north side of the existing building. With the removal of these spaces, the site will still contain 40 parking spaces. The existing building is 3,368 square feet in size, and the proposed patio is 858 square feet in size. At 4,226 square feet combined size, the property would be required to have 32 parking spaces. The building houses a coffee shop and vape store which results in a mix of restaurant and retail parking requirements. In addition, a landscape island will be relocated from the west side of the patio area to the east side of the patio area. The new landscape area will equal 136 square feet. The landscaping that is being removed equals 134 square feet.

*Criteria For Approval.* The criteria for review and potential approval of a site plan amendment request is found in Sections 9-5-090(e) and (h) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

- 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. In addition, consideration shall be given to the following:
    - a. Considerations relating to traffic safety and traffic congestion:
      - (1) Effect of the site development plan on traffic conditions on abutting streets and neighboring land uses, both as existing and as planned;
      - (2) Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
      - (3) Arrangement and adequacy of off street parking facilities to prevent traffic congestion and compliance with the provisions of city ordinances regarding the same;
      - (4) Location, arrangement, and dimensions of truck loading and unloading facilities;
      - (5) Vehicular and pedestrian circulation patterns within the boundaries of the development;
      - (6) Surfacing and lighting of off street parking facilities; and
      - (7) Provision for transportation modes other than personal motor vehicles, including such alternative modes as pedestrian, bicycle, and mass transit.
    - b. Considerations relating to outdoor advertising:
      - (1) Compliance with the provisions of chapter 26 of this title. Sign permit applications shall be reviewed and permits issued as a separate process. Action may be taken simultaneously with or following site plan review.
    - c. Considerations relating to landscaping:
      - (1) Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;

- (2) Planting of ground cover or other surfaces to prevent dust and erosion;
  - (3) Unnecessary destruction of existing healthy trees; and
  - (4) Compliance with the Draper City general plan guidelines to promote consistent forms of development within the districts of the city as identified in the general plan.
- d. Considerations relating to buildings and site layout:
- (1) The general silhouette and mass, including location on the site and elevations, in relationship to the character of the district or neighborhood and the applicable provisions of the general plan; and
  - (2) Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, the arrangement of structures on the parcel, and appropriate use of materials and colors to promote the objectives of the general plan relating to the character of the district or neighborhood.
- e. Considerations relating to drainage and irrigation:
- (1) The effect of the site development plan on the adequacy of the storm and surface water drainage; and
  - (2) The need for piping of irrigation ditches bordering or within the site.
- f. Other considerations including, but not limited to:
- (1) Buffering;
  - (2) Lighting;
  - (3) Placement of trash containers and disposal facilities; and
  - (4) Location of surface, wall and roof mounted equipment.
3. In order to assure that the development will be constructed to completion in an acceptable manner, the applicant shall enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval.
4. In a planned center, individual uses shall be subject to the following requirements:
- a. The overall planned center shall have been approved as a conditional use, which shall include an overall site plan, development guidelines and a list of allowable uses in the center.
  - b. The city and the developer of the planned center shall enter into a development agreement governing development of the center. The agreement shall include a provision to the effect that staff review and approval of uses and the site plan is typically sufficient.
  - c. Development guidelines for a center shall, as a minimum, address the following topics:
    - (1) General site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);
    - (2) Architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials, and colors;
    - (3) Landscaping and open space standards;
    - (4) Signage;
    - (5) Exterior lighting;
    - (6) Parking, pedestrian and vehicular circulation, and access to the site;
    - (7) Rights of access within the center (use of cross easements, etc.);
    - (8) Development phasing and improvements/amenities to be completed with each phase;
    - (9) Outdoor sales, storage and equipment;
    - (10) Fencing and walls; and
    - (11) Maintenance standards and responsibilities.

- H. Amendments: Except as may be provided for elsewhere in this title, 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 architecture of the proposed alteration or expansion, and landscaping, site design and parking layout are compatible with facilities existing on the site;
    - f. The site can accommodate any change in the number of employees on the site or any change in impact on surrounding infrastructure; and
    - g. The proposed site alteration does not negatively impact neighboring property owners.
  2. If the Zoning Administrator cannot make the findings required in this subsection H:
    - a. A conditional use permit or amended site plan, as the case may be, shall be approved by the Planning Commission before any alteration or expansion occurs; and
    - b. Notice of proposed alteration or expansion should be given as provided in section [9-5-045](#) of this chapter.
  3. If the Zoning Administrator can make all findings required in this subsection H, no noticing shall be necessary and the Zoning Administrator may approve the proposed amendment without a public hearing.
  4. Except as may be provided elsewhere in this title, when a site plan is amended, the site shall be brought into compliance with current provisions of this title in the following areas:
    - a. Landscaping;
    - b. Storage;
    - c. Off street parking;
    - d. Lighting;
    - e. Pedestrian and vehicular access;
    - f. Off street loading and unloading;
    - g. Setbacks and building heights;
    - h. On site surface water drainage;
    - i. Off site curb, gutter and sidewalk;
    - j. Piping of irrigation ditches; and
    - k. Sign requirements.

## **REVIEWS**

*Planning Division Review.* The Draper City Planning Division has completed their review of the amended site plan submission and has issued a recommendation for approval. Comments from the Division, if any, can be found in Exhibit A

*Engineering and Public Works Divisions Review.* The Draper City Engineering and Public Works Division has completed their review of the amended site plan submission and has issued a recommendation for approval. Comments from the Division, if any, can be found in Exhibit A

*Building Division Review.* The Draper City Building Division has completed their review of the amended site plan submission and has issued a recommendation for approval. Comments from the Division, if any,

can be found in Exhibit A

*Fire Division Review.* The Draper City Fire Marshal has completed his review of the amended site plan submission and has issued a recommendation for approval. Comments from the Division, if any, can be found in Exhibit A

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

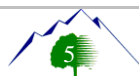
### **STAFF RECOMMENDATION**

Staff recommends approval of the request for an amended site plan request by Hana Omar, representing Clear Water Investment, application #SPR-718-2019, subject to the following conditions:

1. That all requirements of the Draper City Engineering, Public Works, Building, Planning, and Fire Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
2. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
2. That the proposed site plan is for an accessory use to a permitted use within the CI zone.
3. That the proposed site plan meets the Draper City ordinances pertaining to site plan approval.
4. That the proposed patio complies the requirements of the DCMC.
5. The proposed changes comply with the findings listed in DCMC Section 9-5-090(h).






**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

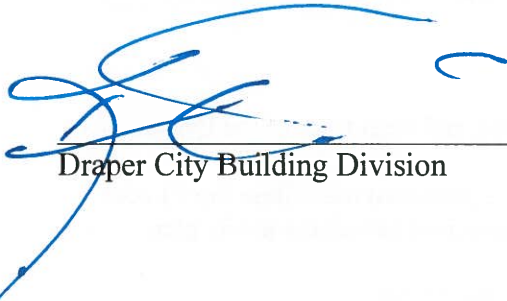
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission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

  
\_\_\_\_\_  
Draper City Public Works Department

  
\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Draper City Fire Department

  
\_\_\_\_\_  
Draper City Legal Counsel

  
\_\_\_\_\_  
Draper City Building Division

**EXHIBIT A**  
**DEPARTMENT REVIEWS**

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

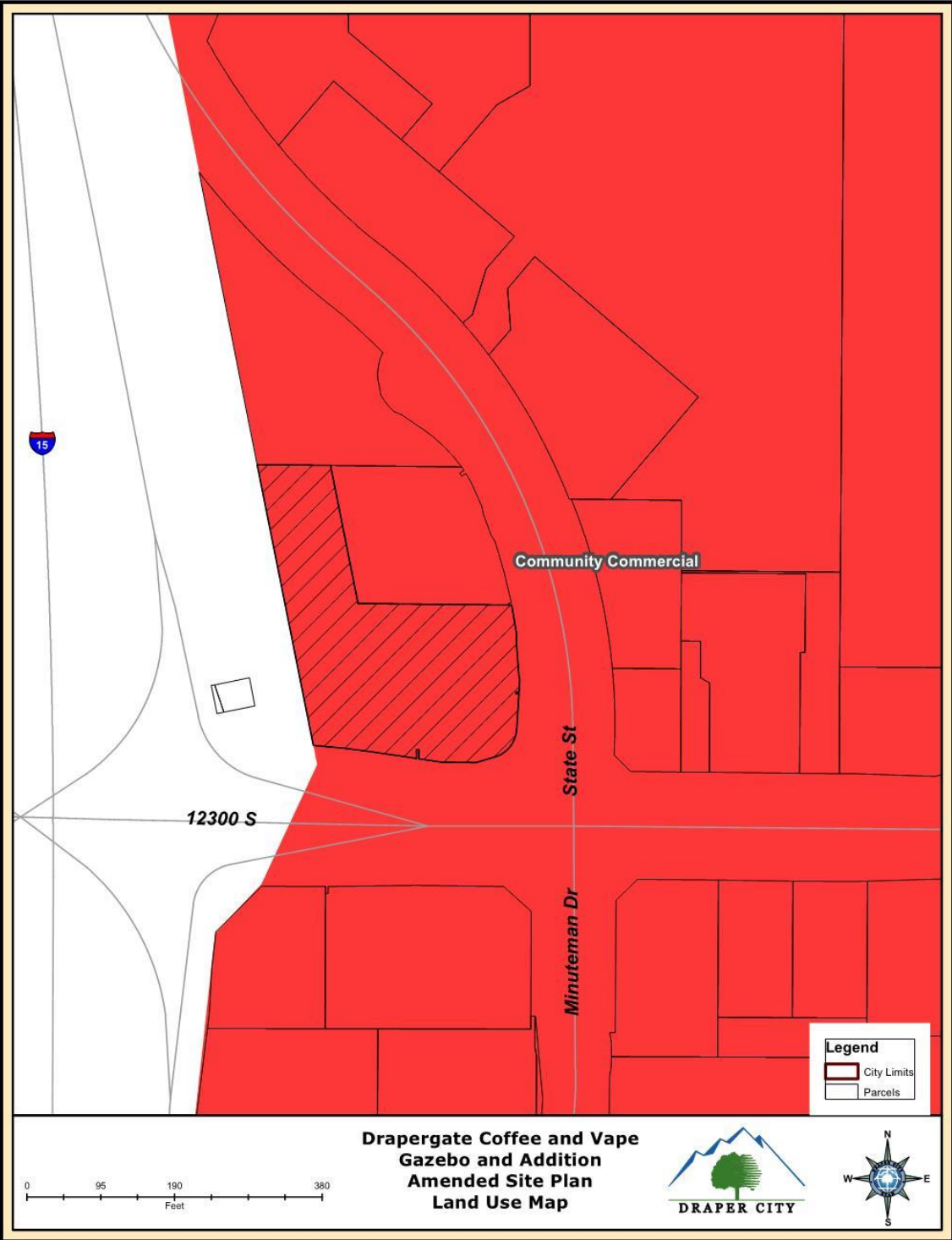
*Planning Division Review.*

1. The proposed plans comply with Draper City Municipal Code.

**EXHIBIT B  
AERIAL MAP**



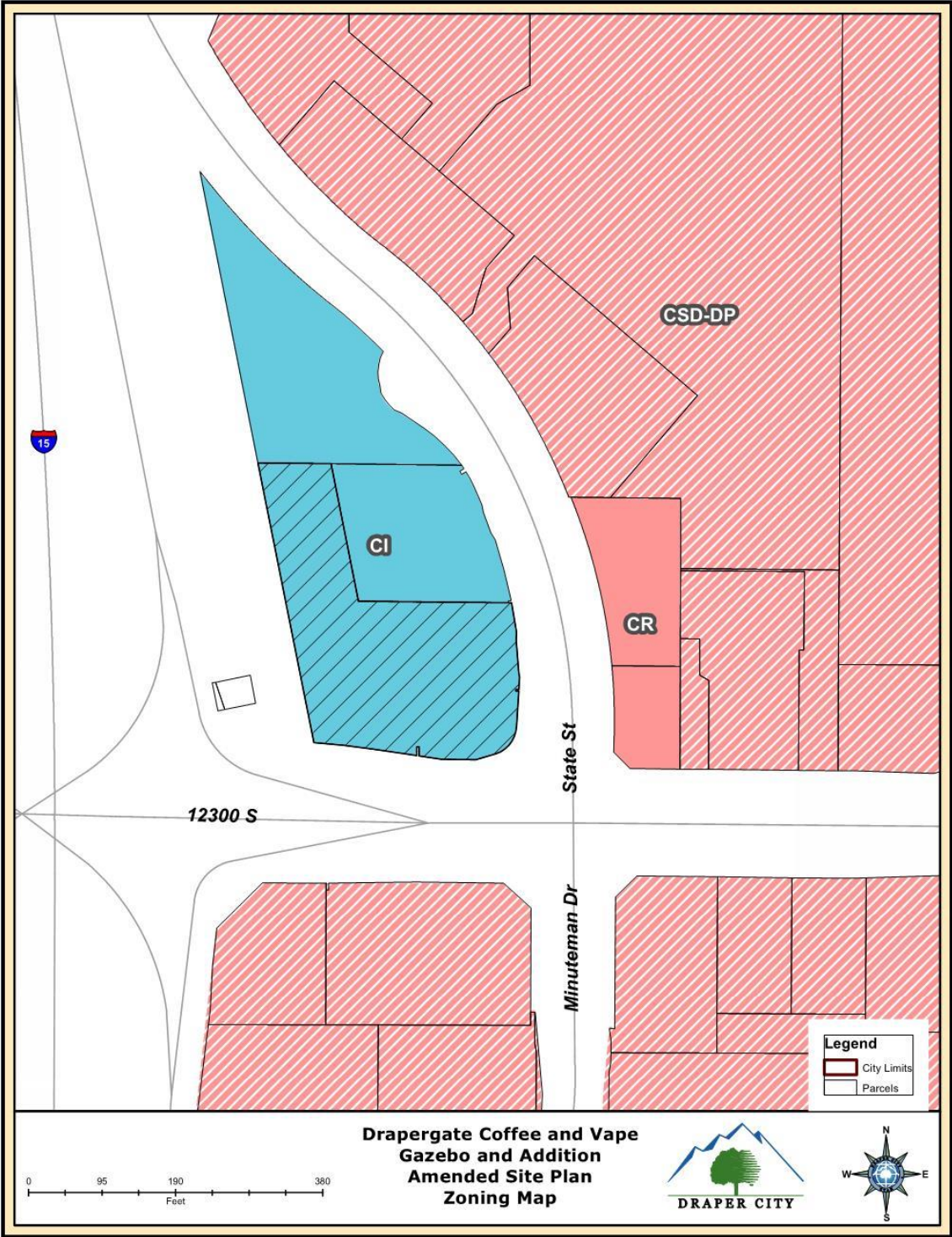
**EXHIBIT C  
LAND USE MAP**



**Drapergate Coffee and Vape  
Gazebo and Addition  
Amended Site Plan  
Land Use Map**



**EXHIBIT D  
ZONING MAP**



**Drapergate Coffee and Vape  
Gazebo and Addition  
Amended Site Plan  
Zoning Map**





