

1                                   **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
2                                   **ARCHITECTURAL REVIEW COMMISSION MEETING**  
3                                   **Thursday, April 24, 2019**  
4                                   **6:00 p.m.**  
5                                   **Cottonwood Heights City Council Work Room**  
6                                   **2277 East Bengal Boulevard**  
7                                   **Cottonwood Heights, Utah**  
8

9 **Members Present:**      Chair Scott Peters, Stephen Harman, Niels Valentiner  
10

11 **Staff Present:**           Associate Planner Andy Hulka  
12

13 **BUSINESS MEETING**  
14

15 **1.0     Welcome and Acknowledgements**  
16

17 Chair Scott Peters called the meeting to order at approximately 6:00 p.m.  
18

19         **1.1     Ex Parte Communications or Conflicts of Interest to Disclose.**  
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21 There were no ex parte communications or conflicts of interest to disclose.  
22

23 **2.0     Business Items**  
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25         **2.1     (Project SPL-19-005) Action on a Request from Carl Churchill for a**  
26                   **Certificate of Design Compliance for a New Deck at 7260 South Racquet Club**  
27                   **Drive.**  
28

29 Associate City Planner, Andy Hulka presented the staff report and stated that the applicants have  
30 obtained a permit for an interior remodel, which includes the addition of an entrance. What was  
31 being considered tonight was a deck for the outdoor dining area. The approximate location of the  
32 proposed deck was identified on the site plan. The proposed door will match what exists. The  
33 proposed deck is approximately 18' x 24' in size and constructed of a dark brown composite wood  
34 material.  
35

36 Reference was made to the design guidelines, which state that outdoor seating should be designed  
37 to fit well with the building and be inviting to pedestrians. Staff found the request to be in  
38 compliance with all City requirements. The proposed conditions set forth in the staff report were  
39 reviewed and discussed.  
40

41 The applicant, Carl Churchill commented that they plan to use retaining blocks and grade up the  
42 slope on the north side. They will be retaining the services of a landscape designer and plant low  
43 water grasses and plants on the slope. Mr. Hulka reported that there are no setback issues so long  
44 as the deck is no more than 18 inches above finished grade. He explained that anything taller than  
45 that is considered a structure and has to meet the setbacks, which are 25 feet from the edge of the  
46 sidewalk. Possible options were discussed. Mr. Churchill was unsure of the distance from the

1 sidewalk but it was thought to perhaps be less than 10 feet. The applicant expected to have to go  
2 two blocks high to get to 18 inches. A Commission Member had doubts as to whether that was  
3 the case. The need to landscape the slope and construct a retaining wall was addressed. It was  
4 suggested that the applicant come back with a revised design.

5  
6 It was noted that the gas meters will have to be moved. Issues were identified and it was suspected  
7 that it may be difficult for the applicants to meet the requirements. The ARC would want to see  
8 how the retaining walls are going to look since it will be very visible. Mr. Hulka commented that  
9 the Commission can decide how to proceed. The submittal for the deck contained notes on the  
10 plan with the assumption that they will be able to meet the 18-inch requirement. The plans,  
11 however, do not include the specifics of the landscaping and grade.

12  
13 Mr. Churchill stated that they have put a lot of money into the renovation of the building and the  
14 design of the space. The intent of the retaining block was to be used for retaining and be a concrete  
15 color. The property will be terraced down for plants and landscaping. Mr. Churchill explained  
16 that they cannot open up the other side of the business without the doorway. In addition, if the  
17 deck isn't improved, steps will need to be constructed with handrails. Within a few months, they  
18 expect to have the landscaping completed. Their hope was to construct the deck now and open up  
19 the space. Possible options were discussed.

20  
21 Potential issues were identified. Mr. Churchill expected to obtain the funding within two months  
22 in order to complete the landscaping and retaining wall. The Commission was interested in seeing  
23 details of what the terracing will consist of. They wanted more details about what the final product  
24 will look like before granting approval. Mr. Churchill stated that it is a timing issue and if approval  
25 is not granted tonight the project will be delayed by another month.

26  
27 A Commission Member expressed his support for the project and bringing activity to that corner  
28 but recognized that the Commission has a responsibility to ensure that the City's requirements are  
29 being adhered to in an appropriate way. He was also not comfortable with gray block and  
30 recommended some colored block, which is not any more costly. The block will be visible in the  
31 winter months in particularly when the landscaping goes dormant.

32  
33 Further clarification was needed of the 18-inch measurement. Possible options were discussed as  
34 well as the possibility of obtaining a variance. A comment was made that the deck is compatible  
35 with the residential neighborhood. One option was to come back with a plan showing how the  
36 retaining will be done and rendering of the retaining walls and landscaping. A Commission  
37 Member did not object to allowing the applicant to move forward with the deck as long as there is  
38 a guarantee in place that the remainder will be completed within a specific period of time. He was  
39 unsure how flexible the City can be, however, since approval is based on a permit for building  
40 occupancy.

41  
42 The process for variance was described, which involves meeting with the Appeals Hearing Officer.  
43 It was noted that strict requirements must be met and there is no guarantee that a variance will be  
44 granted. Variance requirements are set by State Code and a high bar must be met. One of the  
45 requirements is that the hardship cannot be self-imposed.

1 Another option was identified as reducing the size of the deck by one-half. Preference was  
2 expressed for a longer, narrower deck that is half the size of the one proposed. Mr. Churchill stated  
3 that their long-term intention is to purchase the building in which case they would like to construct  
4 a deck on the north side and wrap it around the building. Their future potential plans were  
5 discussed.

6  
7 The distance from the sidewalk to the building was measured. It was determined that the corner  
8 of the building is on the setback line. Mr. Hulka commented that the Neighborhood Commercial  
9 zone is unique and one of the requirements is that the setback be equal to the least restrictive  
10 residential front yard setback.

11  
12 Mr. Churchill commented that eventually, they hope to occupy the entire building. Possible future  
13 plans were discussed. He stated that they have been rated one of the top independent coffee shops  
14 in the nation. They are proud of that and have a very loyal following.

15  
16 It was suggested that the applicant add more detail to the site plan. The Commission was  
17 supportive of the proposal but wanted to see the specifics of a full proposal and have the details of  
18 the full solution to make it work. If necessary, the Commission was willing to meet prior to the  
19 next regularly scheduled meeting in an effort to expedite the process for Mr. Churchill.

20  
21 *Commissioner Valentiner moved to continue consideration of SPL-19-005 to the next meeting  
22 as soon as the owner can study the slope and come back and show the specifics of the retaining  
23 wall and landscaping. Commissioner Harman seconded the motion. The motion passed with  
24 the unanimous consent of the Commission.*

### 25 26 **3.0 Consent Agenda**

#### 27 28 **3.1 Approval of Minutes of April 24, 2019.**

29  
30 *Commissioner Valentiner moved to approve the minutes of April 24, 2019 after the following  
31 process is met: The Recorder will prepare the minutes and email them to each member of the  
32 Commission. The members will have five days to review the minutes and provide any changes  
33 to the Recorder. If, after five days there are no changes, the minutes will stand approved. If  
34 there are changes, the process will be followed until the changes are made and the Commission  
35 is in agreement, at which time the minutes shall be deemed approved. Commissioner Harmon  
36 seconded the motion. The motion passed with the unanimous consent of the Commission.*

### 37 38 **4.0 ADJOURNMENT**

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40 *Commissioner Harmon moved to adjourn. Commissioner Valentiner seconded the motion. The  
41 motion passed with the unanimous consent of the Commission.*

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43 The Architectural Review Commission Meeting adjourned at approximately 6:45 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*  
2 *Cottonwood Heights Architectural Review Commission Meeting held Thursday, April 24, 2019.*

3  
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6 Teri Forbes

7 Teri Forbes  
8 T Forbes Group  
9 Minutes Secretary

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11 Minutes Approved: September 25, 2019