

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **ARCHITECTURAL REVIEW COMMISSION MEETING**

3 **Thursday, September 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, Jonathan Oldroyd, Scott Henriksen,
10 Niels Valentiner, Robyn Taylor-Granda

11
12 **Staff Present:** Senior Planner Matt Taylor, Associate Planner Andy Hulka, Deputy
13 Recorder Heather Sundquist, City Planner Samantha DeSeelhorst
14

15 **BUSINESS MEETING**

16
17 **1.0 Welcome and Acknowledgements**

18
19 Chair Scott Peters called the meeting to order at approximately 6:00 p.m.
20

21 Senior City Planner, Matt Taylor stated that clarification regarding the authority of the
22 Architectural Review Commission (“ARC”) has been requested. He explained that the purpose of
23 the ARC is to operate under the Code as currently written. In terms of due process, they must
24 respect the legal rights owed to the applicant. The ARC operates under the Executive function of
25 the government, or more specifically under the Mayor and City Manager. The ARC is a sub-
26 committee of the Planning Commission and their administrative purview is as set out in State law
27 as the approved land use authority. It is the responsibility of the ARC to approve or deny
28 Certificates of Design Compliance. The purpose of the Design Guidelines is to enhance the visual
29 appeal through the use of high quality architectural and site design in developing a unique sense
30 of identity in the Gateway Overlay District. Mr. Taylor explained that the document is not legally
31 binding but is a set of guidelines to follow. The guidelines welcome and encourage all architectural
32 styles. It is the responsibility of the ARC to approve or deny an application by majority vote.
33 Any application may be appealed to the Planning Commission if rejected or denied.
34

35 **1.1 Ex-Parte Communications or Conflicts of Interest to Disclose.**

36
37 There were no ex-parte communications or conflicts of interest to disclose.
38

39 **2.0 Business Items**

40
41 **2.1 (Project SPL-19-010) Action on a Request by YESCO Signs for Approval of**
42 **a Certificate of Design Compliance for Two New Monument Signs located at**
43 **6975 and 6985 South Union Park Center.**
44

45 Associate City Planner, Andy Hulka presented the staff report and stated that the above matter
46 involves a request from YESCO signs for approval of a Certificate of Design Compliance for two

1 new monument signs in the Gateway District. Examples of the proposed design were displayed,
2 which are aluminum and backlit. After review, staff found that the request conforms with the
3 design guidelines and recommended approval.

4
5 Commissioner Henriksen suggested checking the irrigation system to ensure that the sign does not
6 impact the existing irrigation system.

7
8 *Commissioner Harman moved to approve the request for a Certificate of Design Compliance*
9 *for Project SPL-19-010. Commissioner Oldroyd seconded the motion. The motion passed with*
10 *the unanimous consent of the Commission.*

11
12 **2.2 (Project SPL-19-011) Action on a Request by Brad Taylor of Bird Enterprises**
13 **for Approval of a Certificate of Design Compliance for an Exterior Façade**
14 **Remodel at 1950 East Fort Union Boulevard.**

15
16 City Planner, Samantha DeSeelhorst introduced herself and presented the staff report. She stated
17 that the request is for a fairly minor exterior façade remodel. There were general concerns with
18 the aesthetics and weather resistance issues. The applicants have proposed the removal of a canvas
19 canopy and would like to replace it with an aluminum canopy. A more adequate roof structure
20 will be constructed and the floor plan will be modified. No changes to the outdoor lighting or
21 signage was proposed. Commissioner Oldroyd was of the opinion that removing the sign will be
22 an improvement. It was noted that future signage would require a Certificate of Design
23 Compliance.

24
25 *Commissioner Valentiner moved to issue a Certificate of Design Compliance for Project SPL-*
26 *19-011. Commissioner Taylor-Granda seconded the motion. The motion passed with the*
27 *unanimous consent of the Commission.*

28
29 **2.3 (Project SPL-19-007) Action on a Request by John Prince for Approval of a**
30 **Certificate of Design Compliance for 23 Mixed-Use Live-Work Townhomes at**
31 **Approximately 1650 East Fort Union Boulevard.**

32
33 Mr. Taylor presented the staff report and stated that when considering site design, the site will be
34 in a future corridor with an eight-foot sidewalk from the property line, a five-foot bike lane, a
35 planter strip, and curb and gutter. Parking design issues were described. Mr. Taylor reported that
36 the Landscaping Plan has been amended to include breezeway landscaping and reflect additional
37 requested changes. Landscaping issues were discussed.

38
39 Design Guideline 4.4 was reviewed. It was noted that the building should not include any blank,
40 flat walls. The designs have been articulated as well as the end caps including the wrapping
41 window treatments around the sides of the building. Textures and treatments between lighter and
42 darker colors were included. The most recent exterior changes were described.

43
44 Commissioner Taylor-Granda commented that retaining walls should match the design material
45 of the primary building. She expressed concern with a chain-link fence with fabric and preferred
46 a more substantial commercial type of material.

1
2 Commissioner Peters hoped to see additional trees along Fort Union Boulevard, as approved by
3 RMP. Fencing should match the wood material along the outside of the building. He
4 recommended the addition of trees and articulation of the concrete wall along the front to reduce
5 the impact of a blank wall.

6
7 Commissioner Valentiner suggested integral colored concrete to match the rest of the building.

8
9 Commissioner Taylor-Granda recommended additional articulation in the retaining wall and
10 pointed out that only one stairwell is planned for the entire block. If it is supposed to be a walkable
11 development, one would have to walk one half of a block to get to it.

12
13 Mr. Taylor confirmed that the applicant has proposed wood screening for the dumpster enclosure
14 that will match the architectural materials. He asked that they consider the signage plan be very
15 specific with respect to what signage is approved with what is proposed.

16
17 Commissioner Oldroyd reviewed guidelines for entrances and stated that that they should be the
18 prominent feature of the ground floor to invoke a sense of entry. They should be oriented toward
19 the adjacent street or main access points.

20
21 Commissioner Valentiner suggested an articulation every 10 to 30 feet along the fencing. A niche
22 could be created at points where trees could be planted. He supported the breezeway location.

23
24 Chair Peters expressed support for the project with a few minor adjustments.

25
26 Commissioner Taylor-Granda was still concerned with the project, particularly after reading the
27 letters submitted by residents. She expressed frustration with the City and ARC favoring
28 developers and applicants when citizens are being disregarded. She attended the previous Planning
29 Commission Meeting as a resident and felt that her voice was not being heard. The above item
30 was remanded back to the ARC and the Planning Commission is relying on them to approve items
31 by default. She believed that not every item and detail needs to be approved. This item is being
32 placed in a location where it does not fit and there is nothing comparable close by.

33
34 Mr. Taylor explained that the Code allows for a height of 35 feet and up to three stories. It is a
35 right under the zoning code to build up to 35 feet. The zoning articulates what is allowed and
36 entitles the applicant to what those rules state. The height is not part of Design Guidelines and
37 stated that what is articulated in the Code is the permitted right of the developer.

38
39 The applicant, John Prince reported that the project is 25 feet from the fence line to the buildings.
40 With regard to zoning guidelines, they have moved as far away as possible from the buildings and
41 have gone beyond what is required. The building height is 33 feet when 35 feet are allowed. They
42 have also proposed a private drive eliminating additional traffic.

43
44 Commissioner Oldroyd asked if the developer would consider exporting fill to bring the grade to
45 the sidewalk. The Commissioners discussed retention within the project.

1 Commissioner Valentiner explained that the property is zoned for mixed-use and they are not
2 present to discuss whether the zoning is right or wrong. The applicant has the right to build on the
3 property and the Commission does not have the right to circumvent the current zoning.

4
5 Staff recommended approval of the reduced setbacks and believed they are in line with the Fort
6 Union Master Plan. Recommendations are made on more subjective and policy items based on
7 adopted Council policies. The Planning Commission has the authority to modify setbacks and
8 authorize a third story even though the proposed height is allowed. Mr. Taylor stated that an
9 opinion could be offered and forwarded to the Planning Commission who can deny or approve the
10 request.

11
12 In terms of fencing materials, Commissioner Taylor-Granda preferred a material other than wood,
13 which tends to weather more quickly than commercial grade materials.

14
15 ***Commissioner Valentiner moved to issue a Certificate of Design Compliance for Project SPL-***
16 ***19-007 subject to the following original conditions:***

- 17
18 ***1. Detail sheets shall be provided for the proposed sign plan and that no additional***
19 ***signage shall be approved without the issuance of a Certificate of Design***
20 ***Compliance from the ARC and the Signage Plan shall be amended by the***
21 ***Planning Commission. Furthermore, the CC&Rs shall contain provisions***
22 ***detailing the limitations of the Sign Plan and reference City Code to amend the***
23 ***currently approved Sign Plan.***
- 24
25 ***2. Internal parking signage shall be approved by staff prior to final plan approval.***
26 ***The internal parking signage shall restrict residential parking from business***
27 ***parking from 8:00 a.m. to 5:00 p.m., Monday through Friday. The internal***
28 ***CC&Rs shall be required to articulate and manage this regulation.***
- 29
30 ***3. Bike parking, ADA stalls, loading area and ramps, and internal circulation***
31 ***routes shall be amended as diagrammed in the staff report.***
- 32
33 ***4. The applicant shall provide detail on any required railing on top of the proposed***
34 ***retaining wall per Building Code requirements for staff review and approval.***
- 35
36 ***5. The small trees shown on the building elevation renderings shall be represented***
37 ***on the Landscaping Plan. Verify the appropriateness of the proposed street trees***
38 ***with Rocky Mountain Power; trees are at street-sidewalk level up to 25 feet as***
39 ***allowed by RMP, integral concrete colored wall with steps every 10 to 30 feet with***
40 ***two-foot minimum steps jogging in and out, the rear sidewalk shall be***
41 ***continuous, the fence shall be a wood fence type and the same material as on the***
42 ***building and the wood on the project.***
- 43
44 ***6. Details on retaining walls on the south side of the site, as well as on fencing and***
45 ***walls for the site perimeter shall be provided.***

1 *Commissioner Harman seconded the motion.*

2
3 Commissioner Oldroyd indicated there are items in the Design Guidelines that are not compatible
4 with the proposed plan. In addition, guidelines that are related to a different type of building use
5 are being used.

6
7 Commissioner Valentiner asked the Commission to consider the relationship and scale with
8 adjacent properties.

9
10 Mr. Taylor reported that when the original staff report was written, they addressed the guidelines,
11 specifically those where they felt there was a gap. He explained that every guideline was not
12 specifically addressed. Some were judgment calls.

13
14 Commissioner Valentiner reported that the items listed are things they would like to see.

15
16 *Vote on motion: Commissioner Taylor-Granda-Nay, Commissioner Oldroyd-Nay,*
17 *Commissioner Valentiner-Aye, Commissioner Henriksen-Aye, Commissioner Harman-Aye,*
18 *Chair Peters-Aye. The motion passed 4-to-2.*

19
20 The Commission took a five-minute recess.

21
22 **2.4 (Project CUP-19-008) Action on a Request by Nathan Anderson for Approval of a**
23 **Certificate of Design Compliance for 13 Mixed-Use Live-Work Townhomes at 1810**
24 **East Fort Union Boulevard.**

25
26 Associate Planner, Andy Hulka presented the staff report and stated that the property is lower
27 along Fort Union Boulevard and rises to the west. Renderings of the site were displayed. A public
28 hearing was held at the last Planning Commission Meeting and changes were made accordingly.
29 The site plan includes A and B units. It was suggested that the front-facing Fort Union Boulevard
30 could use additional treatments to make it more identifiable as an entrance. Access issues were
31 discussed. It was noted that windows were added along Fort Union Boulevard. They should be
32 designed to encourage retail use by being transparent and free of excessive signage. Staff received
33 comments regarding the proposed exterior materials.

34
35 Commissioner Valentiner reported that his initial issue was due to the fact that the building is flat
36 and bland with aluminum and stucco. The undulation and shaping gave it the appearance of a
37 shoebox with windows.

38
39 Mr. Hulka stated that the building height diagram has been submitted and measures slightly over
40 35 feet. Heights of 45 feet are permitted in the Gateway District. A Lighting Plan was also
41 submitted. The Landscaping Plan includes four trees along Fort Union Boulevard, 17 Ginkgo trees
42 bordering the property. with internal trees in the back and along the parking area.

43
44 The parking consists of two stalls per unit and exceeds the minimum. Guest and visitor parking
45 stalls are available with the possible addition of more. Staff recommended approval with the
46 following conditions:

- 1
- 2 1. Revision of the north entrance.
- 3
- 4 2. Additional windows shall be added at the ground level facing Fort Union
- 5 Boulevard.
- 6
- 7 3. The revised north elevation design shall be more consistent with the east and west
- 8 elevations.
- 9
- 10 4. A Lighting Plan shall be submitted that complies with the zoning ordinance and
- 11 design guidelines.
- 12
- 13 5. Additional light bollards shall be added along pedestrian walkways.
- 14

15 The applicant, Nathan Anderson, described the project access and stated that commercial features
16 are secondary. He commented that glass doors would make it more identifiable. Rooftop decks
17 are highly desired by owner/occupants and he confirmed that none of pergolas or rooftops exceed
18 35 feet. The surrounding property fencing was described. Mr. Anderson indicated that he would
19 like to continue the design from the Fire Station.

20
21 Commissioner Taylor-Granda expressed concern with parking in the rear and walking to the units
22 in the front. Mr. Hulka confirmed that the developer will be required to install full street frontage
23 improvements and an eight-foot sidewalk leaving space for a bike lane. They are currently
24 measuring to property lines and will continue in greater detail with the Planning Commission.
25 Setbacks for corner lots are 20 feet and the developer is requesting a reduction. They will maintain
26 consistency along Brookhill. It was explained that a Conditional Use is permitted but can be
27 approved with conditions if there are perceived negative impacts from the use.

28
29 Mr. Anderson described the setbacks and confirmed that curb, gutter and sidewalk will be
30 improved. The curb and gutter along Brookhill will be replaced. No additional pavement will be
31 added and the sidewalk will meet the curb and gutter to create consistency.

32
33 There was a lengthy discussion regarding setbacks.

34
35 Commissioner Valentiner was concerned that the project may be maximized and does fit on the
36 site.

37
38 The Commission next discussed mixed-use and how this project fits or does not fit the definition.
39 Lack of parking was identified as a concern.

40
41 Commissioner Taylor-Granda emphasized that the citizens do not want to be in a shoebox and
42 desire space.

43
44 Chair Peters stated that if setbacks are eliminated and the developer is forced to work within the
45 requirements without a variance or conditional use, internal parking becomes an issue and they
46 would have to redesign the entire project.

1
2 Mr. Hulka confirmed that a minimum front or side yard along a street shall be 20 feet; however,
3 the Planning Commission may reduce or eliminate setbacks if they find that it helps create a better
4 design.

5
6 Mr. Anderson reported that the rooftop design provides an opportunity for an outside private space.
7 It was noted that every square inch of the property is usable outdoor living space. Parking is 24
8 feet minimum and there is adequate space for a fire truck to turnaround. He believed it meets the
9 criteria set forth. It was noted that the only requirement not being met is that are 10 feet too far on
10 Brookhill.

11
12 Mr. Taylor explained that the Planning Commission is allowed to reduce setbacks if they find that
13 it helps create a better-designed development and the reduction will not adversely affect public
14 health, safety, or welfare.

15
16 Commissioner Valentiner believed it is reasonable to recommend the items discussed as a
17 workable, livable design. What determines a livable space was discussed.

18
19 *Commissioner Taylor-Granda moved to continue Project SPL-19-008 with the*
20 *recommendations to redesign the project to complies with all required setbacks and make a*
21 *recommendation to the Planning Commission that all setbacks are met. Commissioner*
22 *Henriksen seconded the motion. The motion passed with the unanimous consent of the*
23 *Commission.*

24
25 **2.5 Discussion on a Policy Authorizing Staff to Administer and Approve Certificates of**
26 **Design Compliance for Minor Applications as Defined by the ARC and as Allowed**
27 **by Section 19.49.060.E CH Code.**
28

29 Mr. Taylor presented the staff report and stated that staff was seeking general guidance. He asked
30 if there was a way for minor projects to be delegated to staff. If agreed upon, staff would prepare
31 a policy for approval. It was noted that nearly all items require ARC approval, however, the ARC
32 may delegate the review of minor projects.

33
34 Items that could be delegated were discussed.

35
36 Mr. Taylor recommended the matter be continued to allow staff to draft a policy.

37
38 *Commissioner Henriksen moved to continue the item with guidance from staff who will return*
39 *with a proposed policy. Commissioner Taylor-Granda seconded the motion. The motion passed*
40 *with the unanimous consent of the Commission.*
41

1 **3.0 Consent Agenda**

2
3 **3.1 Approval of Minutes of April 24, May 30, June 27, July 18 and September 24,**
4 **2019.**

5
6 Mr. Taylor stated that the City Recorder has requested that from the current meeting forward, they
7 return to the former policy of approving minutes via email.
8

9 *Commissioner Valentiner moved to approve the minutes of April 24, May 30, June 27 and July*
10 *18, 2019. Commissioner Henriksen seconded the motion. The motion passed with the*
11 *unanimous consent of the Commission.*

12
13 *Commissioner Henriksen moved to approve the minutes of September 24, 2019, after the*
14 *following process is met: The Recorder will prepare the minutes and email them to each member*
15 *of the Commission. The members will have five days to review the minutes and provide any*
16 *changes to the Recorder. If, after five days there are no changes, the minutes will stand*
17 *approved. If there are changes, the process will be followed until the changes are made and the*
18 *Commission is in agreement, at which time the minutes shall be deemed approved.*
19 *Commissioner Harman seconded the motion. The motion passed with the unanimous consent*
20 *of the Commission.*

21
22 **4.0 ADJOURNMENT**

23
24 *Commissioner Harman moved to adjourn. Commissioner Henriksen seconded the motion. The*
25 *motion passed with the unanimous consent of the Commission.*

26
27 The Architectural Review Commission Meeting adjourned at approximately 8:46 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,*
3 *September 24, 2019.*

4
5

6 Teri Forbes

7 Teri Forbes
8 T Forbes Group
9 Minutes Secretary

10
11 Minutes Approved: October 30, 2019