

PLANNING COMMISSION STAFF REPORT TYPE III APPLICATION

DATE OF MEETING:	January 12, 2026
FILE NO.:	25-051 MOD
PROJECT NAME:	Modification to Planning Commission Final Decision & Removal of Cupola Requirement
APPLICANT/OWNER:	Tiana Rundell/City of Sandy
ADDRESS:	18200 Meadow Drive
MAP/TAX LOT:	25E18CC 13400 and 25E18CD 01600
SIZE OF PROPERTY:	3.16 acres
ZONING:	Parks and Open Space (POS)
STAFF CONTACT:	Patrick Depa, Senior Planner

PURPOSE

The purpose of this land use application is a request to revise the Planning Commission’s decision to install ‘a cupola or cupolas’ on the basketball court shelter at Deer Pointe Park. The applicant is requesting to omit the requirement to install any cupolas or secondary roof features entirely. For the Planning Commission to remove the requirement entirely, it will require a review and an approval of a special variance (Section 17.66.80. Type III Special Variances).

In addition to the issues of the secondary roof forms, the applicant is requesting to remove the condition that the construction of the shelter use the technique to apply a faux wood pattern on the painted gable ends. Both requests require a “Major Modification” to the Planning Commission’s final order (File No. 25-037 DR/VAR) under Section 17.90.80. Modifying approvals. Both requests will be processed concurrently as a Type III application.

EXHIBITS

- A. Application
- B. Narrative
- C. File No. 25-037 DR/VAR (Final Order)

BACKGROUND

On March 21, 2025, File No. 24-059 DR was approved to establish the 3.16-acre Deer Pointe Park. The plans provided for standard neighborhood park amenities including an accessible looped path, playground, multi-use field, picnic shelters and tables, and a basketball court. At the time the design review was approved, the basketball court was proposed to be uncovered. At the time, the Parks and Recreation Department was considering a cover for the basketball court but were not ready to commit to the additional expense.

Then, the City Council championed plans to construct a shelter over the basketball court and

funding was secured. During initial design, the focus by the applicant was more on the functional properties of an athletic court shelter and less on aesthetic appearances. This created a situation where the design of the shelter started to diverge from the design requirements in the Sandy Municipal Code. None of the existing shelters currently in the City of Sandy parks inventory compare to the scale of this covered basketball court structure.

Concurrently with the design review, the applicant requested three (3) special variances to the Sandy Municipal Code (SMC):

1. Section 17.90.120.B.3(b) – Building Materials

2. Section 17.90.120.C.1 – Roof Pitch

3. Section 17.90.120.C.4 – Secondary Roof Forms

On July 28, 2025, the Planning Commission reviewed a request for three variances under File No. 25-037 DR/VAR to approve an alternative design and minimize the amount of “Sandy Style” elements required for the basketball court shelter at Deer Pointe Park. The final order approved two of the three variances and partially approved the third variance with certain conditions.

The first variance, **Section 17.90.120.B.3(b) – Building Materials**, was approved with conditions. The variance addressed multiple requests in this section.

The variance allows the applicant to replace the required base materials such as natural stone, split faced concrete block, brick, or a concrete form liner around the proposed steel support columns with a thirty-six (36) inch high raised concrete base/footing in place of a stone wrap. The conditions state that the concrete bases shall be rounded off to eliminate sharp corners and that they be stained with a dye or painted with an approved color from the Miller Paint Historic Color Collection.

During discussion at the Planning Commission meeting, it was revealed that the steel columns and steel girders (horizontal support beams) proposed with the construction of the shelter would be an I-beam type. The use of steel I-beams was not revealed to the Planning Division prior to the Planning Commission meeting so multiple recommendations and conditions were made to modify the design to comply closer to a Sandy Style design and appearance.

These recommendations included the application of a dark base coat of paint on the exposed beams and to use a brush of a different lighter color with a grain roller to achieve a wood style finish. City staff recommended this painting technique to match what the City conditioned in the past at the Space Age Gas Station(Figure 1). However, the posts presented to hold up the canopy at Space Age over the pumps are square 12 inch by 12 inch posts and can therefore more easily resemble wood posts. The Planning Commission discussed the merits of the staff recommendation but had concerns about how the wood style finish appears on steel I-beams and were also concerned about graffiti.



Figure 1

Nonetheless, the Planning Commission required that the applicant submit details on the painted-on wood grain for the two gable ends.

The second variance, **Section 17.90.120.C.1 – Roof Pitch**, was approved for a 4:12 roof pitch replacing the required 6:12 roof pitch. The color of the metal roof is compatible with the historic colors in the City of Sandy Color Palette.

The third variance, **Section 17.90.120.C.4 – Secondary Roof Forms**, was partially approved with conditions.

Secondary roof forms (e.g., dormers, towers, cupolas, etc.) are those that comprise less than 20 percent of the roof elevation. Pitched roof surfaces visible from an abutting public street shall provide a secondary roof form in the quantity specified below.

Roof Length	Number of Secondary Roof Forms
30—40 feet	1
41—80 feet	2
81 feet and greater	4

The applicant did not propose any secondary roof forms and asked for a variance providing a narrative. The variance was partially approved because the Planning Commission did not see the need for four (4) secondary roof forms but wanted at least one or more roof forms. The Planning Commission conditioned the applicant to review the secondary roof feature options with the project architect and submit details for the recommended number of cupolas.

MAJOR MODIFICATIONS

Section 17.90.80. Modifying approvals.

- A. *Major Modification.* A major modification to a Design Review approval shall be processed as a new application. Major Modifications include but are not limited to:
1. Changes in proposed land use;
 2. Substantial change in building elevation and materials;
 3. Changes in type and location of access ways and parking areas where off-site traffic would be affected;
 4. Increase in the floor area proposed for nonresidential use by more than ten percent from what was previously specified;
 5. Increase in the total ground area proposed to be covered by structures or parking by more than ten percent from what was previously specified;
 6. Reduction of project amenities provided, such as civic space, recreational facilities, screening, and/or landscaping provisions by more than ten percent from what was previously specified, and;
 7. Any other modification to a requirement established at the time of Design Review approval.
- B. *Minor Modification.* Minor Modifications may include any of the changes listed above provided the change is below the quantifiable thresholds for a Major Modification, per

Section 17.90.80.A. s shall be processed as a Type I or Type II decision; a Type II procedure shall be used where the modification requires interpretation of a discretionary standard.

Finding 1. This “Major Modification” request is addressing what was initially proposed and conditioned in the attached final order (Exhibit C). Both modifications pertain to Section 17.90.80A.2. ‘Substantial Change in building elevation and materials’ and Section 17.90.80A.7. ‘Any other modification to a requirement established at the time of Design Review approval.’

The first “Major Modification”: Section 17.110.B. Building Facades, Materials, and Colors

Modify the three conditions associated with Section 17.90.110.B.3. Building Materials.

- e. Building elevations facing a public right-of-way or civic space **shall incorporate at least three of the following features**: Using these features may also address other code requirements, such as those related to building articulation, change in relief, pedestrian shelters, and storefront elements:
 - i. Exposed, heavy timbers;
 - ii. Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);
 - iii. Natural wood color shingles (e.g., used as siding or to accent gable ends);
 - iv. Metal canopies;
 - v. Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing; and,
 - vi. Similar features, consistent with the Sandy Style, if approved through Design Deviation.

Conditions in the Final Order:

- A. Submit a color from the Miller Paint Historic Color Collection to replace the Film Noir shade for a natural shade to be applied to the steel I-beams.
- B. Submit details on the painted-on wood grain for the gable ends.
- C. Submit details on heavy metal brackets at all connection points in the two gables to replicate a Sandy Style design and finish.

Finding 2. The issue of the faux wood grain stain is the basis of one of the modification requests and it appears that because the use of I-beams has been confirmed for the two gable ends, the faux wood stain would not appear natural and therefore, be hard to maintain. Furthermore, the modification can be approved because the shelter is built and the two gable ends include the three features as required under Section 17.90.110.B.3.e. The three features are as follows.

- 1. Natural wood color on the vertical I-Beams (Figure 2).
- 2. Howe style trusses on both ends in contrasting colors (Figure 3).

3. Cast iron industrial hardware including metal flanges in contrasting colors (Figure 3).



Figure 2



Figure 3

The second “Major Modification”: Section 17.90.110.C. - Roof Pitch, Materials & Parapets.

Finding 3. To modify the condition by the Planning Commission Section 17.90.120.C.4 – Secondary Roof Forms. The roof on the shelter is over 100 feet in length.

Roof Length	Number of Secondary Roof Forms
30—40 feet	1
41—80 feet	2
81 feet and greater	4

Based on the roof’s length, the number of secondary roof forms required in accordance with the Municipal Code is four (4). The Planning Commission decided that some secondary roof forms would be preferred but could not agree on the number of cupolas to install, so they conditioned that the applicant consult with the project architect and submit details on the appropriate size for a cupola on the subject structure and the quantity of cupolas.

In response to this direction, Lango Hansen Landscape Architects evaluated multiple options for integrating cupolas into the structure. These studies included variations with two and three cupola sizes ranging from 2 ft by 2 ft and 3 ft by 3 ft. After careful review, the design team and the applicant concluded that cupolas should not be included in the final construction of the basketball court shelter.

Cupolas are traditional agricultural architectural elements primarily intended to provide lighting and ventilation for barns—structures that have limited openings and require such features for functional purposes. In contrast, the applicant argues that the proposed basketball shelter at Deer Pointe Park is an open-air structure that already provides ample natural light and air flow, rendering the addition of a cupola or cupolas unnecessary from both functional and aesthetic perspectives.

The applicant is requesting that the condition to install a cupola or cupolas is removed and the decision is modified to approve a variance to Section 17.90.120.C.4 to eliminate the requirements of secondary roof forms all together.

Due to the unique style and use of the shelter, the applicant is requesting to exclude any secondary roof forms from its design. This cannot be addressed under just a major modification and must also be reviewed according to the process defined in **Section 17.66.80- Special Variance.**

CHAPTER 17.66 - ADJUSTMENTS AND VARIANCES

Sec. 17.66.80. Type III special variances.

The Planning Commission may grant a special variance waiving a specified provision under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

One of the following sets of criteria shall be applied as appropriate.

- A. The unique nature of the proposed development is such that:
 - 1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
 - 2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.
- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.
- C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

Finding 4. The requested variance will be reviewed under subsection A., because subsections B. and C. do not apply to this review.

Variance 3. from File No. 25-037 DR/VAR: Section 17.90.120.C.4 – Secondary Roof Forms

Finding 5. The proposed 67-foot by 100-foot metal standing seam roof is required to provide a minimum of four (4) secondary roof forms. The applicant received a variance to the 6:12 roof pitch to allow a 4:12 roof pitch at the July 28, 2025, Planning Commission meeting.

Secondary roof forms like dormers, towers, or cupolas offer both functional and aesthetic benefits to buildings. They are primarily used to add additional usable space for transforming attics into functional rooms like bedrooms, offices, or bathrooms. They also provide passive solar heating and sunlight. Secondary roof forms typically break up large roof distances keeping the roof pattern in similar scale and design. None of the above typical functional uses are relevant with this application since the shelter has no walls or habitable space.

This shelter is a standalone structure with a very specific height, span, and length that is not comparable to any other structure adjacent to or close by in the subject area of Sandy. The proposed small picnic shelter will be dramatically different when considering building size, height, length, Sandy Style materials, and roof pitch. So, the scale and design are completely different in the two buildings and staff find that maintaining a similar roof pattern is not necessary.

Furthermore, the overall design of Deer Pointe Park does not include agricultural or rural architectural motifs. The addition of a cupola or cupolas would therefore appear incongruous with the park's established design language and could potentially detract from the cohesive visual character of the site. The inclusion of non-functional decorative elements such as cupolas would likely not enhance the user experience of the facility.

In the recent past with File No. 23-020 DR/CUP/VAR/FSH/TREE, the Planning Commission decided on a similar secondary roof form variance request for a picnic and restroom shelter in Cedar Park. The Commission deliberated on the roof slope, materials, and the open-air nature of the roof and found that any secondary roof forms would be contrary to the scale and proportions of the shelters form and function in Cedar Park. For these reasons as discussed, the Planning Commission approved the requested special variance to not provide secondary roof forms on the two proposed shelters in Cedar Park.

Finding 6. “Finding 5” in this staff report satisfies the variance criteria in Section 17.66.80 and is deemed to not be in conflict with the existing Sandy Development Code (SMC) or the 2025 Comprehensive Plan. Based on the past Planning Commission decision for Cedar Park which is a similar request to the one in Deer Pointe Park,

staff recommend that the Planning Commission find that secondary roof forms are contrary to the form and function of a sports shelter and the elimination of secondary roof forms will not affect the safety or public welfare of the patrons or have an injurious effect on surrounding properties.

CONCLUSION

Given the size and topography of the park in relation to the homes in the surrounding neighborhood, the position of the basketball court inside the park, and the proposed design and uniqueness of a basketball court shelter, the deviation away from the Sandy Style does not create an appearance that is detrimental to the public welfare, and it will not be injurious to other property in the areas. Therefore, under the authority granted under Section 17.18.80. Type III development decision and Section 17.20.60. Action by hearing authority, the Special Variance to the secondary roof forms can be approved.

The Major Modification pertaining to a substantial change in building materials can be approved by removing the condition to apply a faux wood grain stain on the I-beams both on the columns and the two gable ends. Furthermore, the faux wood grain condition can be removed because the shelter has been constructed including the minimum three design features required under Section 17.90.110.B.3.e. and that the faux wood grain in the gable ends would likely be problematic on the steel I-beams.

RECOMMENDATION

For the reasons described above in the findings of facts, staff recommends the Planning Commission **approve** the Major Modification to remove the condition in the July 28, 2025, final order pertaining to the use of a faux wood stain on the I-Beam columns and to grant the variance in full to remove any requirement of secondary roof forms on the basketball court shelter per ***Section 17.90.120.C.4.***