

Commissioner Doug Haymore asked if there were others with cuts as severe as this.

Mike Gladbach, Sandy City Engineer, stated that since he has been here, he has been a part of at least 4 up in that area. He commented that there was one that was a 20 foot cut and another that was almost 30 feet. He indicated that there haven't been problems with those so far and they went through this same review process. He indicated that as an engineer he has looked at the constructability of the home on the lot.

Commissioner Scott Sabey commented that one of the things that he assumes Mr. Gladbach wanted was that the property owner assume the risk of rock fall on the property. He asked how the City or a future homeowner will be protected.

Chairman Jared Clayton commented on the liability of shifting, etc.

Mike Gladbach responded that that information was addressed in a geotech report.

Doug Haymore moved that the Planning Commission grant a grading cut waiver for lot 28 of Seven Springs Subdivision, as requested in the application, based on the six findings and the four conditions in the staff report with the addition of finding 5. (a) to read as follows:

5. (a) The proposed cut into the hill is not out of character for the area as there are numerous other homes with significant cuts.

Monica Collard seconded the motion. The vote was as follows: Doug Haymore, yes; Monica Collard, yes; Nancy Day, yes; Ron Mortimer, yes; Scott Sabey, no; Joe Baker, no; Jared Clayton, yes. The vote was 4 to 2 in favor

3. Plant Nursery – Amend Title 15A, Chapter 8, Land Uses in Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, Land Development Code, Revised Ordinances of Sandy City, 2008

CODE-10-16-5150

The Sandy City Community Development Department requested to amend Title 15A, Chapter 8, Land Uses in Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, Land Development Code, Revised Ordinances of Sandy City, 2008.

The purpose of the code amendment is to consider allowing a Plant Nursery as an allowed use

within the CN(HSN) Zoning District.

This code amendment is related to the Kuwahara Rezone application for property located at 8565 and 8575 South State Street. The rezone applicant has been operating a seasonal produce stand on the northern parcel over the last couple of years. This applicant has been working with the Community Development Department in order to allow this land use as a permanent business on these two properties.

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A" of the staff report for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards and procedures for all plant nursery projects that are developed under the CN(HSN) development standards.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Brian McCuiston presented this item to the Planning Commission.

Chairman Jared Clayton opened this item to public comment.

Steve Van Maren, 11039 Lexington Circle, Sandy, asked what the difference is between a P and a P/C and when is a Conditional Use required.

Brian McCuiston responded that P is Permitted and C is Conditional Use and that means Conditional Use within 250 feet of a residential area.

Chairman Jared Clayton closed this item to public comment.

Scott Sabey moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit A of the staff report for the two reasons outlined in the report.

Monica Collard seconded the motion. The vote was as follows: Scott Sabey, yes; Monica Collard, yes; Nancy Day, yes; Ron Mortimer, yes; Doug Haymore, yes; Joe Baker, yes; Jared Clayton, yes. The vote was unanimous in favor.