



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

February 12, 2020

### CHRONOLOGY OF INTERACTIONS

1. 05-14-2013 Planning Staff initiates zoning complaint for Kuwahara Flowers outside operations and sign; at 8565 S. State operating without site plan or business license at same address as Herbs for Health Home Occupation permit.
2. 10-15-2013 Meeting with Jessica Rodier, Herbs for Health Home Occupation business owner, to discuss possible business expansion to outside of the home at 8565 S. State. City staff explored options, and gave a deadline of 10-20-2013 to clean up the outside use of the property.
3. 02-24-2014 City Community Development Department sent letter to Jessica Rodier in response to her inquiry about opening a "Produce Stand" at 8565 S. State, requesting more information about proposed operation and citing that such a use is a "Temporary Business" limited to 150 Days each year.
4. 04-25-2014 City receives application from Alex Kuwahara for a "Temporary Uses and Event" permit to grow and sell flowers and vegetable plants outdoors at 8565 S. State.
5. 04-29-2014 City receives Affidavit of Understanding signed by Alex Kuwahara swearing that 8565 S. State is his primary residence and that he is obtaining a Temporary Use Permit to operate a "Produce Stand" and sell goods only produced on the property, and specifically agreeing to certain conditions.
6. 05-22-2014 Storky's Rentals Lawn Sign Service rental service; ISSUED as Home Occupation License at 8565 S. State. Jessica Rodier, owner. Business License CLOSED on May 22, 2014. ( This business license was originally issued on 03-06-2003.)
7. 05-22-2014 Herbs for Health; ISSUED as Home Occupation License at 8565 S. State. Jessica Rodier, owner. Business License CLOSED on May 22, 2014. (This Business License was originally issued on 11-28-2011.)
8. 03-04-2015 Kuwahara Wholesale; ISSUED as Home Occupation License at 8565 S. State. CLOSED AS HOME OCCUPATION LICENSE AND MUST MOVE TO COMMERCIAL License on March 4, 2014. Alex Kuwahara, owner. (This Business License was originally issued on 03-15-2013.)

Memorandum of key dates and actions for 8565 and 8575 S. State Street business use.

9. 04-04-2015                      Kuwahara Wholesale, Commercial Business License at 8565 S. State-DENIED due to zoning and site development issues. Alex Kuwahara, owner.
10. 06-22-2016                    Meeting with Alex Kuwahara and Scott Cowdell, City Councilmember to respond to Alex's complaints to Mr. Cowdell, that the City will not give him a license to operate his business as he wishes. City staff agrees to allow "Fruit Stand" use as a Home Occupation and as a "Temporary Use" for 150 days. Kuwahara agrees to file application to re-zone rear of both properties 8565 and 8575 S. State from Residential to Commercial zoning CN(HSN).
11. 06-23-2016                    Kuwahara Wholesale, Temporary Business Limited License at 8565 S. State-ISSUED for 150 days only. Alex Kuwahara. (see # 14, also)
12. 10-12-2016                    Alex Kuwahara filed for Rezoning of rear properties from Residential to Commercial CN(HSN) to allow business use expansion at 8565 and 8575 S. State. Case # Zone-10-16-5148. (see #15, also)
13. 10-19-2016                    Alex Kuwahara filed for zoning code amendment case #CODE-10-16-5150 to amend the CN(HSN) zoning district to add the land use category of "Plant Nursery" as a Permitted/Conditional use in that zone. (see #16, also)
14. 10-31-2016                    Temporary Business Limited License EXPIRED at end of 150-day period. (see #11)
15. 12-06-2016                    City Council approves Rezoning Case#Zone-10-16-5148 rezoning the rear properties from Residential to Commercial CN(HSN). (see #12)
16. 12-06-2016                    City Council approves the zoning code amendment Case #CODE-10-16-5150 adding the land use category "Plant Nursery" to the CN(HSN) zoning district. (see #13)
17. 12-30-2016                    Alex Kuwahara filed Case #CUP-12-16-5180 for conditional use approval for a "Plant Nursery" in the CN(HSN) zoning district for 8565 S. State.
18. 01-19-2017                    Planning Commission granted Conditional Use approval for a "Plant Nursery" land use at 8565 S. State, Case # CUP-12-16-5180 subject to conditions of meeting all fire, building and life safety codes and all requirements of site development required by City ordinances and codes. (These conditions were never met because there was never any site plan approval or required site improvements made. As per city code section 21-33-08 Expiration, the CUP EXPIRED one year after the approval date and becomes null and void.) (see #20)
19. 09-26-2017                    City Planning Division enforcement discussion; Staff directed to contact Alex Kuwahara as to his plan progress.

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20. 01-19-2018 Case #CUP-12-16-5180 Conditional Use for "Plant Nursery" at 8565 S. State EXPIRES due to failure to meet conditions of approval. (see #18)
21. 05-30-2018 Meeting with Alex Kuwahara and Sarah Morris and former City Councilmember Scott Cowdell to discuss the City enforcement efforts.
22. 05-31-2018 City receives Sandy Farmer's Market Commercial Business License application by Alex Kuwahara, at 8565 S. State-DENIED due to zoning and site development non-compliance.
23. 05-31-2018 City receives Kuwahara Wholesale Commercial Business License application by Alex Kuwahara at 8565 S. State-DENIED due to zoning and site development non-compliance .
24. 07-09-2018 Email from Alison at Benchmark Engineering seeking guidance on proposed site plan for Commercial development of both 8565 and 8575 S. State to clarify landscape buffer requirements.
25. 08-23-2018 Site Plan Review application #08-18-5476 filed for commercial site plan review by Alex Kuwahara with plans prepared by Benchmark Engineering.
26. 08-24-2018 Site plans sent to City Departments for review.
27. 10-26-2018 Site plan review comments returned to Benchmark Engineering for revisions and with comments and redlined drawings.
28. 11-01-2018 Meeting at Sandy City with Alex Kuwahara, Sarah Morris, Jessica Rodier and Craig from Benchmark Engineering to scope out future tasks and review City's deficiency list.
29. 12-19-2018 Meeting at Sandy City with Bruce Parker, Planning Consultant to Alex Kuwahara inquiring of Sandy City as to what the issues are that are preventing Kuwahara Wholesale and Sandy Farmer's Market from getting any business licenses. Bruce Parker was informed that that there will be no business license issued on either property until site is in full compliance with zoning and site development requirements.
30. 02-22-2019 Received Bruce Parker's opinion letter on his interpretation of the ordinances and requirements that are and are not relative to both business.
31. 02-25-2019 Sandy City Development Review Team (DRT) meeting to discuss new application possibilities, based upon Bruce Parker's letter.
32. 03-12-2019 City staff meeting to discuss non-compliance and deficiencies of applications and site plan submitted.
33. 03-15-2019 Sandy City received (1), new Site Plan Review application #SPR-03-19-5629 and new site plan showing only the existing condition of the site and no new

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buildings (Status Quo Plan) and (2), requests Administrative Interpretations from James Sorensen. Staff routed site plans to City Departments for review and comment.

34. 03-22-2019 Sandy City staff meeting on Kuwahara Wholesale reviewing James Sorensen letter to Bruce Parker on Administrative Interpretations. (see #40)
35. 03-25-2019 Meeting in Mayor's Office with Bruce Parker and Attorney Craig Smith and City Department Directors and Senior City Attorney Darien Alcorn. "Milestones" document proposed and discussed as an approach to gain City approvals and business license approvals from City and phased improvements to the site.
36. 06-10-2019 Bruce Parker emails City staff of his intent to file for two Land Development Code Amendments.
37. 06-10-2019 Bruce Parker and Alex Kuwahara file Code Amendment # 06-19-5669, requesting Sandy City to amend the Land Development Code to allow single family residences as a permitted use in the CN(HSN) zoning district. (see #44)
38. 06-10-2019 Bruce Parker and Alex Kuwahara file Code Amendment #CODE-06-19-5668, requesting Sandy City to amend the zoning code to allow temporary structures to remain on site instead of being removed annually at the end of seasonal operations. (see #45)
39. 07-12-2019 City staff meeting to discuss Kuwahara Wholesale plans.
40. 07-18-2019 James Sorensen sends letter to Alex Kuwahara with the following final Administrative Determinations:
  - Site Plan Application SPR-03019-5629 submitted March 15, 2019, is incomplete.
  - Conditional Use Permit is required.
  - Temporary Use Application is rejected.
  - Business License Applications are rejected.
  - Applicant's request for alternative parking lot surfacing material is denied.
  - Applicant's requested fencing material is denied.
41. 07-29-2019 Alex Kuwahara and Bruce Parker filed Board of Adjustment Case #BOA-07-19-5694 claiming that the Community Development Director ERRED in his administrative decision to not allow an alternative to the required 8 foot masonry wall when commercial property abuts residentially zoned property. Application was not complete and was not processed further. (Not further pursued by applicant.)
42. 07-29-2019 Alex Kuwahara and Bruce Parker filed Board of Adjustment Case # BOA-07-19-5715 requesting a Variance to allow an existing fence to remain as a screen between the commercial and residential zones. Application was incomplete and was not processed further. (Not further pursued by applicant.)

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43. 08-29-2019 City staff prepares Memorandum document evaluating the proposed site plan #SPR-03-19-5629, summarizing the lack of site development physical improvements and incomplete plan submittal, citing Development Code section references.
44. 09-15-2019 Planning Commission recommends denial to City Council on CODE-06-19-5669, requesting the City to allow single family homes as permitted uses in the CN(HSN) zoning district. This request was not forwarded to the City Council at the request of the applicants. (See #37)
45. 09-15-2019 Planning Commission recommended denial to the City Council on Code -06-19-5668, requesting the City to allow temporary structures to remain on site rather than removed annually for seasonal businesses. This request was not forwarded to the City Council at the request of the applicants. (see #38)
46. 10-17-2019 Mayor's letter to Alex Kuwahara and Carole Ann Rea stating violations and detailing enforcement actions that the City will be taking to enforce the City Code for business operations of both Kuwahara Wholesale and Sandy Farmer's Market until all City code requirements are met, such as obtaining site plan approvals and building, permits, site and building inspections and all licenses are approved.
47. 11-07-2019 Benchmark Engineering submitted revised plans for site plan Case #SPR-03-19-5629 for City staff review.
48. 11-13-2019 Benchmark Engineering submitted revised plan for Site Plan Case #SPR-03-19-5629 for City review. Plans routed to City Departments for review.
49. 12-11-2019 James Sorensen hosts meeting with City Development Review Staff and Alex Kuwahara and Sarah Morris to re-affirm that there will be no business operations of any kind at either address until all City, State and Federal regulations are met and all site improvements are designed, approved by the City and installed under inspections from the City and all Business Licenses and required permits and inspections are completed.
50. 12-27-2019 Site plan redlines and comments on SPR-03-19-5629 returned to Benchmark Engineering with redlines and comments.