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MEMORANDUM

March 11, 2021

To: Planning Commission
From: Community Development Department
Subject: Kuwahara Wholesale - Proposed SD(FM-HSN) Zone - CODE-11-20-5947
 Amend Title 21, Chapter 19, Special Development (SD)
 Districts, of the Sandy Municipal Code

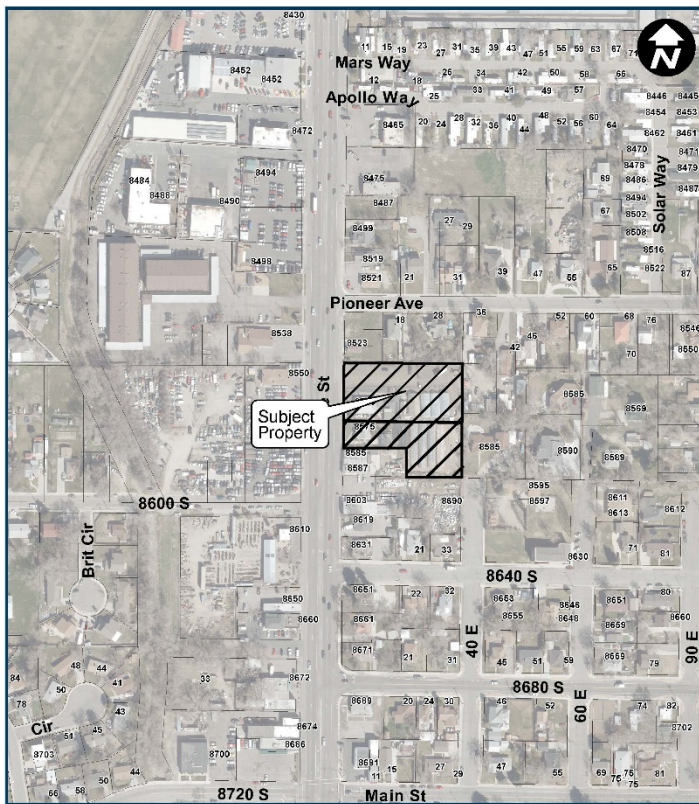
HEARING NOTICE: *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
ZONE-10-16-5148	A rezone of the rear portion of these properties from the R-1-7.5(HS) to CN(HSN) was approved by the City Council on December 6, 2016.
CODE-10-16-5150	A code amendment that added "plant nursery" as a conditional use in the CN(HSN) Zone was approved by the City Council on December 6, 2016.
CUP-12-16-5180	A conditional use permit was approved by the Planning Commission on January 19, 2017 for a limited plant nursery use.
CODE-06-19-5668 & CODE-06-19-5669	A pair of proposed code amendments that were not recommended by the Planning Commission on September 5, 2019. The applicant did not end up pursuing these requests further.

REQUEST

The purpose of the Code Amendment is to consider adding a new section within this chapter to create a new Special Development District for Kuwahara Wholesale and amend qualification requirements for the application of SD Zones within the City. On November 3, 2020, the City Council requested City Staff to work on preparing a new zone or Special Development Zone to accommodate the needs of the Kuwahara Wholesale business, located at 8565 & 8575 South State Street. The Council gave staff some stated goals and objectives that this request should address (see Council Office Memo dated November 3, 2020). Staff prepared a draft of this proposed code amendment to create a new SD Zone known as the SD(FM-HSN) - Historic Sandy

Neighborhood Farmer's Market and presented it to the Council on February 2, 2021. The Council voted and directed staff to take this proposal through the formal review process for the eventual adoption of these changes.



ZONE-02-21-5995
Kuwahara SD(FM-HSN)
8565 S. State Street



PRODUCED BY DAVID RODGERS
 THE COMMUNITY DEVELOPMENT DEPARTMENT

The proposed application of this zone would be applied to approximately 1.48 acres in Historic Sandy. The proposed zone change would allow for Kuwahara Wholesale to bring their site into compliance with City Codes. It will still require Kuwahara to make some further improvements and changes to their site to bring it into compliance, but it lessens some of the requirements that they deemed burdensome or undesired. A full site plan process will need to take place before those those improvements can be made to ensure they are done in conformity with all city requirements. It also identifies specific land uses, and an expansion of temporary uses that allows them to use this property in a way that fits their business plan.

BACKGROUND

Kuwahara Wholesale has a long history on this site. This is a locally owned and operated business. It has

been growing and expanding over the past five (5) years. The City would like to keep it at this location and allow it to continue to grow. In 2016, the City helped Kuwahara through a rezone and a code amendment, and conditional use permit to get them on the path to compliance with city code. In those intervening years, the business has continued to expand and exceed the requirements of the existing zone.

Their business model is a mix of permanent and temporary uses and does not fit well into either category. After many discussions with the owners and a few of their own proposed code amendments in 2019 that were not approved, the City has forged a middle ground with this proposed code amendment. It would allow this business to continue to grow in such a way that there is a clear path for the owners to bring this site into full compliance with all City regulations. Most of the changes and alterations made to the site in the past several years have not been done through the City's required review processes and have been done without permits. The City has been working with this business to bring them into conformity and legal status during this period.

The subject area includes two (2) parcels that are owned by Alex Kuwahara, who is the owner of Kuwahara Wholesale (see map). They are located on the east side of State Street in Historic Sandy. The property is bordered by a variety of commercial and residential uses and zones. To the north, and south, the properties are zoned CN(HSN) with commercial businesses. To the east are residential uses (single-family homes) zoned R-1-7.5(HS). To the west are commercial businesses that are in Midvale City.

ANALYSIS

Kuwahara Wholesale currently operates a year-round plant nursery where they are growing and producing plants. This business sells plants (both grown on site and from other locations) and other items to the public seasonally in a Farmer's Market like retail experience. They invite other vendors onto the site to sell items at times as well (food trucks, produce stands, etc.). They have two single-family homes located on the property that are still used as residences.

This mix of uses is not something that would typically be allowed in this CN(HSN) zone or in other commercial areas of the City. When a property is converted from a residential to commercial use, the residential use must cease, and the buildings must be converted to meet commercial codes and standards. All elements of the property must be brought into conformity for a commercial business, including a formal parking lot that is required to provide off-street parking for employees and patrons, boundary screening fencing, etc. Temporary uses are limited to operate on commercial properties for no more than 150 days a year. This business is open to the public for retail sales and services well beyond 150-days and is operational during a specific time frame of the year. This exceeds many of the limitations our code places on temporary uses.

Staff evaluated the direction provided by the City Council and drafted a new Special Development zone to accommodate those directives (see Exhibit "B" for a redlined version and Exhibit "A" for a clean version of the proposed amendments). It represents a middle road between bringing the site into full conformity with existing codes and not requiring any further improvements and allowing the business to operate as-is. This proposed SD Zone allows some relaxation of typical requirements and creates new standards that only apply to this site. It allows Kuwahara Wholesale to operate their business while not being in violation of any codes.

The SD zone caters to allowing the primary use of a plant nursery to continue as a conditional use (a conditional use permit was issued for this use in 2016). The other uses allowed within this zone would be agricultural, caretaker's residence (an employee or owner who works for the related business), and assorted temporary uses. If other uses are sought on this property or if Kuwahara ever leaves the sight, a rezone back to the CN(HSN) zone would be required and this SD Zone could be eliminated.

The proposed SD Zone has location criteria designed that would restrict this zone from being applied in other areas of the City besides this site in Historic Sandy. Where standards are not unique to this zone, it shall conform to those found in the CN(HSN) Zone. This does establish unique criteria for parking, parking surfaces, zone district boundary screening, and for temporary and permanent buildings.

Under the proposed regulations of this SD Zone, temporary uses are given greater freedom. It would allow for any number of seasonal or temporary uses within a designated and continuous 240-day period. That gives them roughly eight (8) months of operation in a given calendar year.

The site would not be limited to the number of businesses operating so long as it can accommodate the necessary parking (e.g., located outside of the required parking lot area). It would also expand the use of Farmer's Markets to be used on the site. Typically, a Farmer's Market is made up of three or more producers coming to a site for sale of their produce/plants on a site over five (5) acres. This zone would allow for any number of farmers to partner with Kuwahara to have a seasonal Farmer's Market every year during this temporary period on this site that is just under 1.5 acres.

The purpose of the Special Development Districts is "to allow the most efficient and creative development of lands that have unique or unusual characteristics. The SD District is intended to be used for development when it can be shown that no other zone classification would be adequate or appropriate for reasonable development" (see section 21-19-01(a)). This application seems to fit those criteria.

The proposed SD(FM-HSN) zone accomplishes the purpose of allowing Kuwahara to remain and expand their current uses on the site and provide a pathway to bring their current and proposed site improvement into conformity with City Code.

Staff has also proposed to amend a few minor sections within the SD Zone qualification and district designation sections in 21-19-1 that will allow this SD Zone to be created on a property less than 2 acres.

STAFF RECOMMENDATIONS

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", attached, for the following reasons:

1. The proposal complies with the Purpose of the Land Development Code as stated in section 21-01-03.
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.

Planner:



Mike Wilcox
Zoning Administrator