



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

March 11, 2021

To: Planning Commission
From: Community Development Department
Subject: Kuwahara Wholesale Rezone, CN(HSN) to SD(FM-HSN) ZONE-02-21-5995
8565 & 8575 South State Street 1.48 Acres
Historic Sandy, Community #4

HEARING NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, on public websites, on the property and in the newspaper.*

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

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.

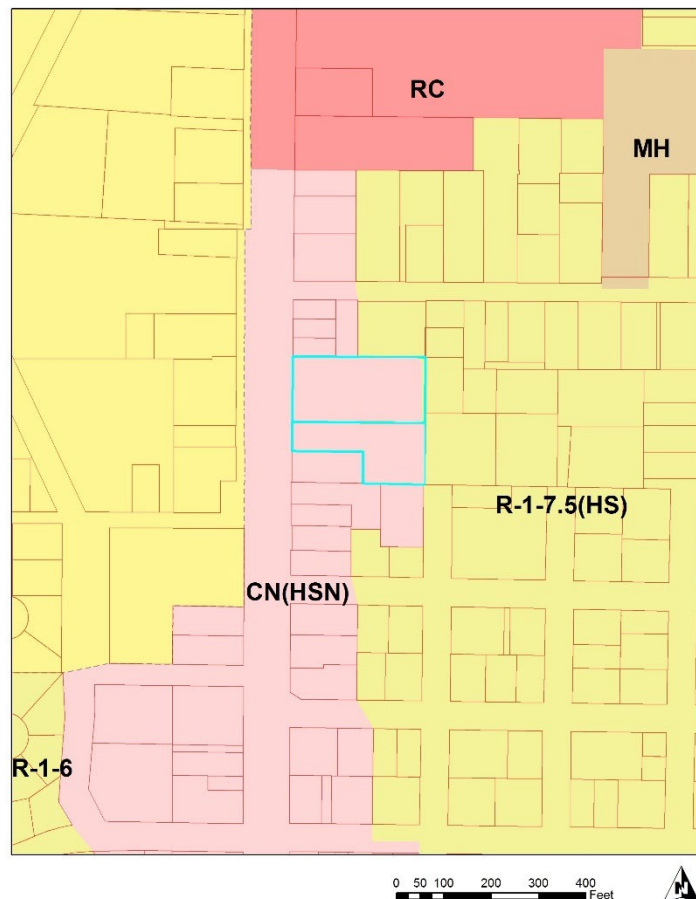
The proposed application of this zone would be applied to approximately 1.48 acres in Historic Sandy. The proposed zone change would allow for Kuwahara Wholesale to bring their site into compliance with City Codes. It will still require Kuwahara to make some further improvements and changes to their 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 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

This area is part of the Historic Sandy Neighborhood and the adopted Master Plan describes the intent of future land uses in this area. The intent for this State Street corridor was to encourage business development along State Street.

Staff has determined that the requested change is in compliance with the City's General Plan and the Historic Sandy Neighborhood Plan. It is important to remember that this plan was written based on the input and review of a steering committee that included members of the Historic Sandy Neighborhood. By allowing this rezoning, it will allow for a local business to stay in Historic Sandy and expand their operations. Staff believes that the resulting zone change would be compatible with the surrounding area. The following Goals and Policies are examples of how this rezoning may fulfill the overall objective of the General Plan:

GOAL: 1.0 PROVIDE ADEQUATE AND ACCESSIBLE COMMERCIAL SERVICE, TO MAXIMIZE THE COMPATIBILITY OF COMMERCIAL AND RESIDENTIAL USES, AND TO INCREASE THE EMPLOYMENT OPPORTUNITIES WITHIN SANDY CITY.

1.1 Allow neighborhood-oriented shopping within the various communities of Sandy in locations of greatest accessibility and least impact on residential neighborhoods.

The characteristics of the Historic Sandy Neighborhood are important to the City and the development of local business is part of the heritage and character of the area. This will provide options for locally grown produce to be sold to residents of the neighborhood and greater area. This action would not create an undue impact on the existing neighborhoods and the investments made because of this action would help invigorate further investment by surrounding commercial property owners in this commercial corridor.

STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the subject property, located at 8565 S. & 8575 S. State Street, from CN(HSN) "Neighborhood Commercial – Historic Sandy Neighborhood District" to the SD(FM-HSN) – "Historic Sandy Neighborhood Farmer's Market" based on the following findings:

1. That the proposed rezoning is consistent with the Sandy City General Plan.
2. The proposed rezoning is in compliance with the goals and policies of the Historic Sandy Neighborhood Plan.
3. That the proposed rezoning will have no unmitigated negative impacts on the surrounding properties or the area.
4. This rezone approval is subject to the associated code amendment to create the proposed SD (FM-HSN) Zone.

Planner:



Mike Wilcox - Zoning Administrator