

5. [CODE-06-19](#) Commercial Land Use Matrix - Kuwahara Wholesale
[-5669 PC](#) Amend Title 15A, Chapter 8, Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts , Section 2, Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, Revised Ordinances of Sandy City, 2008

Attachments: [Staff Report.pdf](#)

Mike Wilcox presented item to Planning Commission.

Applicant Bruce Parker explained that they disagree with staff recommendation.

Bruce Parker explained why their code change is an appropriate change for the city.

Monica Collard asked if their structures are durable for weather since they do not want to take them down.

Bruce Parker explained that the structures can withstand the snow and rain.

Monica Collard asked why they don't just make it permanent.

Bruce explained that they would require much more structural support and financing.

Dave Bromley asked how long they can keep the plastic cover structure before replacing it.

Alex Kuwahara owner of Kuwahara Wholesale explained that it must be changed every 3 years.

Michael Christopherson asked how tall the greenhouse structures are.

Alex Kuwahara said it is between 6-10 feet depending on the structure.

Monica Collard asked if people will be allowed to go into the structures.

Alex Kuwahara explained that people are allowed in during growing season but not during the off season.

Dave Bromley asked how the structures are anchored.

Alex Kuwahara explained that they are in the ground and cemented.

Michael Christopherson explained that he feels like this proposed code amendment is for a different type of business then what they do and that this isn't the right solution.

Bruce Parker and Alex Kuwahara explained that other cities are making room for companies like them into their codes.

Michael Christopherson explained that he feels like it should be made into a permanent structure and business, not temporary.

Monica Collard asked if they live on site.

Michael Christopherson explained that, that is the second item.

Cory Shupe asked what caused them to want to change the code.

Bruce Parker explained the pressure from the temporary codes to take down structures two days after temp license expires caused them to want to change the code.

Michael Christopherson asked them to speak to the second issue.

Bruce Parker presented second item to Planning Commission.

Dave Bromley asked what their concern is.

Bruce Parker explained that they can't get financing because the commercial zone makes single family dwelling legal non-conforming.

Michael Christopherson asked if there are any other impacts.

Bruce Parker explained that after 12 months of vacancy they can't be occupied as residential.

Cameron Duncan said he still feels like this is a commercial project, not a residential.

Michael Christopherson invited staff back up.

Mike Wilcox explained that Kuwahara is not a temporary business by definition.

Michael Christopherson asked how the city feels about the business in general.

Michael Christopherson asked for clarification if they are a temporary business.

Bruce Parker said they are a temporary business.

Brian McCuiston explained they have not been given a temporary use permit for at least two years.

James Sorenson further explained that they have not gained permits because they are not in compliance to obtain temporary permits.

Mike Wilcox explained all the different things that are out of compliance.

Michael Christopherson asked what the outcome of this motion would be and a better understanding of what was being said.

Monica Collard explained she understands that if they didn't live in the home, which is now zoned as a commercial zone, they could continue operating as a business if they didn't live in the home and the structures came down every six months.

Dave Bromley disagreed. He believes this site would need to go through commercial site plan approvals in order to get approved.

Monica Collard explained that this is a temporary use and not a permanent use.

Darien Alcorn explained that a temporary use permit also requires a site plan.

Mike Wilcox clarified that the development of the property as a commercial property requires a site plan review or a vacant property wanting to have temporary use must meet certain landscape and site plan standards that were established several years ago.

Michael Christopherson asked if that was a yearly or renewal process.

Mike Wilcox explained that a temporary use must either be located on the property that has a permanent business or a vacant lot that has met all developmental standards.

Darien Alcorn explained that this property won't be vacant because there are homes and this site has not been approved as commercial property.

Mike Wilcox explained that Planning Commission needs to evaluate the code amendment requests on their own merit and the standards of the code as given. The Planning Commission should focus their review on whether or not these proposed amendments are conducive to supporting the master plan and general plan for the city and furthering the goals and policies for the city.

Michael Christopherson opened items number four and five to public comment.

Sara Morris, another owner of Kuwahara Wholesale, explained where they started and how they have gotten to where they are.

Randy Keretege, neighbor to Kuwahara, said the greenhouses are not a problem, they are clean, and they have no problems with this business.

Steve Van Maren would like to see a conditional use permit for Kuwahara be granted.

Jessica Roadeigh, owner, explained the history of business with her grandmother and the roots Kuwahara has in the community.

Michael Christopherson closed items four and five to public comment.

Corey Shupe explained that we don't want them to go out of business or lose their home.

Dave Bromley thought that this probably isn't the best approach for this business and matter.

Corey Shupe asked if they should pause and let staff work to make a better solution with Kuwahara.

Michael Christopherson explained that there must be a better solution to come into compliance and keep this business.

Cory Shupe asked if they forward a negative recommendation, will that put Kuwahara out of business.

Monica Collard explained that, these matters are ultimately up to City Council.

Michael Christopherson explained that it sounds like they have multiple compliance issues and how the City decides to enforce that is beyond the scope of what the Planning Commission is responsible for.

Darien Alcorn clarified that Kuwahara does not qualify for a business license and hasn't had a business license for two years.

Michael Christopherson asked why.

Darien Alcorn explained that they both require a site plan.

Monica Collard asked if we should table the item.

Michael Christopherson thinks that tabling won't change anything, and this is out of the scope for the Planning Commission.

A motion was made by Dave Bromley, seconded by Cameron Duncan that the Planning Commission forward a negative recommendation to the City Council to amend a portion of Title 15A, Chapter 8, Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, Section 2, Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts, Revised Ordinances of Sandy City 2008, as shown in the applicant's letter based on the following two findings detailed in the staff report

Yes: 5 - Dave Bromley
Monica Collard
Michael Christopherson
Cory Shupe
Cameron Duncan

Absent: 4 - Cyndi Sharkey
Jamie Tsandes
Jeff Lovell
Ron Mortimer