

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/24/16

**ITEM NO. 2 SPECIAL USE PERMIT; CENTRAL SOYFOODS; 1501 LEARNARD AVE
(MKM)**

SUP-16-00361: Consider a Special Use Permit for Central Soyfoods, a *Manufacturing and Production, Limited* use, located at 1501 Learnard Avenue. Submitted by Sunrise Green LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit for Central Soyfoods, a *Manufacturing and Production, Limited* use to be located at 1501 Learnard Avenue as Phase 2 of the Sunrise Green Project, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Property must be platted through the Major Subdivision process prior to release of SUP plans to Development Services for processing of building permits.
3. Property owner shall provide an executed Agreement Not to Protest the Formation of a Benefit District for sidewalk improvements along E 15th Street and Learnard Avenue when connecting sidewalks are available in the area, to the Planning Office for recording with the Douglas County Register of Deeds, prior to the release of the SUP plans.
4. The property owner shall work with the Fire Code Official to address their comments and insure the project complies with the Fire code. Plans must be approved by Fire Code Official prior to release of plans.
5. Execution and recording of an access easement to allow the shared use of the west access drive on E 15th Street.
6. Submittal of a revised Special Use site plan with the following changes:
 - a. Parking table revised as shown in Section 1 of the Site Plan portion of this report.
 - b. Site Summary Table revised to correct the 'proposed impervious surface' figure.
 - c. Show the gravel driveway apron on Learnard Avenue being replaced with concrete.
 - d. Include a building elevation.
 - e. Addition of the following notes:
 - i. *"Existing vegetation along the west, southwest, and east sides of the property shall be retained to serve as a buffer from the adjacent residential uses. If this landscaping is removed or damaged to the point the Planning Director determines it no longer provides an effective buffer, Type 3 bufferyard plantings as required in Section 10-1005 of the Development Code will be planted in these areas by the property owner and street trees will be installed along Learnard Street, per the approval of the city Horticulture Manager."*
 - ii. *"Sidewalks are not required with this project, but an Agreement Not to Protest the Formation of a Benefit District for the future extension of sidewalks along E 15th Street and Learnard Avenue, when sidewalks are extended in these areas, has been recorded in Book_____ Page_____."*
 - iii. *"Central Soyfoods shall comply with the standards included in the definition of the Manufacturing and Production, Limited use: no more than 20 employees, exterior*

storage is prohibited, and the use shall have few or no offensive external effects."
f. *Location map shown at a larger scale to more clearly show the location of the property*

Reason for Request: *"Pass Special Use Permit through Planning Commission."*

KEY POINTS

- The property was rezoned to the IL (Limited Industrial) District in December of 2015 to accommodate the development of the Sunrise Green Project through the reuse of the vacant Sunrise Nursery and Garden Building. Additional information related to the rezoning is available in the zoning staff report and Planning Commission December 2015 meeting minutes for Z-15-00427. The zoning was conditioned to allow only those uses which were being proposed as part of the project. One warehouse use: *Wholesale Storage and Distribution, Light* was included to accommodate the Seeds from Italy seed mail order business which was approved as Phase 1, and possible other low impact warehouse uses; and one industrial use: *Manufacturing and Production, Limited* was included to accommodate Central Soyfoods and other similar businesses that may be a part of this project in the future. A production kitchen was suggested as one possible future use. The intent is to have a local food/urban agriculture oriented project at this site.
- The rezoning application included this narrative of the purpose of the project:
"Sunrise Green LLC was organized to purchase, rehabilitate, develop, lease, manage and maintain what was formerly Sunrise Garden Center located at 1501 Larnard."

The LLC intends to partner with various other entities to accomplish our stated organizational goals. The following potential lessess include: the Sunrise project, a nonprofit whose general mission is to integrate food, the environment and social justice into an educationally oriented, culturally aware organization. Two food production facilities were proposed, Optimal Living, a boutique production kitchen specializing in 'convenience food without the sacrifice of health', and Central Soyfoods LLC a Lawrence based soyfoods processor. The central greenhouses would ideally be used by producers for growing micro greens, seasonal greens, and organic seedlings." The recently approved seed distribution center was also listed as a potential partner in the project.

While the rezoning is not specifically conditioned to require that the uses in this location be geared toward local food or urban agriculture, it is clear from this narrative that it was the intent. All uses proposed for this site should be evaluated for compliance with the stated purpose listed above.

- This Special Use Permit application was submitted for Phase 2 of the Sunrise Green project, the demolition of an existing shed, 'Building B' on the attached site plan, and the construction of a new building to house Central Soyfoods tofu production facility.
- The subject property has never been platted. The Planning Director determined that the seed mail-order distribution company and the educational/growing component, proposed in 'Building E' on the attached site plan, could occur prior to platting due to their low intensity and the fact that they will reuse existing buildings on the site. This was intended to accommodate the project by allowing the low intensity changes to occur without platting; while, preserving the platting requirement for the more significant site improvements, such as a building addition or new construction. Platting is required with this project as it requires the construction of a new building.

ASSOCIATED CASES

- Z-15-00427; Rezoning of the subject property from RS7 to IL, with conditions. Approved by the City Commission on December 8, 2015 with the adoption of Ordinance No. 9181.
- SUP-16-00217; Special Use Permit for Seeds from Italy, a mail-order seed distribution business. Approved by City Commission on August 18, 2016 and adopted with Ordinance No. 9279.
- SP-16-00426; Site Plan for the non-profit Sunrise Project. This site plan includes the educational/growing component of the project as described in the narrative. This site plan is currently under review.

OTHER ACTION REQUIRED

- City Commission approval of Special Use Permit and adoption of related ordinance.
- Publication of Special Use Permit ordinance.
- Platting of property through the Major Subdivision process (Preliminary and Final Plat). Public Improvement Plans may be required as part of the platting process.
- Demolition permit obtained from Development Services prior to the demolition of Building 'B'.
- Building permits shall be obtained from Development Services Division prior to the commencement of development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – The Traffic Study requirement has been waived as the City Engineer determined that proposed development will not generate traffic impacts sufficient to justify the preparation of a Traffic Impact Study.
- *Downstream Sanitary Sewer Analysis* – Fixture count analysis provided as the Downstream Sanitary Sewer Analysis was accepted by the City Utilities Engineer.
- *Drainage Study* – A drainage study is not required for this project because there is less than 10% increase in impervious surface.

ATTACHMENTS

Attachment A: Special Use Permit Site Plan

Attachment B: Rezoning Ordinance

Attachment C: Public Communication

PUBLIC COMMENT

- Altenbernd letter, expressing support for the application.

GENERAL INFORMATION

Current Zoning and Land Use: IL (Limited Industrial, with conditions); greenhouse/nursery buildings with *Crop Agriculture*.

Surrounding Zoning and Land Use:

(Figure 1)

To the north:

RS5 (Single-Dwelling Residential) District with minimum lot area of 5,000 sq ft; *Detached Dwellings*

To the northwest:

GPI (General Public and Institutional Use) District; Liberty Memorial Central Middle School, *School*

To the west, south, and east:

RS7 (Single-Dwelling Residential) District with minimum lot area of 7,000 sq ft; *Detached Dwellings*

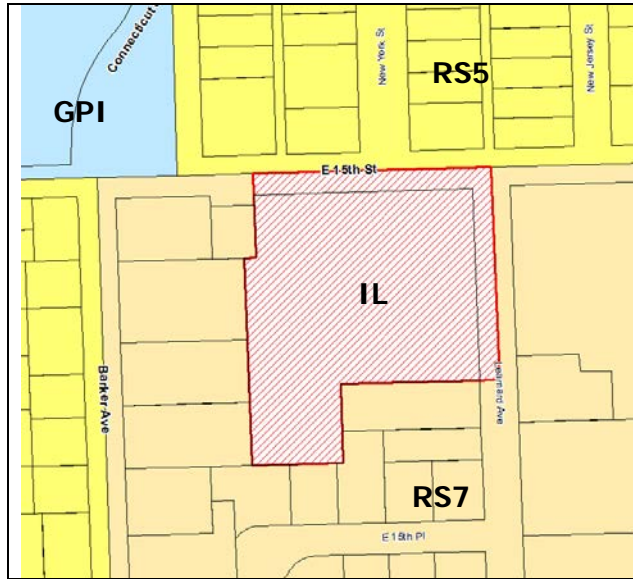


Figure 1a. Zoning of surrounding area. Subject property outlined in red.



Figure 1b. Land use of surrounding area.

SITE SUMMARY	Existing	Proposed	Change
Land Use:	<i>Crop Agriculture; Wholesale Storage and Distribution, Light</i>	<i>Manufacturing and Production, Limited</i>	Change in use
Land Area:	127,665 sq ft	127,665 sq ft	---
Building Area:	39,332 sq ft	40,643 sq ft	+ 1,311 sq ft
Pavement Area:	3,980 sq ft	3,980 sq ft	---
Impervious Area:	43,312 sq ft (33.9%)	44,623* (34.9%)	+ 1,311 sq ft
Pervious Area	84,353 sq ft	83,042 sq ft	- 1,311 sq ft

* The table provided on the plan lists the proposed impervious area as '43,312' sq ft and does not represent the increase in the building area. The table should be revised with this correction.

SUMMARY OF SPECIAL USE

This application proposes the demolition of a 1,489 sq ft building and the construction of a 2,800 sq ft building in that location to house Central Soyfoods. (Figure 2)

Central Soyfoods is a local business that has operated in various locations in the City since 1976. It was originally located adjacent to the alley at 1403 Massachusetts. The applicant indicated that Central Soyfoods has always been a micro-business that serves the Lawrence and Kansas City region. The business moved to its current location at 710 E 22nd Street in 2002.

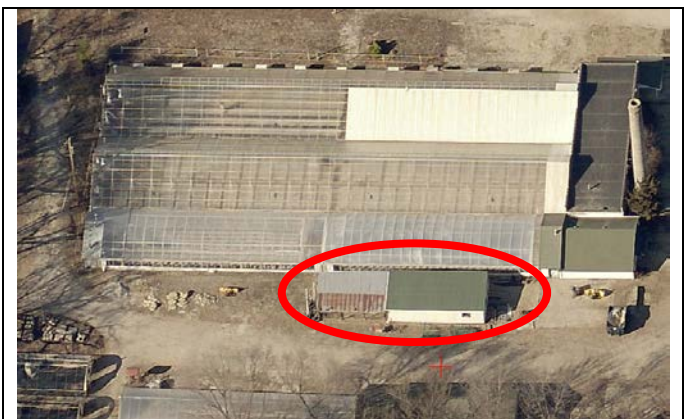


Figure 2. Building B, proposed for demolition, circled.

The applicant provided the following information on the business:

- Employees: 5 part time employees, around 100 total hours per week;
- Production: Currently they produce 13 days per month, but would like to increase that to 16. Typical working hours are 5:30 AM to 1:30 PM for the cook and former and 10:00 AM to 3:30 PM for the packagers.
- Deliveries: They currently receive 80 bushels of organic soybeans once a month. The beans are grown locally, with about 50% of the beans grown in Douglas County and the remainder grown within 100 miles of Lawrence.

Staff visited the existing production facility at 710 E 22nd Street to become familiar with the nature of the use. The production machinery and the delivery vehicle are shown in Figures 3 and 4. There was no smell or noise from the processing apparent outside the facility during production. The soybeans are processed in the equipment shown in Figure 3a, then the curds are separated from the whey, pressed in the equipment shown in Figure 3b, and packaged in a separate room, behind the film in Figure 3b.



Figure 3a. Processing area



Figure 3b. Processing area for pressing the tofu.



Figure 4a. Central Soyfood's delivery vehicle.



Figure 4b. Example of soybean delivery truck.

The applicant indicated that they've been a small business since they began operation and they have no plans to expand. This is an important consideration since the scale and size of the operation is an important consideration in determining off-site impacts. He indicated that they could double production by adding an additional processing day and using the same equipment; however, he said the company serves Lawrence and the nearby area and is not intending to expand its

market. The size of the facility is limited to 20 employees per the definition of the *Manufacturing and Production, Limited* use, but the proposed facility will be much smaller.

Okara, a pulp consisting of insoluble parts of the soybean which remains after pureed soybeans are filtered in the production of tofu, is a byproduct of processing (Figure 5). About 300 lbs of okara is produced each production day. The okara is picked up on production days and used as fertilizer by a number of local organic farmers.



Figure 5. Okara, byproduct of processing.

A *Manufacturing and Production, Limited* use is typically permitted in the IL District with site plan approval, but conditions placed on the IL Zoning in this location allow the use only when approved with a Special Use Permit to insure compatibility with adjacent residential uses. Section 20-1306(a), of the Development Code provides the following information on the review procedures for a Special Use:

"The process entails a public review and evaluation of the use's operating characteristic and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at large."

SITE PLAN REVIEW

The site plan submitted with a Special Use Permit application is required to meet the site plan requirements in Section 20-1305(f) of the Development Code. Site plans are grouped into 'minor', 'standard', and 'major' classifications based on the degree of development being proposed. This classification determines the degree of compliance with City Codes that is required. While the Code does not provide this distinction for Special Use Permits, it is reasonable to extend these classifications to determine the degree of compliance that is required for various projects. The Central Soyfoods project involves the demolition and replacement of a building, with a resultant increase of 1,311 sq ft of building area, or an increase of approximately 3% over the existing total building area of 39,332 sq ft. This project fits the criteria for a Standard Development Project as it involves a change in use to a more intensive use but the amount of building addition is less than 20% of the total gross floor area on the site. (Section 20-1305(b), Development Code).

A 'standard' site plan requires that the changes that are being proposed be in compliance with City Codes. Other features of the site may be required to become compliant with standards of the Development Code as determined by the Planning Director in order to ensure the health, safety, and welfare of the public and/or user of the site. The SUP site plan was reviewed with this compliance requirement in mind, with the focus being on the changes being proposed; however, other portions of the site are required to be brought into compliance, or means established for them to be brought into compliance in the future, as this project is being developed incrementally and involves the reuse of an existing structure.

Review and Decision-Making Criteria (20-1306(i), Development Code)

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant's Response:

"Central Soyfoods complies with the planners criteria for this SUP."

The proposed use, a tofu facility, meets the definition in the Development Code for a *Manufacturing and Production, Limited* use.

"Establishments generally employing fewer than 20 persons, do not involve outside storage of materials, do not require Federal air quality discharge permits, are compatible with nearby residential uses because there are few or no offensive external effects... and are primarily engaged in one of the following:....."

3) Manufacturing processing, or packaging of small-scale food production operations with limited on-site retail sales. Typical uses include caterers, bakeries, bottling and beverage manufacturing operations." (Section 20-1739)

Standards that apply to this development include density and dimensional requirements in Article 6, parking in Article 9, landscaping in Article 10 and general development standards in Article 11. The following is a review of the change being proposed with this project, the new 'Building B', for compliance with the Development Code.

DENSITY AND DIMENSIONAL STANDARDS

The property is not currently platted. The Planning Director determined that the low intensity uses proposed in Phase 1, the wholesale seed distribution and educational components, could occur on the site without requiring platting; however, uses that were more intense or that required significant development on the site would trigger the platting requirement. The subject project includes the construction of a new building and is considered significant enough to trigger the platting requirement.

The IL District requires a minimum lot area of 20,000 sq ft and a minimum width of 100 ft. The subject property exceeds these requirements with an area of approximately 2.93 acres (127,630 sq ft) and a width of 300 ft.

IL District Density and Dimensional Standards		
STANDARD	REQUIRED	PROVIDED
Lot Area	20,000 sq ft	127,630 sq ft
Lot Width	100 ft	300 ft
Maximum Impervious Lot Coverage	75%	33.9%
Setback from Street	50 ft	83 ft
Setback from Adjacent Lots	20 ft	20 ft with exception of the eastern row of hoopouses, the concrete mulch bins and 'Building C' *

'Building C', the existing structure that will house the Seeds from Italy wholesale seed distribution business, is a non-conforming structure as it was in this location prior to the adoption of the setback requirements. It may be used in its current location but it cannot be extended or expanded to increase the nonconformity, the encroachment into the setback. The proposed 'Building B' exceeds the required setbacks for the District.

PARKING

Per the Off-Street Parking Schedule C (Section 20-904 of the Development Code), a *Manufacturing and Production, Limited* use with less than 20,000 sq ft of building area requires 1 parking space per 1,000 sq ft of building area (and any fraction) and 1 space per vehicle used in the business. The applicant indicated they would have one vehicle for the business. The new building will be 2,800 sq ft in area; therefore, 4 parking spaces are required for this use. One van accessible ADA parking space is required for parking lots with 25 spaces or less. The required parking is provided on the plan. The plan should note the parking required for Phase 1 and the parking required for Phase 2. Other phases have not yet been approved.

PARKING TABLE (Current)			
Use	Parking Requirement	Parking Required	Parking Provided
<i>Crop Agriculture</i>	None	0	3 spaces One per employee
<i>Wholesale Storage and Distribution, Light</i> (Seeds from Italy)	1 space per vehicle used in the business PLUS 1 space per 1000 sq ft of building area	1 company vehicle 1,520 sq ft building 3 spaces	3 spaces
<i>Manufacturing and Production, Limited</i> (Central Soyfoods)	1 space per vehicle used in the business PLUS 1 space per 1000 sq ft of building area	1 company vehicle 2,800 sq ft building 4 spaces	4 spaces
Total		7 spaces	10 spaces
ADA Accessible	1 van accessible space for parking lots with up to 20 spaces	1 van accessible space	1 van accessible space
Bicycle	None	0	0

PARKING TABLE (Future)			
Use	Parking Requirement	Parking Required	Parking Provided
<i>Retail Sales, General</i>	1 space per 300 sq ft for buildings up to 45,000 sq ft	3,107 sq ft 11 spaces	41 spaces
<i>Social Service Agency</i> (Sunrise Project)	1 space 300 sq ft		
Total (Current and Future)		18 spaces	
ADA Accessible	2, with one being van accessible space for parking lots with 26-50 spaces	2 spaces, with 1 being van accessible	To be determined with Sunrise Project site plan, SP-00426, currently under review
Bicycle	<i>Retail Sales, General</i> and <i>Social Service Agency</i> : 1 space per 10 auto spaces	This requirement will be determined with the Sunrise Project site plan	

As this project involves the reuse of an existing building and existing parking area, the ADA parking requirements have been established based on the parking required for each use. The Sunrise Project will utilize 'Building E' and the ADA parking will be calculated at that point based on the total parking on-site. Adequate parking, including ADA accessible parking, is being provided for the

existing and proposed uses; however, the parking table on the plan varies slightly from this table. The parking table should be revised with the information in the tables above.

PARKING LOT LANDSCAPING

The project is reusing the existing parking lot. The parking spaces are located in several small parking areas as shown in Figure 7:

- 11 spaces along E 15th Street,
- 21 spaces to the east of the main structure and 'Building E',
- 8 spaces to the rear of the main structure and west of the proposed soyfood facility.

10 spaces are provided for the existing uses: 3 for the agricultural employees, 3 for the seed distribution business and 4 for the soyfood facility. The remaining spaces will be utilized when the social service/retail component of the project is installed. The perimeter and interior parking landscaping will be determined with the site plan for the social service/ retail component of the project as the soyfood and seed warehouse use will use parking spaces that are located behind or near the rear of the greenhouse building. Bumper blocks should be installed on the parking provided for the approved uses to define the parking spaces.

PARKING LOT AND ACCESS DRIVES

Section 20-913 of the Development Code requires that parking areas and drives be surfaced with concrete or asphalt. The parking areas and driveways on the site have historically been surfaced with gravel. The gravel is well compacted after years of heavy truck traffic associated with the nursery. In keeping with the intent to maintain the character of the property and to reuse the property as a sustainable, local food/urban agricultural project, the applicant intends to keep the gravel surfacing to keep impervious surface to a minimum and maximize the open space/growing areas. (Figure 8)

The project is unique in that it is reusing a site that was historically used for a more intense use with heavier traffic, but that used gravel drives and parking areas. Based on the nature of the proposed use, the historical use

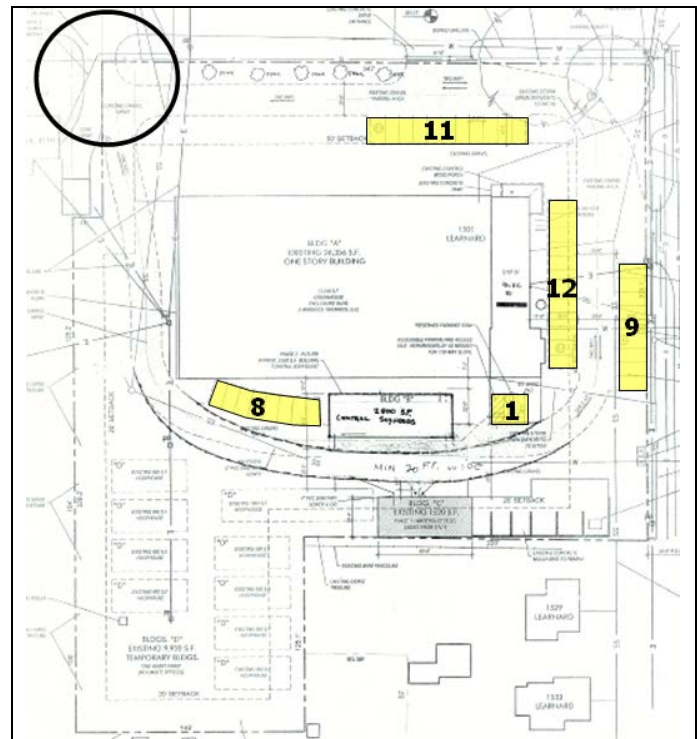


Figure 7. Central Soyfoods plan with all parking areas highlighted. Shared drive on E 15th Street is circled.

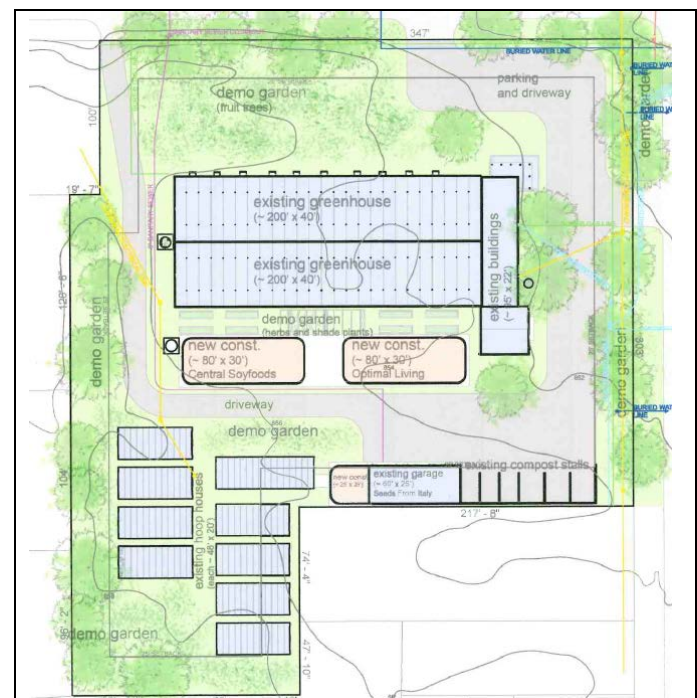


Figure 8. Concept plan provided with rezoning request.

of the property, and the fact that the gravel areas have been well-compacted through years of heavy truck traffic, and in light of the fact that this is a 'standard development project' with minimal changes to the site, the Planning Director determined it was not necessary to bring the parking and drive surfaces up to code; however, concrete driveway aprons are required on both E 15th Street and Learnard Avenue. The plan should be revised to show the gravel apron on Learnard Avenue being replaced with concrete with this project.

The Central Soyfoods site plan shows an existing shared access drive on E 15th Street that provides access to the Sunrise Green property and the residence to the west. (Figure 7) An access easement should be recorded with the Douglas County Register of Deeds for this shared access.

SIDEWALKS

Per Section 20-1105 of the Development Code, sidewalks shall be installed with any significant development project. A 'significant development project' is defined in Article 17 as any modification to a site that alters parking areas, drive aisles, or impacts on-site pedestrian and vehicular circulation and traffic patterns that the Planning Director determines to be significant in terms of impacting adjacent roads or adjacent properties, or the construction of one or more building or building additions that contain a gross floor area of more than 20% of the gross floor area of existing buildings or the addition of an increase of more than 20% of impervious cover. The new building will be 1,311 sq ft larger than the existing building which is a 3% increase in the overall building coverage. The addition will result in a 1% increase in impervious surface coverage. Based on the scale of the changes, the proposed improvement is not a 'significant development project'; however, the site is being improved through phases and it is unlikely any of the proposed changes will meet this definition. In order to insure sidewalks are installed when other sidewalks are available in the area, an Agreement Not to Protest the Formation of a Benefit District for sidewalk improvements along E 15th Street and Learnard Avenue when connecting sidewalks are available in the area, should be provided to the Planning Office for recording.

LANDSCAPING / BUFFERYARD

Typically, street tree requirements are established with the Master Street Tree Plan which is provided with the Final Plat. As this property is not yet platted, street tree requirements were established by the City Horticulture Manager. Five pear trees required along the 15th Street frontage were recently planted. The existing vegetation along Learnard will be used to meet the street tree requirement at this time. The plan should note that in the event the vegetation along Learnard Street is removed or damaged to the point the Planning Director determines the street tree requirement is not met, street trees will be planted per the city Horticulture Manager's approval.

The Central Soyfoods building will be located in the interior of the site and is screened from the east by distance and



Figure 6. Bufferyards for the property. Area with inadequate space for a bufferyard is shown with dashed yellow lines.

existing vegetation and from other sides by other buildings and vegetation on the site. Bufferyard landscaping is not required for the soyfood facility. However, as this site is being redeveloped in phases, there isn't one plan that includes the entire project, or a master plan. It is important to note that the existing vegetation must remain as shown in figure 6 along the west, southwest, and east sides of the property to serve as a buffer for the adjacent residential uses. If this landscaping is removed or damaged to the point the Planning Director determines it no longer provides an effective buffer, Type 3 Bufferyard plantings, as required in Section 10-1005 of the Development Code, will be planted by the property owner.

FIRE CODE

THE FIRE Code Official noted that the access drives must be capable of supporting 88,000 lbs, overhead obstructions such as powerlines and tree limbs must be a minimum of 13 ft 6 in above grade, and that fire apparatus must be able to reach within 150 ft of all sides of all structures. The property owner is working with the Fire Code Official on these requirements.

SITE COVERAGE.

The IL District permits a maximum of 75% of the site to be covered with impervious materials. Approximately 35% of the site is currently impervious.

LIGHTING

No exterior lighting is being proposed with this project.

Staff Finding – This use complies with the applicable provisions of the Development Code as an allowed use in the IL District subject to a Special Use Permit and as conditioned.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response:

"Yes."

The facility is located in the interior of the site. No exterior lighting is being proposed with this project. No customers are expected at the site. This is a very small scale, low intensity manufacturing use. Deliveries to the facility will consist of soybeans, typically one delivery per month. Central Soyfoods' deliveries are handled with a small truck. The delivery vehicles are shown in Figure 4.

The definition of the *Manufacturing and Production, Limited* use prohibits exterior storage, limits the size to typically no more than 20 employees, and requires that few, or no, objectionable external effects occur with the use. These standards should be noted on the plan.

Staff Finding – The proposed use is a very small scale, low intensity manufacturing use. The business will be located in a building that is located in and oriented toward the interior of the site. The proposed use is compatible with the adjacent land uses based on the small scale and low intensity of the proposed use and its location in the interior of the site.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response:

"No."

One of the principal factors for rezoning the property to the IL District, was the rehabilitation of the garden center. The garden center has been in place since 1926, and predates many of the residences in the area. The garden center is a unique feature in the area and rezoning was seen as a tool to accommodate the redevelopment of a Local Food-oriented project while maintaining the character of the property. This development is Phase 2 of that project. The project should not cause a diminution in the value of nearby properties as it is rehabilitating a signature feature of the area and the conditions placed on the manufacturing use with the Special Use Permit will minimize any negative impact associated with the use.

Staff Finding – The project is Phase 2 of the re-use and rehabilitation of the nursery/garden center property with a local food-oriented project. There is no evidence to support a finding that the proposed use would cause a diminution of other property values in the area.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

Staff Finding – Safety, transportation and utility facilities are available to serve the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to assure that the maintenance and use of the property is consistent with the approval.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response:

"No."

The proposed use should have no adverse impact on the natural environment. Minimal deliveries will be made to the site and the business will use a small vehicle to distribute their product. The facility will comply with State regulations pertaining to food processing facilities. There should be no emissions into the air or water from the facility. There are two by-products of tofu production: 1) Okara, the hull of the beans; this is used as fertilizer. Central Soy has agreements with various farmers in the area for them to pick up the Okara; 2) Whey, a natural component of soy beans and wash water, will be directed into the sanitary sewer system.

Staff Finding – The proposed use, a small tofu processing facility, should have no adverse impact on the natural environment.

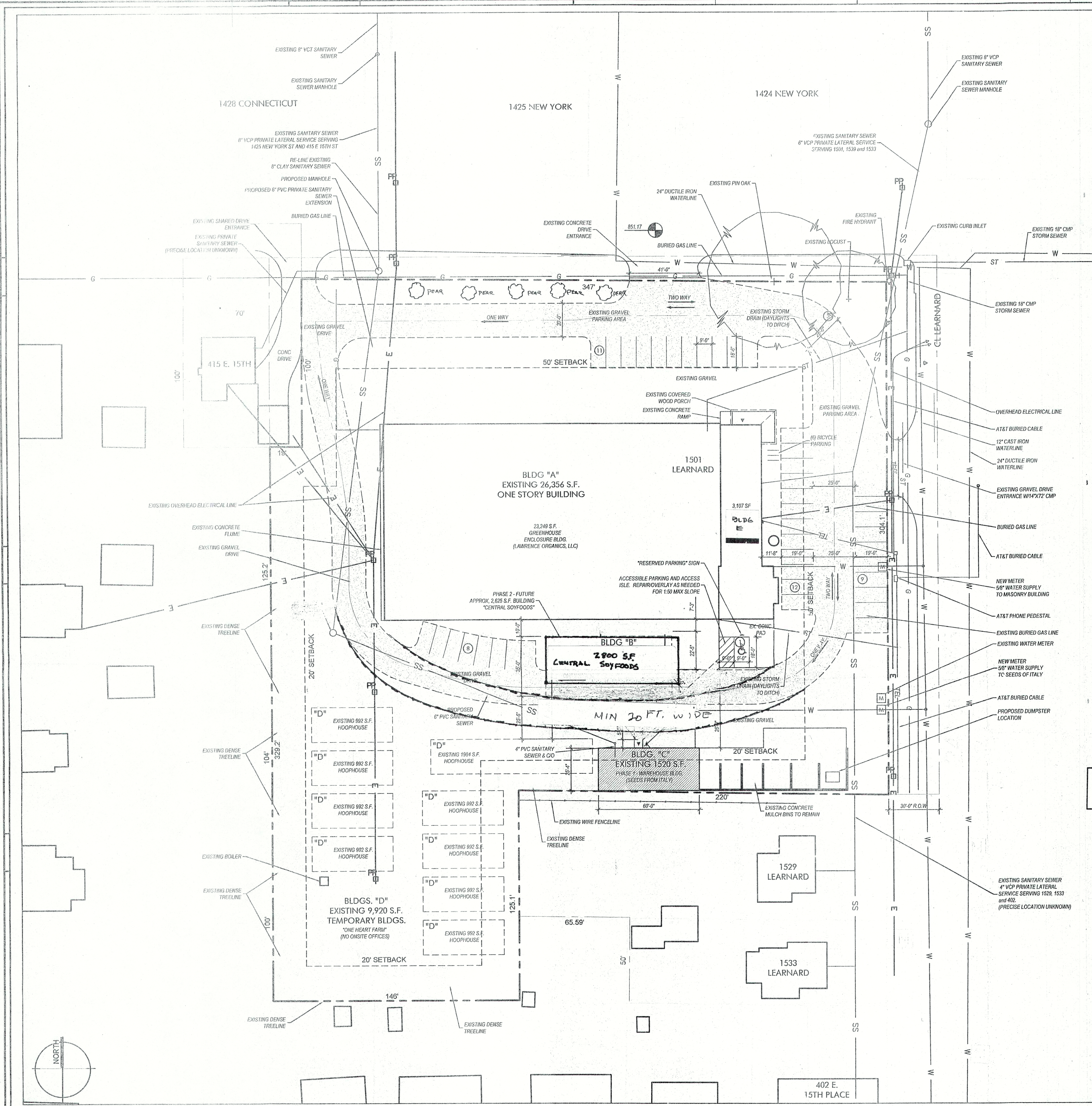
7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area. As mentioned earlier in the report, the use will have few deliveries and should have very little impact on adjacent properties. The property is located in a developed residential area and has historically been used for a garden center/nursery which included truck deliveries, employees and customers on the site. The use, as approved, should remain compatible with the area. Any changes to the use would require review and approval. Significant changes to the site or a proposed change to the use would require a revised SUP and a public hearing while minor changes to the site would require approval of a revised site plan.

Staff Finding – The Special Use Permit would allow a small scale, low-intensity manufacturing use on a property that has historically been used as a nursery/retail garden center in a residential area. The Special Use Permit approval process for any significant change to the site or an intensification of use should insure compatibility with the neighborhood. It would not be appropriate to place a time limit on the Special Use Permit.

CONCLUSION

Based on the findings in this report, and as conditioned, staff recommends approval of the proposed Special Use Permit.



ZONING:
LEGAL DESCRIPTION:
PROJECT DESCRIPTION:
PROPERTY OWNER:
ARCHITECT:

EXISTING IL
A tract of land in the Northeast Quarter of Section 6, Township 13 South, Range 20 East of the 6th P.M., in the City of Lawrence, Douglas County, Kansas described as follows:
Commencing at a point 231 feet East from the Northwest corner of the Northeast Quarter; thence South 442 feet, 2 inches; thence East 146 feet; thence North 125.1 feet; thence East 250 feet; thence North 317 feet; thence West 396 feet to the point of beginning, LESS AND EXCEPT any portion thereof lying in Lot 1, Pence Addition, an Addition to the City of Lawrence, Douglas County, Kansas.

TO CONSTRUCT CENTRAL SOYFOODS

Sunrise Green, LLC
464 E 1750 Road
Baldwin City, KS, 66006

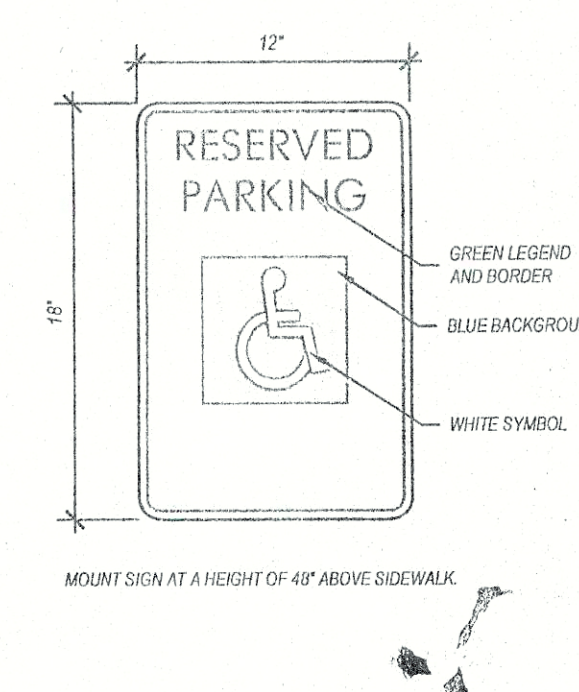
Hernly Associates, Inc.
920 Massachusetts St. Suite 2
Lawrence, KS 66044-2868

PROPERTY SURFACE SUMMARY		SUMMARY AFTER PROJECT COMPLETION	
EXISTING SUMMARY		TOTAL BUILDINGS	= 40643 S.F.
TOTAL BUILDINGS	= 39,332 S.F.	TOTAL PAVEMENT	= 39805 S.F.
TOTAL PAVEMENT	= 3,980 S.F.	TOTAL IMPERVIOUS	= 43,312 S.F.
TOTAL IMPERVIOUS	= 43,312 S.F.	TOTAL PERVIOUS	= 33,242 S.F.
TOTAL PERVIOUS	= 84,353 S.F.	TOTAL PROPERTY AREA	= 127,665 S.F.
TOTAL PROPERTY AREA	= 127,665 S.F.		

BUILDING USES
BUILDING "A" Existing greenhouse and retail building
BUILDING "B" **CENTRAL SOYFOODS**
BUILDING "C" An existing maintenance/storage building that will be remodeled with a bathroom, office, and warehouse space for "Seeds From Italy" an importer of seeds which are sold at wholesale to various retail outlets.
BUILDINGS "D" A collection of existing temporary hoop houses (erected metal hoop-shaped frames covered with plastic sheeting). The buildings will be used to start and grow plants, a continuation of the former use. This tenant is strictly an agricultural use and will not maintain office space or other ancillary uses on site.
BUILDING "E" **RETAIL / EDU. CENTRAL SOYFOODS** = 4 SPACES
PARKING (entire site) = 10 spaces
Per the requirements in Article 9 of the Development Code:
General Retail - 1 space per 300 SF - 3,107/300 = 10 spaces
Agricultural Crop (greenhouses) - 0 spaces - 36,275 S.F. / 0
plus 1 space per employee = 3 = 3 spaces
Wholesale Storage and Distribution (Light) - 1 spc./1,000 SF - 1,489/1000 = 1 space
plus 1 space per company vehicle = 1 space
Total Required = 15.1 SPACES
Total Provided = 41 spaces
Bike Parking - 1 req. per 10 required spaces = 2 space
Bike Parking Provided = 6 spaces

REFUSE DISPOSAL
Dumpster located in existing concrete sided mulch bin.
LIGHTING:
No additional lighting is proposed
BENCHMARK:
Site grading is based on and tied to NGS benchmark T 368:
A stainless steel rod in hand hole located 190.9' north of the centerline of East 13th Street and 23.6' east of the centerline of Oregon Street. Elevation is 827.39' (NAVD 88).
Local Benchmark: center of intersection 15th and New York Streets 851.17'

LANDSCAPE
EXISTING LANDSCAPE WILL BE MAINTAINED.
PEAR TREES HAVE BEEN PLANTED ALONG THE NW PERIMETER OF PROPERTY BORDERING 15TH ST.



SITE NOTES

Approved and Released

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Case No.: _____
Approval Date: _____
Release Date: _____
Planner: _____
Asst./Director: _____

1 SITE LAYOUT PLAN
1" = 30'-0"

RECEIVED
OCT 07 2016
City Planning Office
Lawrence, Kansas

SUNRISE GREEN LLC
PHASE 2 CENTRAL SOYFOODS
1501 LEARNARD LAWRENCE, KANSAS

Hernly ASSOCIATES
920 Massachusetts
Lawrence, Kansas
66044
785 - 749 - 5896
FAX 785 - 749 - 1515

SITE PLAN

Date: 2016/07/27
Drawn by: MMYRS
Checked by: _____
Revisions: _____

C1.0

ORDINANCE NO. 9181

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REZONING APPROXIMATELY 2.96 ACRES FROM RS7 (SINGLE-DWELLING RESIDENTIAL) DISTRICT TO IL (LIMITED INDUSTRIAL) DISTRICT AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2015 EDITION, AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The base zoning district classification for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 231 FEET EAST FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE SOUTH 442 FEET, 2 INCHES; THENCE EAST 146 FEET; THENCE NORTH 125.1 FEET; THENCE EAST 250 FEET; THENCE NORTH 317 FEET; THENCE WEST 396 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT ANY PORTION THEREOF LYING IN LOT 1, PENCE ADDITION, AN ADDITION TO THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

is hereby changed from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, as such district is defined and prescribed in Chapter 20 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto.

SECTION 2. The rezoning granted in Section 1, *supra*, in addition to being subject to the general conditions established in Chapter 20 of the Code of the City of Lawrence, Kansas, 2015 Edition, as amended, is also subject to the following special conditions:

- (a) Permitted uses are limited to those listed below:
 - (i) Crop Agriculture;
 - (ii) Social Service Agency;
 - (iii) Health Care Office/Health Care Clinic, provided that the gross floor area shall not exceed 3,000 square feet;
 - (iv) Administrative and Professional Office, provided that the gross floor area shall not exceed 3,000 square feet;
 - (v) Personal Improvement, provided that the gross floor area shall not exceed 3,000 square feet;

- (vi) General Retail Sales, provided that the gross floor area shall not exceed 3,000 square feet;
 - (vii) Fast Order Food, provided that the gross floor area shall not exceed 3,000 square feet;
 - (viii) Limited Manufacturing and Production, provided that it is approved through the issuance of a Special Use Permit;
 - (ix) Light Wholesale Storage and Distribution, provided that it is approved through the issuance of a Special Use Permit;
 - (x) Neighborhood Religious Institution; and
 - (xi) Satellite Dish, accessory.
- (b) All site plans submitted for standard or major development projects shall require approval by the City Commission.

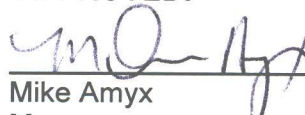
SECTION 3. The "Official Zoning District Map," which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (Jan. 1, 2015), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 1, *supra*.

SECTION 4. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, this 8th day of December, 2015.

APPROVED:



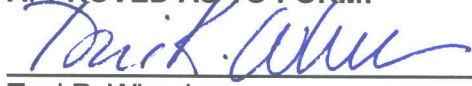
Mike Amyx
Mayor

ATTEST:

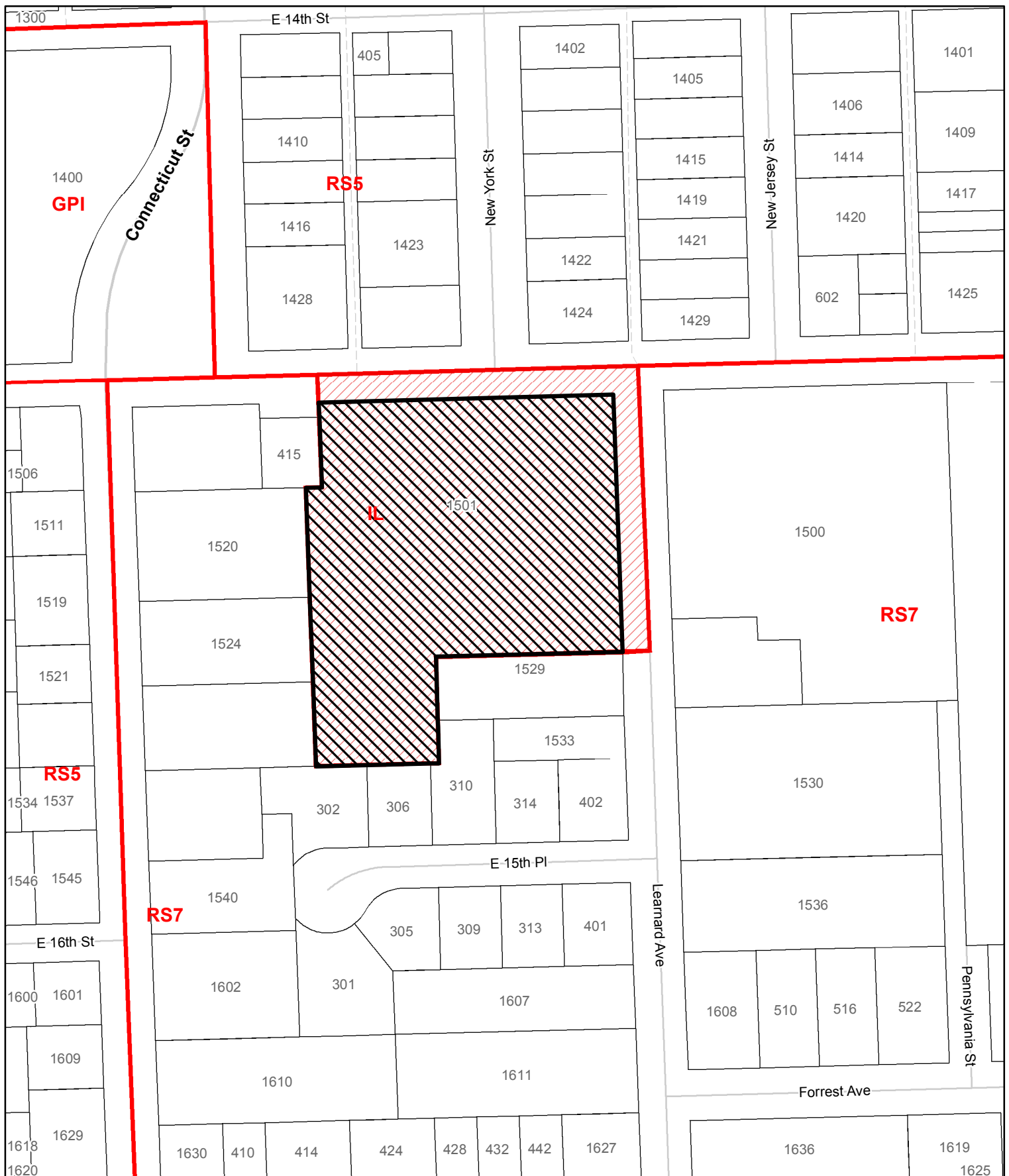


Brandon McGuire
Acting City Clerk

APPROVED AS TO FORM:



Toni R. Wheeler
City Attorney



SUP-16-00361: Special Use Permit for Central Soyfoods Located at 1501 Learnard Avenue

Lawrence-Douglas County Planning Office
October 2016

 Subject Property



10/4/2016

431 Forrest Avenue
Lawrence, KS 66044-3729

Re: Central Soyfoods Special Use Permit

To Whom It May Concern:

I am writing to convey my unqualified support of the request by Central Soyfoods for a Special Use Permit for the former Sunrise Gardens site at 1501 Learnard Avenue in Lawrence.

Being a native of Lawrence and a long time resident of the Barker Neighborhood with a residence within two blocks of the site, I am well aware of the site and the positive effect the proposed project would have. In addition, I have known Dave Millstein for a number of years, including having served with him on the Black Jack Battlefield Trust Board of Trustees in the critical early years of its organization and operation. I have every confidence that he is committed to fulfilling his promises to develop an exemplary project and to respect the needs and concerns of the Barker Neighborhood Association and its residents. I furthermore am confident that he is more than capable of carrying out all his plans and promises associated with the site.

When I found out that Sunrise Gardens was going to close, I became very concerned about what might happen to the site. When I learned that Dave Millstein was interested in taking on the redevelopment of the site and what he was planning, all my concerns went away. My only concern now about the project is that it be approved by the city so it can be implemented in a timely manner and be allowed to fulfill its potential to become a great asset to the neighborhood and to Lawrence.

I respectfully request that the Central Soyfoods Special Use Permit for 1501 Learnard Avenue be approved by the city. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Kerry Altenbernd". The signature is written in dark ink and is positioned above the printed name.

Kerry Altenbernd

From: David Millstein [<mailto:zeebathome@wolffebrothers.com>]

Sent: Tuesday, October 18, 2016 11:31 AM

To: Mary Miller

Subject: Re: sup recommendations

Mary,

1. Are you saying that passing the SUP is contingent on putting in sidewalks but there are no sidewalks now to connect to and therefore you want to abrogate the Sunrise or Central Soyfoods right to protest a special benefit district without knowing any thing about the ramifications of said hypothetical special benefit district.

2. Are you saying that the 1 delivery per month, 5 part time employees and a 1/4 ton delivery truck coming and going from the property 6-8 times per week necessitates putting concrete on a driveway entrance/exit that has been operating under traffic loads much in excess of our requirements for the past 70 years.

3. The latest site plan has dealt with the fire requirements. The drawing is scaled.

4. Yes you are correct, we are challenging the platting and any other issue that is unfair, unnecessary, wasteful or in the case of giving up our rights to protest, improper.

5. I am assuming changes and additions to the site plan have arisen since since our last review and the changes and additions we made at that meeting. Is this an endless process allowing you to continually change the rules of the game ad infinitum?

All of this endless obstruction to this straight forward attempt to save a local landmark, create a few jobs and provide the community with some educational services and locally grown produce is wearing this project down. Do Scott and you want us to proceed or would you prefer we vanish from the scene?

Please share this e mail with Scott and the Planning Commissioners.

Thanks,

Dave