

Bobbie Walthall

To: Diane Stoddard
Subject: RE: Sunrise Comments

From: Russell Livingston <russl@sunflower.com>

Date: December 7, 2015 at 21:49:47 CST

To: <mikeamyx515@hotmail.com>, <lsoden@lawrenceks.org>, <sboley@lawrenceks.org>, <matthewjherbert@gmail.com>, <llarsen@lawrenceks.org>, <mmiller@lawrenceks.org>, <mikeamyx515@hotmail.com>, <lsoden@lawrenceks.org>, <sboley@lawrenceks.org>, <matthewjherbert@gmail.com>, <llarsen@lawrenceks.org>, <bjwalthall@lawrenceks.org>

Cc: <mmiller@lawrenceks.org>

Subject: Sunrise Comments

Dear Mayor Amyx, Commissioners Soden, Boley, Larsen, and Herbert,

I have attached for your consideration some comments perhaps not previously expressed. I realize that these comments may be late but none the less I offer them for your consideration.

Thank you for your time.

I wish you all the best throughout the Holidays to you and your families.

Russell Livingston
1712 Learnard Avenue
Lawrence, Kansas
russl@sunflower.com

"Staff Finding—The surrounding properties are zoned for residential uses and have been developed with detached dwellings.

Most uses categorized as Industrial uses in the Development Code would not be suitable for this area."

ORDINANCE NO. 9181

Z-15-00427

Subject: Up zoning 15th at Learnard former Sunrise Greenhouse.

Commissioners':

As a member of the Barker neighborhood I am in opposition of the rezoning of the property at the corner of 15th and Learnard formerly Sunrise Greenhouse.

I support small business. I am not fundamentally opposed to the proposed agricultural use of the site. I am troubled by the use of "up zoning " from residential to industrial.

It is not the proposed uses that are uncomfortable nor the ownership, it is the use of higher intensity spot zoning that is circumventing over 50 years of non conforming use under a grandfathering.

Residents of this neighborhood have patiently coexisted with the former low intensity use and now that era has come to an end.

The expectation is for reversion to the current residential zoning or the granting of a special use permit for the purpose of extending the former agricultural use.

Zoning protects citizens from future changes in usage that can have negative unintended consequences on the current and future value of the respective personal residences that often make up a significant part of family net worth.

Some estimates of personal residences contribution to family net worth are as high as 16%.

While the applicants proposed uses may in fact be quite compatible in the near term and thus no overt negative effect on neighborhood values, they are just proposals; as such it is the

legacy of the zoning change in the future when the property either changes hands or the proposed ideas don't carry economic strength to continue, leaving open the possibility for undesirable uses that become the economic default choice for the current or future owners .

If ownership of the property changes in future years when we may have a completely different planning staff and City Commission, can the owner come back and say the conditions restrict their fair use of a property zoned for light industrial?"

It is not the parties involved nor the proposed uses at issue here, it is the legacy of this zoning change that privatize the gains and socialize the losses.

I urge you to send this back to planning for further discussion and find a way to preserve the underlying residential zoning.

Thank you.

Respectfully yours,

Russell R. Livingston

1712 Learnard Avenue

Lawrence, Kansas

Resident of Barker Neighborhood 50 years.

Resident 1515 Rode Island Street 18 Years.

Resident Learnard Avenue 1980 to present.

Class of 1968 McAllister Grade School.

Class of 1971 Central Junior High.

Former Owner and creator The Bourgeois Pig 6 East 9th, Lawrence, Ks (formerly blighted building).

Owner Numerous Residential properties in and around the Barker Neighborhood. (all in compliance with current and rental housing laws)

Bobbie Walthall

To: Diane Stoddard
Subject: RE: 1501 Learnard Ave.

From: Jane Gibson <jwgc13@gmail.com>

Date: December 6, 2015 at 7:44:17 PM CST

To: Mike Amyx <mikeamyx515@hotmail.com>, <lsoden@lawrenceks.org>, <sboley@lawrenceks.org>, <matthewjherbert@gmail.com>, <llarsen@lawrenceks.org>, <mmiller@lawrenceks.org>

Subject: 1501 Learnard Ave.

Dear Mayor Amyx, Commissioners Soden, Boley, Larsen, and Herbert, and Planning Commission staff person, Mary Miller,

We want to thank you for your consideration of all points of view on the proposal to develop the property at 15th and Learnard. We appreciate that we were given a hearing before both bodies and are especially grateful that both the Planning Commission and City Commission supported a compromise that gives the neighborhood a voice when it comes to industrial uses of the property. This demonstrates to us your concern to conduct a fair process, one that seeks to balance the needs of neighborhoods with those of applicants.

All best wishes for the holiday season,
Jim Carpenter and Jane Gibson

Bobbie Walthall

To: Diane Stoddard
Subject: RE: Sunrise/Arch

From: Dennis Brown [<mailto:djbrown806@gmail.com>]
Sent: Sunday, December 06, 2015 10:14 AM
To: Diane Stoddard
Subject: Sunrise/Arch

Diane, could you forward this to City Commissioners? I would like to provide further input on the two issues I commented on last Tuesday.

Sunrise Rezoning:

As I understand it, if a new owner wished to open up a garden center with the exact operation as Sunrise ran, they would need the same zoning classification that is being requested here. I don't think the argument can be made that this request would intensify use over what's occurred in the recent past. If you did, you might wish to focus on aspects of the proposal other than Central Soy to make it. Central Soy is a local, family-owned, small food production facility that utilizes a commercial kitchen. Calling the business a factory is inaccurate and should not be used to promote this point of view.

I thought we were for small food, local producers, startup agriculture and connecting food production more directly to consumers. This seems like a perfect opportunity to encourage these things. What's a guy got to do to bake a pan of tofu in this town?

I do understand that this decision has ramifications regarding future owners and uses. An SUP should protect the public here. Two members of surrounding neighborhood spoke to this issue. I was not clear if they actually represented the neighborhood association. If they didn't, I would like to know what the Barker leadership is thinking.

If the only alternative you leave for this site is residential downzoning, then a developer can come in and raze the property and install housing, probably along the lines of what was built at the Hanscomb-Tappan property. I think that would be a loss for our historic downtown core. While a number of the structures on the property may not be listable on historic registers, the property as a whole pre-dates the residential surroundings so it has been as much a part of the neighborhood from day one as KU is to Oread, and seemingly without conflict or controversy.

Sidewalk Dining Guidelines:

This request is not coming from an upset group of owners with current dining enclosures. It's coming from a new member of our downtown. So it can be surmised that the impetus for the request is that he is proud of his upcoming business venture and wants to do something special, rather than there is a problem with the current guidelines and they are not functioning correctly. If you deny the appeal, this new owner will not have something taken away; he will have what everybody else has. "Consistent application of the guidelines also establishes a level playing field for highly competitive businesses such as retail and restaurants." (staff report) Nothing is broken here...do you really want to fix it?

The preservation viewpoint regarding the allowance of increased structural elements in the current enclosures is that the more you allow, the more the historic storefronts are obscured, not only physically, but in the way these

new spaces we're creating are both seen and used. The historic front facade entry is what's important here, and that is strongly embraced in our current system of blank space to walk through entering the dining areas.

Artsy, eclectic, funky or the like are not characteristics of downtown in designated historic districts. Specific architectural elements and usage patterns would be. While there is an overall feel to be considered, that would tend to be focused on the historic sense of place. Our historic downtown is Massachusetts Street, Lawrence Kansas.

I may not have communicated well regarding art and the HRC. HRC will review an art installation if it potentially could impact a listed property. What I meant to say was HRC won't pass a proposal on 'style points'. If HRC feels a proposal doesn't meet the intent of the guidelines it won't win approval, whether the art itself is seen as desirable or not. You have been charged on this item, per Randy's comments, to evaluate this as if you were the HRC.

December 1, 2015

Sunrise Green LLC
1501 Learnard
Lawrence, Kansas 66044

Lawrence City Commission
City Hall
Lawrence, Kansas

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CITY MANAGERS OFFICE
LAWRENCE, KS

Dear Commissioners,

Those of us involved in the Sunrise Green project thank you for allowing the project to continue as a result of your 3 to 2 vote in favor of the project.

What seems problematic to me concerning last night's discussion was the amount of credence given to the antagonists Carpenter and Gibson and their inaccurate evaluation of the project. In spite of the overwhelming neighborhood support of the project, 2 voices (1 household) objecting in a sea of acceptance were given an inordinate amount of consideration; this is not democracy at work.

The planners have given this project support knowing that the outcome for the neighborhood will save an iconic structure, give the property new life and meaning to the neighborhood and community as a whole. What seems to be missing in this calculus is the fact that the greenhouses can only exist with a rezoning of the property to light industrial.

Gibson's assertion that the Tofu "factory" would create an atmosphere of high density use is a misrepresentation of the reality of Central Soyfoods, an entity that employes 5 people, part time, and produces 3 times per week. Central has been under the microscope for over a year having been inspected by representatives of the Barker neighborhood and Lawrence planners. If there was a problem with this operation the neighborhood and the planners would not have brought this project along and the property would not have been purchased.

In closing: The potential of this project for good far outweighs the concerns and fears of 2 lonely voices. The restoration of Lawrence's oldest and iconic greenhouse, the implementation of The Lawrence Food Alliance on to the property, the production of organic greens and seedlings by Moon Over The Meadow in the greenhouses, demonstration gardens, the Lawrence Fruit Tree Project and Seeds from Italy. All of these entities put together on the property in the structures that are in place would produce less traffic and density than the operation of the old Sunrise Garden Center.

Nothing less than a unanimous vote by the Commission would validate the forward direction of this City and confirm the ethos of the Barker neighborhood.

Thank You,
Dave Millstein



Sunrise Green LLC
Managing Member