

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 to be located at 1501 Learnard Ave. Submitted by Sunrise Green LLC, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Dave Millstein, Central Soyfoods, was present for questioning. He said the business was a sustainable and environmentally sound manufacturing process and provided a great product for consumption.

PUBLIC HEARING

Mr. Andrew Lewis supported the project.

Ms. Melissa Frerburger, Sunrise Project, spoke in support of the item.

COMMISSION DISCUSSION

Commissioner Carpenter asked staff about 75% of the property being impervious surface.

Ms. Miller said 75% would be the maximum the property could have, including buildings and pavement.

Commissioner Carpenter said under the approved zoning it could double the impervious surface on the lot.

Ms. Miller said anytime impervious surface was added it would trigger a standard site plan. She stated if more than 20% impervious surface was added it would trigger a major site plan, which would mean everything on the site would need to be compliant.

Commissioner Carpenter inquired about language from the staff report that said *'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.'* He asked what kinds of things would trigger additional requirements for compliance.

Ms. Miller said the access point would not change but a concrete apron would be required to eliminate gravel from transferring over to Learnard. She said other examples would include drainage problems or health & safety issues that could require revisions.

Commissioner Carpenter asked how many businesses were operating on the property.

Ms. Miller said Central Soyfoods, Seeds from Italy, and then the educational component. She did not know how many crop agricultural businesses would operate on the site.

Commissioner Carpenter asked if there was anything in the Code that talked about how many businesses could be on site.

Ms. Miller said no. She said crop agriculture was permitted.

Commissioner Carpenter asked if it would be similar to a community garden where several people could rent space.

Ms. Miller said that was correct.

Commissioner von Achen inquired about the applicant not being in agreement with some of the staff report conditions. She asked about Planning Commissions roll.

Mr. McCullough said there were three primary issues of concern for the applicant; the driveway apron, sidewalk benefit district, and the platting. He said the platting issue was a Subdivision Regulation requirement. He said the applicant had submitted an appeal that would go into effect if Planning Commission approved the platting condition of the Special Use Permit. He said the Board of Zoning Appeals would take up that issue. He said the concrete apron and sidewalk were directly related to the Special Use Permit. He said staff encouraged walkability and controlling the gravel and dirt from going into the public right away was important.

Commissioner Carpenter said a precedent had already been set on Learnard for another property owner to not protest sidewalks. He said the Barker Neighborhood has consistently worked to keep sidewalks off Learnard. He said Learnard was very narrow and may not be appropriate for a sidewalk because it would change the character of the street. He said the neighborhood also wanted the gravel kept on the lot to drain some of the water onsite instead of draining to the street. He said the neighborhood did not want Learnard widened. He felt speed bumps would be nice. He felt that doubling the square footage of the property could require historic Learnard to be widened. He said he would vote in favor of the conditions.

ACTION TAKEN

Motioned by Commissioner Carpenter, seconded by Commissioner Britton, to approve the Special Use Permit, SUP-16-00361, 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.*

Commissioner Kelly felt the conditions were appropriate and understood the applicants concerns. He said he would vote in favor of the motion.

Unanimously approved 7-0.

DRAFT