

# Memorandum

## City of Lawrence

### Planning and Development Services

TO: City Commission  
FROM: Mary Miller, Planning Staff  
CC: Tom Markus, City Manager  
DATE: September 14, 2018  
RE: Extension Request for SUP-16-00361, Central Soyfoods a *Manufacturing and Production, Limited* use, at 1501 Learnard Avenue. Submitted by David Milstein for Sunrise Green LLC, property owner of record.

#### **Background**

The application for Central Soyfoods Special Use Permit, SUP-16-00361, was submitted in 2016 as part of the redevelopment of 1501 Learnard Avenue; the former Sunrise Garden Center. As part of the redevelopment, the property was rezoned to the IL (Limited Industrial) District with conditions to permit the specific local food/urban agriculture related uses which were being proposed.

The Sunrise Garden Center was built in 1926 and was in operation prior to being annexed into the city in 1956. The surrounding neighborhood developed around the facility. When the garden center closed, the property was advertised for sale as redevelopment property. At that time, the garden center lost its nonconforming status in the RS7 (Single-Dwelling Residential) Zoning District. Rezoning the property was necessary to allow the reinstatement of the garden center use and add other uses being proposed. The redevelopment of the property includes the reuse of the greenhouses and planting areas as *Urban Agriculture* uses and the establishment of Sunrise Project, a non-profit local food/ urban agriculture educational use. Seeds from Italy, a mail-order seed distribution company, was also planned as part of the redevelopment. This *Wholesale Storage and Distribution, Light* use also required approval of a special use permit. The special use permit was approved and the distribution company is currently operating on the site. This subject use, Central Soyfoods, is classified as a *Manufacturing and Production, Limited* use. The use was considered appropriate for this location due to its small-scale and connection to local food. Central Soyfoods uses soybeans grown in the area and distributes its products regionally.

As several of the new uses would occupy the existing structures and required minimal changes to the site they were permitted to occur without the property being platted. However, the Planning Director determined that the construction of a new building would be a significant change that would trigger the platting requirement. One condition of the special use permit for the Central Soyfoods facility is that the property must be platted prior to issuance of a building permit for the new structure. The applicant contacted with a firm to prepare the preliminary plat; but has been having health issues the past year and has not been able to complete this platting requirement.

### **Project Description (if applicable)**

The special use permit for Central Soyfoods was approved on November 6, 2016 with the adoption of Ordinance 9306. The special use permit allows the use and also serves as the site plan for the approximately 1,520 square foot proposed facility. (Figure 1)



**Figure 1.** Elevation of proposed Central Soyfoods tofu processing facility.

### **Extension Discussion**

Approval timeframes are set on special use permit and site plan approvals to insure that the Land Development Code or City Code have not changed since the project was approved. If the regulations have changed in a way that impacts the project, the plan would need to be revised to reflect the changes and insure compliance. In addition, the character of the surrounding area is reviewed to insure that no changes have occurred since the approval which would cause the proposed development to be incompatible with the existing land uses in the area. Along with the timeframe for special use permit approvals, the Land Development Code also provides a process for requesting an extension. (Section 20-1306(k)) This extension process provides property owners in the area with notice that the project is still underway.

The following is staff's review of the extension request:

- 1) There have been no changes to the Land Development Code or the overall City Code which would impact the proposed development of the soybean processing (tofu) facility.
- 2) Notice of the extension request was mailed to all property owners within 400 feet of the subject property. This notice informs property owners in the area that the project is still underway and provides them an opportunity to voice any concerns they may have with the extension request. At the time this memo was published, no public comment had been received in the Planning Office regarding this extension.
- 3) Development of the area. The subject property is located within a developed neighborhood. No development plans have been submitted for the area since the

approval of the special use permit and only one residential building permit was issued since the approval. This building permit was for a small addition to an existing house. The character of the surrounding area has not changed since the special use permit was approved.

**Staff Recommendation**

Based on the fact that there have been no changes in the Land Development Code or other City Codes that would affect this development, and the character of the neighborhood has not changed since the approval of the special use permit, staff recommends approval of a two year extension to the special use permit approval allowing the applicant time to complete the conditions of approval, subject to the conditions of approval listed in the special use permit ordinance.

**Action**

Approve a two-year extension, to November 6, 2020, for the approval of SUP-16-00361 for establishment of a *Manufacturing and Production, Limited* use at 1501 Learnard Avenue as part of the Sunrise redevelopment project.