



Updated:

10/19/15 @ 1:30pm

Added communications for Item 1 – Rezoning 1501 Learnard Ave

10/15/15 @ 4:00pm

Added Draft September 21, 2015 Planning Commission Minutes

10/14/15 @ 2:30pm

The Draft September 21, 2015 Planning Commission Minutes will be added when available.

**LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
OCTOBER 19 & 21, 2015 6:30PM - 10:30PM**

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of September 21, 2015.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

**REGULAR AGENDA (OCTOBER 19, 2015) MEETING
PUBLIC HEARING ITEMS:**

ITEM NO. 1 RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)

Z-15-00427: Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Ave from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District with conditions to limit certain uses. Submitted by Sunrise Green LLC, property owner of record.

ITEM NO. 2 TEXT AMENDMENT FOR URBAN AGRICULTURE (MKM)

TA-15-00346: Consider a Text Amendment to the City of Lawrence Land Development Code, to add Urban Agriculture as a permitted use and establish standards. *Initiated by City Commission on 6/23/15.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

November 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

September 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October 2015						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

PCCM Meeting:

(Generally 2nd Wednesday of each month, 7:30am-9:00am)

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2015
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM (*Friday Meeting)	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 14	Work Plan & Topics for 2015		Jan 26	Jan 28
Feb 11	Entrepreneur Incubator Spaces		Feb 23	Feb 25
Mar 11	Legal Review – Open Meetings & Communication Issues		Mar 23	Mar 25
Apr 8	Article 9 - Parking Amendments		Apr 20	Apr 22
May 6	Article 9 – Parking Amendments	APA Conference Updates	May 18	May 20
Jun 10	Discussion of Future Land Uses at Iowa Street/K-10 interchange	Health Impact Assessments - Charlie Bryan, LDCHD		Jun 24
Jul 8	Article 9 - Parking Amendments		Jul 20	Jul 22
Aug 12*	CANCELLED		Aug 24	Aug 26
Sep 9	Sustainability – Eileen Horn		Sep 21	Sep 23
Oct 9**	PC Orientation – all day Friday		Oct 19	Oct 21
Nov 4	Cultural Plan – Porter Arneill		Nov 16	Nov 18
Dec 2	TBD		Dec 14	Dec 16
	Suggested topics for future meetings: <i>How City/County Depts interact on planning issues</i> <i>Stormwater Stds Update – Stream Setbacks</i> <i>Overview of different Advisory Groups – potential overlap on planning issues</i> <i>Joint meeting with other Cities' Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>New County Zoning Codes</i> <i>Tour City/County Facilities</i> <i>Water Resources</i>		<i>Communication Towers – Stealth Design, # of co-locations, notice area</i> <i>WiFi Connectivity & Infrastructure Planning</i> <i>Oread Overlay Districts & Design Guidelines</i> <i>Comprehensive Plan – Goals & Policies</i> <i>Sustainability</i> <i>Affordable Housing</i> <i>Retail Market Impacts</i> <i>Cultural Plan/9th Street Corridor</i> <i>Case Studies</i>	
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

2015 PLANNING COMMISSION ATTENDANCE

[illegible]

2015 MID-MONTH ATTENDANCE

	Jan 14 2015	Feb 11 2015	March 11 2015	April 8 2015	May 6 2015	June 10 2015	July 8 2015	Aug Cancelled	Sept 9 2015	Oct 9 2015
Britton	Yes	Yes	No	Yes	Yes	Yes	Yes		Yes	Yes
Butler					No	Yes	No		No	Yes
Culver	Yes	Yes	Yes	Yes	Yes				Yes	Yes
Denney	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes
Graham	No	No	No	Yes	Yes	No	No		No	
Josserand	No	No	Yes	No	Yes					
Kelly	Yes	No	Yes	Yes	Yes	Yes	Yes		Yes	Yes
Liese	Yes	Yes	No	No	Yes	Yes	No		Yes	Yes
Sands									Yes	Yes
Struckhoff	Yes	Yes	Yes	No	Yes	Yes	Yes		Yes	Yes
von Achen	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes



PLANNING COMMISSION MEETING
September 21, 2015
Meeting Minutes

September 21, 2015 – 6:30 p.m.

Commissioners present: Butler, Britton, Culver, Denney, Kelly, Liese, Sands, Struckhoff, von Achen

Staff present: McCullough, Crick, Day, Larkin, M. Miller, Ewert

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of August 24, 2015.

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the August 24, 2015 Planning Commission minutes.

Approved 9-0.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Britton said the Horizon 2020 Steering Committee met and that Planning Commission would have a discussion about that later tonight.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No abstentions.

PC Minutes 9/21/15

ITEM NO. 1 SPECIAL USE PERMIT FOR ROCK CHALK PARK; 6100 ROCK CHALK DR (MKM)

SUP-15-00334: Consider a Special Use Permit for an *Active Recreation* use, an indoor/outdoor KU Tennis Facility, at Rock Chalk Park, located at 6100 Rock Chalk Drive (associated with 100 Rock Chalk Lane). Submitted by Paul Werner Architects, for RCP LLC (City of Lawrence equitable owner, IRB), property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, agreed with the staff report conditions.

PUBLIC HEARING

Mr. Rick Hird, Petefish, Immel, & Heeb Law Firm, representing Mr. Jack Graham. He said when the Special Use Permit (SUP) for Rock Chalk Park was approved by City Commission there was an issue with the lighting. He said the lighting was installed with poles that were higher than allowed by Code, without filing a photometric plan, and in violation of the terms of the SUP. He said the City Commission granted the SUP, approved the photometric plan, and by the time it got to City Commission the lights had been up for a long time. He said he asked City Commission to require the most effective glare control for the lights. He stated Commissioner Farmer said he was tired of the nit picking and whining. He said his client was not objecting to Rock Chalk Park because it was a done deal. He felt Planning Commission had an obligation under the ordinance that says the lighting shall be designed to the maximum extent feasible to minimize adverse impacts on traffic safety and nuisance impacts. He referenced an email sent on April 21, 2014 from Mr. Stephen McDowell to the City Commissioners, which talked about the glare and light trespass being unacceptable. He felt it was important to mitigate the impact to the maximum extent feasible. He wondered if there were potentially better shields available. He said the photometric plan did not measure glare, only the footprint on the ground below. He said his client appreciated the building location but it did not block the glare. He asked Planning Commission to make sure that the inquiry and research had been done that these were the best possible fixtures. He said additional shields could be installed to not adversely impact neighbors. He showed a shield example on the overhead.

APPLICANT CLOSING COMMENTS

Mr. Werner said Mr. Hird's assessment that this was discussed at City Commission was right. He said a special consultant reviewed the photometric plan. He said the lights needed to work for Rock Chalk Park to work. He said the Sports Pavilion tennis court lights impacted Mr. Graham the most. He said the lights for this tennis facility were ½ mile away and the tennis court lights were only 50' tall. He stated the time would be limited for use. He said tennis was not really a winter sport so when the trees have lost their leaves it would probably not be in use.

COMMISSION DISCUSSION

Commissioner Liese said the lighting in the past had not been reviewed as much as he would have liked. He felt the request was a reasonable one but he was not sure how to achieve it. He felt they should figure out the very best way that all parties could get what they wanted and the community could get what they need.

Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>

Commissioner Butler asked if the design that Mr. Hird showed on the overhead was available now.

Mr. Hird said it was his understanding that the shield was available now.

Mr. Werner said that information was not shared with him. He said the photometric plans did not show glare. He said even with a shield the lamp would still be seen from certain angles. He stated shields might require more lights to be installed. He stated the consultant could look at it again. He said these lights were the farthest away and not as tall.

Commissioner Butler asked if the lighting had been designed to the maximum extent possible.

Mr. Werner said it was a reasonable solution and the City Commission made that call when they approved the plans. He said Free State High did not have shields at all. He said glare was hard to measure and putting something on the lamps would probably require more lights.

Commissioner Liese asked staff about each party paying for half of the fees for an expert and have that expert be the deciding factor.

Mr. McCullough said the glare was a biggest concern with the lights. He said there were houses much closer to the west, for example, that shared the full brunt of some of the lights that faced west. He said the impact depended on the location of where you were compared to the light fixture and topography. He said when they looked at this the first time they had the benefit of different types of lights in a brochure. He said the way they approached this then and now is looking at the location of the tennis facility building with the light poles themselves, knowing the building would shield most of the glare from the lights. He said the conditions dictate cut off times and light levels. He could not say whether this was the best of the best in terms of cutoff fixtures. He said staff recommended feasible conditions to mitigate the impact.

Commissioner Liese asked what would protect Mr. Graham from choosing a consultant that would be paid by someone with a stake in it.

Mr. McCullough said there was a consultant the first time and the outcome of that was mixed. He said there was a recommendation from Mr. Graham to employ better shields. He said the lights were already up so staff employed cutoff times as well. He said it was impossible to screen field lights but they could be mitigated in a feasible way.

Commissioner Liese asked Mr. Hird about the essence of his client's request.

Mr. Hird said the essence of the request was that his client wanted to know that this was the best possible alternative shield. He said the lights at Rock Chalk Park on the 100' poles created intrusive glare into his home. He said his client wanted the lights to mitigate the glare to the maximum extent possible.

Commissioner Liese suggested a consultant agreed upon by all parties that would be neutral.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Struckhoff, to approve the Special Use Permit, SUP-15-00334, for the additional *Active Recreation* use at Rock Chalk Park subject to the following conditions:

1. Provision of an executed Site Plan Performance Agreement.
2. Dedication of utility easement by separate instrument for the sanitary sewer main.
3. Prior to the item being considered by the City Commission, Staff will review, in consultation with lighting designers, the shielding specifications proposed for the tennis court lights to insure that the lighting has been designed, to the maximum extent feasible, to minimize nuisance impacts (glare) on residential property.
4. Provision of a revised plan with the following changes:
 - a. Addition of the following note: *"The KU tennis court lights shall be shut off no later than 10:30 PM Sunday through Thursday and no later than 11:00 PM on Friday and Saturday nights; unless there is a tournament that runs past that time."*
 - b. The plan should note the type of screening to be used for the trash receptacles/dumpsters and mechanical equipment.
 - c. Revised water and sanitary sewer lines per the City Utility Department's approval.
 - d. Show and label the 20 ft Landscape Easement on the south side of Rock Chalk Drive right-of-way.
 - e. Show the easement for the sanitary sewer main and note the Recording Information (Book and Page Number).

Commissioner von Achen asked Mr. Hird to put the shield picture back on the overhead. She asked if they were clip on and would be added to the existing lights.

Mr. Hird said he did not know.

Mr. McCullough said he thought they were designed as a series of light fixtures that were attachments to the bare fixture.

Mr. Werner said shields would require adding more lamps. He stated the lighting consultant that Gould Evans used found it met the Code. He said separate photometric plans were submitted for each field individually. He said the Sports Pavilion lights were the closest to Mr. Graham's house.

Commissioner von Achen asked if the lights could be directed more downward.

Mr. McCullough said the taller the lights were the more direct downward they could be pointed, but would depend on the topography. He said there were a lot of variables with light design.

Commissioner Culver asked staff to elaborate more on process regarding a consultant providing info to City Commission.

Mr. McCullough preferred not putting the applicant and neighbor in the position of agreeing on an outcome. He said staff would be more comfortable with looking into better shielding options to present to the City Commission. He said that could have additional impacts, such as more fixtures.

Commissioner Sands asked if the lighting on T3 was the concern (referring to plan that Mr. Werner had on the overhead).

Mr. Werner said T3 was the lighting Mr. Graham was concerned about. He said T5 and T6 would not impact Mr. Graham.

Commissioner Kelly asked about the brightness of a foot candle.

Mr. McCullough said a foot candle was pretty dim..

Commissioner Kelly asked how often KU televised tennis matches.

Mr. Werner said their existing facility was not lit so it was not an option currently.

Commissioner Kelly asked how often the high lighting would be used.

Mr. Werner said rarely and that they would not be on when not needed since they would be paying the electric bill.

Commissioner Kelly asked how often a game might go past the amount of time listed.

Mr. Werner said very rarely.

Commissioner Liese asked if the applicant would be comfortable with a consultant taking another look at the lights.

Mr. Werner said yes. He said he preferred the word 'appropriate' for lighting, versus 'best.'

Commissioner Denney asked if these were the same lights used elsewhere in Rock Chalk Park.

Mr. Werner said yes, but on much lower poles.

Commissioner Denney said he was not sure about the difference between brightness and glare. He asked if they were really talking about glare or about where the lights were aimed. He wondered if it was really a shielding issue they were talking about.

Mr. Werner said he was comfortable with how low the lights were and where the building was.

Commissioner Culver said there may not be full agreement on both sides for what was the best possible lighting.

Mr. Hird said he was in favor of having an independent consultant look at this. He stated the ordinance said to the maximum extent feasible.

Commissioner Culver said he would like to see the language maximum extent feasible in the motion.

Commissioners Liese and Struckhoff were comfortable with that language as part of the motion.

Commissioner Struckhoff asked if any consideration had been given to a remedy such as a tree line between Mr. Graham's property and Rock Chalk Park.

Mr. McCullough said essentially there were trees between the two properties. He said his assumption was that the fixtures could not be seen when the trees had leaves. He said at certain angles the lights could be seen because the trees were not dense enough.

Commissioner Britton said he was having trouble with the idea of a consultant instead of trusting staff to look at it. He said it seemed like this could be one of those things that staff can determine and he would rely on their expertise. He trusted staff and he felt they had done a good job. He did not want to set a precedent for a second lighting study.

Mr. McCullough said Mr. Hird was asking for an exercise in reviewing options to see if a longer shield would help. He said originally the City paid for the consultant to look at the design. He said if the issue was Mr. Graham seeing a lightbulb a ½ mile away then staff would concentrate on the T3 area and eastern poles to see if longer shields could be installed.

Commissioner Britton asked who would be deciding the best feasible option.

Mr. McCullough said staff had employed full cutoff fixtures, time limits, and a ½ mile distance between the concerned property and the lighted site. He said staff did not pursue all the different detailed options by all the different manufacturers. He said the City did have some expertise with the topic, especially Parks & Rec, with all the different courts and fields the City lights. He said he was not sure a third party would be as helpful. He said what would be helpful was to document the facts of the proposed lights, fixtures available, and why they could or could not be employed.

Commissioner Britton asked if the motion was to have consultant decided whether lighting design would mitigate the adverse effects to the maximum feasible extent. He said he was concerned about giving the consultant the job of deciding that instead of staff. He said he would be more comfortable if a consultant advised and allowed staff to actually determine it.

Commissioner Kelly said he did not want to lose context of all the things that had been done to mitigate the glare. He stated this project had history and the City was the applicant. He said he was more comfortable with a consultant providing input.

Mr. McCullough clarified the City was not the applicant and it was not a City driven project. He said the City was an owner listed because of the industrial revenue bonds associated with it. He said KU was the owner.

Commissioner Denney asked if staff felt like they had looked at this to the degree that they could say the maximum feasible system was being recommended.

Mr. McCullough said staff felt it was a reasonable package of mitigation applied but that they could provide additional information and options to present to the City Commission.

Commissioner von Achen asked if the lights would be on when the courts were not in use.

Mr. McCullough said it was his understanding no since it would cost money to run the lights.

Commissioner von Achen noted the staff report recommendation of 5,300 parking spaces but the applicant had another parking study which reduced it to less than half of that to 2,100 parking spaces.

Ms. Miller said the 5,300 was the amount of parking for a bigger event, such as relays. She said the bigger events would not all be accommodated by parking on site and would include a shuttle. She said there were 2,500 parking spots on site. She stated there would never be an activity in all the facilities at one time, they would be staggered.

Unanimously approved 9-0.

DRAFT

PC Minutes 9/21/15

**ITEM NO. 2A PRELIMINARY DEVELOPMENT PLAN FOR 6th & MONTEREY WAY PCD
MORGAN ADDITION; 800 MONTEREY WAY (MKM)**

PDP-15-00378: Consider a revised Preliminary Development Plan for a multi-use development consisting of multi-dwelling structures, a detached dwelling, and construction sales and services and associated variance from building setback requirement. 6th & Monterey Way PCD Morgan Addition, located on approximately 2.5 acres at 800 Monterey Way. Submitted by Allen Belot Architect, for Robert J. and Beverly G. Morgan, property owners of record.

ITEM NO. 2B FINAL PLAT FOR MORGAN ADDITION; 800 MONTEREY WAY (MKM)

PF-15-00380: Consider a Final Plat for Morgan Addition, a 2 lot subdivision on approximately 2.5 acres located at 800 Monterey Way. Submitted by Landplan Engineering, for Robert J. and Beverly G. Morgan, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented Items 2A & 2B together.

APPLICANT PRESENTATION

Mr. Allen Belot, Allen Belot Architect, agreed with the staff report. He said there was a preservation plan to save as many trees as possible. He said he did not have any problem with evergreen trees, as discussed in the communication letter that was included in the packet. He said regarding the connection there were five different property owners and his clients did not want to play referee to getting the others to agree.

PUBLIC HEARING

Mr. Don Dhans said he lived south of the proposed building and he liked the greenspace near his property. He expressed concern about keeping some of the greenspace as a buffer. He liked that the apartments would be two story instead of three story. He also said he would like a privacy fence. He also expressed concern about lighting and property values.

Mr. Chad Simpson said he liked the greenspace and wanted to maintain some of that. He expressed concern about property values going down. He said he would like a privacy fence. He stated he wanted access to Comet Lane opened up.

Ms. Judy Brynds said she liked the privacy that the greenspace provided. She expressed concern about property values.

APPLICANT CLOSING COMMENTS

Mr. Belot said the buffer zone on the south side would be preserved. He said he had no problem with evergreen trees as requested by the public. He stated the back of the building would have no different lighting than the patio lighting of the existing houses in that area. He did not see how a fence would add to the visual value of the tree line and felt it would be redundant. He said they would probably have to tear up trees to install a fence. He stated installing a fence instead of trees could potentially be an alternative.

COMMISSION DISCUSSION

*Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>*

Commissioner Britton asked staff if the connection to Comet Lane was something City Commission would consider.

Mr. McCullough said it was a condition of approval and ultimately the decision of City Commission. He said staff was recommending that connection be made and other things would follow that connection.

Commissioner Kelly asked Mr. Belot about why the shop was designed where it was.

Mr. Belot said it was a neat little house with a rural feeling. He said the house had a neat scale and qualities to it. He felt that putting a two car garage in front of the house would be an insult to the house. He stated as a compromise the garage was pulled back so it wasn't the dominant architectural element when you look at the front of the house from the street. He said there was a fence and mature trees in the back. He stated the impact of the 9' was more of a benefit to the streetscape since more people would see it from the front than the back. He said nobody would see the back because there were 30' mature trees behind the garage.

Commissioner von Achen asked what the nature of the shop was. She asked if the shop was commercial.

Mr. Belot said Mr. Morgan had run a concrete business out of the shop for 35 years. He said the business had been reduced and had a significantly smaller imprint than 35 years ago. He said they need a place to park a few vehicles, especially in the winter time.

Commissioner von Achen asked Mr. Belot to discuss the west side of the plan (the area in blue).

Mr. Belot said it was the turf detention area. He said the size of it had been determined but not the material.

Commissioner Kelly struggled with the idea of moving the garage back to maintain the rural feel when it was next to apartment buildings. He said he would be more comfortable with moving the garage forward and maintain the space behind. He said the entire area still had nice stands of trees. He struggled with the variance of moving the garage back.

Mr. Dhans said his comment about installing a fence was to protect his property from people who might come on to his property.

Mr. David Roubison said he did not see how the trees could be kept. He was concerned about kids cutting through his yard. He said there was tons of room to put in a fence and keep the trees.

Ms. Miller said there was a utility easement on the property.

Mr. Belot said he thought by trying to preserve the trees it would provide a thick and adequate buffer. He said if a fence was installed he would want relief from tree replacement. He said a fence would block the view of the trees which would defeat the purpose of the trees.

Commissioner Sands said there was already an apartment complex to the north. He asked the neighbors if there had been any issues with kids or residents of those apartments encroaching.

Complete audio & video from this meeting can be found online:

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Mr. Simpson said there have been several incidents in the years he had lived there. He said kids play in the greenspace and that his gate has been opened and things thrown into his yard. He said kids run back and forth quite a bit. He felt that retaining trees would no good because the greenspace was mostly thickets. He said there would be nothing dividing his property from apartments because the thick bushes would be ripped out and replaced with grass. He stated there was plenty of room for a fence.

Ms. Miller said the plan was to save as many trees as possible on the south side but that if any were destroyed during utilities or construction they would be replaced one for one. She said until a tree inventory was done they would not know exactly know how many trees there were.

Commissioner Britton said it sounded like if the trees worked out great but if they don't work out maybe there should be a fence.

Commissioner Sands pointed out this project was infill.

Commissioner von Achen asked Mr. Belot about the space between the neighbors and the tree line.

Mr. Belot used an aerial on the overhead to point out the tree line.

Commissioner von Achen asked if all the trees were on the Morgan property.

Mr. Belot said most of them. He said he would be happy to take out all the trees and put in a bufferyard as defined by Code. He wanted to preserve as many trees as possible.

Commissioner Denney asked how far it was from the nearest duplex to the back of the proposed apartment building.

Mr. Belot said about 60'-70' away from the apartment building.

Commissioner Denney said it looked like a narrow setback.

Mr. Belot said he was basing his figure on assumptions from the Code.

Commissioner Kelly said the fact was that someone else owned the greenspace. He said Mr. Belot was trying to work with the neighbors the best he could to preserve as much as he could. He said nothing was preventing the homeowners from installing a fence on their own property line to protect whatever they want to protect. He said it was tough because it was hard to make everyone happy.

ACTION TAKEN on variance for Item 2A

Motioned by Commissioner von Achen, seconded by Commissioner Butler, to approve the variance from the side setback and the rear and peripheral setback to allow the following to be located within the required setbacks:

1. The existing residence and proposed addition located within 12 ft 4 in of the east property line.
2. The proposed shop to be located within 21 ft of the south property line, subject to the following condition:

- a. Installation of a 6 ft privacy fence to the south of the shop and associated access drive to provide screening from the residential property to the south.

Commissioner Britton said he would support the motion because he put a lot of stock into staff's recommendation.

Commissioner Sands inquired about the setback.

Ms. Miller said it was a 20' setback.

Motion carried 8-1, with Commissioner Kelly voting in opposition.

ACTION TAKEN on 2A Preliminary Development Plan

Motioned by Commissioner von Achen, seconded by Commissioner Butler, to approve the Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. If the City Commission approves the connection of the shared access drive to Comet Lane, the sidewalk along the shared access drive will be extended to Comet Lane, the shared access drive shall be named, and the shared drive will be constructed to connect with Comet Lane.
2. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Include a listing of the uses which are permitted in the PDP with the revised uses in the A-2 Phase: *Detached Dwelling* and *Construction Sales and Services*.
 - b. Show the complete PCD in the Preliminary Development Plan or provide a copy of the most recently approved PDP along with the revised PDP for this property.
 - c. If the City Commission approves the connection to Comet Lane, list the name of the shared access (private street) and show the shared access/private street and sidewalk being extended to connect to Comet Lane.
 - d. Revise the Interior Parking Lot Landscaping requirement.
 - e. Make revisions to the sanitary sewer and water lines/easements per the City Utilities Department's approval.
 - f. Note the amount of Common Open Space that is being provided and the percentage of the total site area that it includes and revise the pervious surface figure in the site summary.
 - g. If the variance from the southern setback is approved, show and label a fence to the south of the shop and associated access drive.

Commissioner Britton said the applicant was doing what was reasonable to preserve the quality of life that the foliage provided.

Commissioner Culver said there had been some accommodations of impact and scope of the project in addition to the greenspace. He said the three story apartment complex had been reduced to a two story apartment complex as a compromise to make it a smoother transition into the neighborhood.

Unanimously approved 9-0.

ACTION TAKEN on 2B PF

Motioned by Commissioner von Achen, seconded by Commissioner Denney, to approve the Final Plat for the Morgan Addition and forwarding it to the City Commission for acceptance of easements and rights-of-way, subject to the following conditions:

1. Provision of revised, executed Master Street Tree Plan with revised species and minor technical changes for recording.
2. Pinning of lots in accordance with Section 20-811(k) of the Subdivision Regulations.
3. Provision of a revised Final Plat with the following change:
 - a. Endorsements revised to reflect that the Planning Commission approved the Final Plat and the signature blank revised to 'Clay Britton, Planning Chair'.
 - b. Signature blanks for mayor and city clerk updated.
 - c. Easements revised, if necessary, to reflect those shown on the approved Preliminary Development Plan.

Unanimously approved 9-0.

PC Minutes 9/21/15

**ITEM NO. 3 FINAL DEVELOPMENT PLAN FOR BAUER FARM CREDIT UNION; 4851
BAUER FARM DR (SLD)**

FDP-15-00373: Consider a Final Development Plan for Bauer Farm Credit Union, located at 4851 Bauer Farm Dr. Submitted by Landplan Engineering, for Free State Holdings, Inc., property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, agreed with the staff report.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Culver said the second shared access with CVS made sense to include if possible because a car going through the teller drive-thru may be able to get out of that circular pattern without waiting for other cars.

Ms. Day said it provided a pass-thru escape route.

Commissioner Sands asked if the existing sidewalks would remain.

Ms. Day said yes.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to approve the Final Development Plan based upon the findings of fact presented in the body of the Staff Report, subject to the following conditions:

1. Applicant shall submit a photometric plan including a point by point illumination array to show the lighting levels and fixture type are compliant with the standards in Section 20-1103(d)(3) prior to release of the Final Development Plan for issuance of a building permit.
2. Applicant shall submit a copy of the written permission from the adjacent property owner for shared access along the south property line prior to the release of the Final Development Plan.

Unanimously approved 9-0.

PC Minutes 9/21/15

ITEM NO. 4 PRELIMINARY PLAT FOR DREAM HAVEN; 2910 PETERSON RD (MKM)

PP-15-00067: Consider a Preliminary Plat for Dream Haven, a 7 lot residential subdivision containing approximately 9.3 acres, located at 2910 Peterson Road and adjacent parcels, and associated variances from the lot design and right-of-way width requirements in Section 20-810 of the Subdivision Regulations. Submitted by Treanor Architects, for David A. and Anne K. Gnojek and Dream Haven II LLC, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Matt Murphy, Treanor Architects, was present for questioning.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands inquired about the cul-de-sac.

Ms. Miller said there would be one additional lot, two lots total, with one driveway.

Commissioner Denney asked about the public comment letter which referred to losing land.

Ms. Miller said she did not know what the letter was referring to and that no land was being taken away from anyone.

ACTION TAKEN on Variances and Preliminary Plat

Motioned by Commissioner Kelly, seconded by Commissioner Culver, to approve the following variances and Preliminary Plat:

Variance From Right-Of-Way Width:

Variance requested from Section 20-810(e)(5)(i) subject to the following condition:

The plat shall be revised to note that a variance from the right-of-way width required in Section 20-810(e)(5) of the Subdivision Regulations was granted by the Planning Commission to allow the right-of-way on the subject property side of the center line to remain at 50 ft and list the date of approval.

Variance From Lot Design Requirement:

Variance requested from Section 20-810(a)(2)(i) subject to the following condition:

The plat shall be revised to note that a variance from the Lot design requirement in Section 20-810(a)(2)(i) of the Subdivision Regulations was granted by the Planning Commission to allow the creation of 2 lots with 30 ft of frontage on Durham Court provided the lots utilize a shared access.

Preliminary Plat

Preliminary Plat of Dream Haven II subject to the following conditions:

*Complete audio & video from this meeting can be found online:
<http://www.lawrenceks.org/boards/planning-commission/agendas>*

1. Provision of a drainage study/dam rehab plan and Downstream Sanitary Sewer Analysis per City approval.
2. Applicant shall provide a revised preliminary plat with the following changes:
 - a. Addition of notes reflecting any variances that are approved.
 - b. Addition of a note designating maintenance responsibility for the prairie grass reserve area.

Unanimously approved 9-0.

DRAFT

PC Minutes 9/21/15

ITEM NO. 5 ISSUE ACTION REPORT FROM H2020/COMP PLAN UPDATE STEERING COMMITTEE (JSC)

Consider accepting the Issue Action Report from the Horizon 2020/Comprehensive Plan Update Steering Committee to provide the base for completing a new comprehensive plan. Adopt PC Resolution PCR-15-00414, and initiate Comprehensive Plan Amendment to make changes per Issue Action Report's direction if appropriate.

STAFF PRESENTATION

Mr. Jeff Crick presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Britton thanked staff for their work.

Commissioner Culver thanked Planning Commission members that helped with the steering committee. He said Planning Commission talked about creating a vision statement for the updated plan about a year ago and he liked seeing it implemented. He looked forward to seeing what staff did with this. He fully supported accepting the issue action report.

Commissioner Kelly said there were some themes that came out in the issue action report, such as a focus on neighborhoods. He felt they should pay attention to the use of outside advisory group's plans within the Comprehensive Plan.

Commissioner Sands felt this was something they had needed for a long time. He said he was jealous he didn't get to participate in the steering committee.

Commissioner Denney appreciated all the work that went into this. He appreciated it was being put together by people who live in Lawrence, not an outside group.

Commissioner Kelly said the purpose and mission statement was developed by KU students and it was a great project for them since they were the generation that would benefit from the plan.

Commissioner von Achen asked if this would come back to Planning Commission after written.

Mr. Crick said yes.

ACTION TAKEN

Motioned by Commissioner Denney, seconded by Commissioner Sands, to adopt the issue action report and sign Planning Commission Resolution PCR-15-00414, forwarding the issue action report to the County Commissioners and City Commission.

Motion carried 9-0.

DRAFT

PC Minutes 9/21/15

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1 PC INVOLVEMENT WITH OTHER POLICY BOARDS

Discussion about Planning Commission involvement with other policy boards.

Mr. McCullough said Commissioner von Achen requested to attend the Sustainability Advisory Committee.

Commissioner von Achen said one of the Sustainability Advisory Committee's goals this year was land use planning.

Commissioner Britton said if another board thinks having a Planning Commission member would be beneficial they could do that through their by-laws but he did not want it to be a requirement for Planning Commission. He didn't want to be in a position where Planning Commission members were attending too many meetings.

Mr. McCullough said there were a lot of other boards that make recommendations to City Commission that intertwine with each other, such as Board of Zoning Appeals and Historic Resources Commission. He said as issues come up it makes sense to look at those issue by issue and not mix boards too much because each one has a specific charge. He said they have had joint meetings with Historic Resources as issues have come up but do not sit on their board regularly because of the time and energy it would take.

Commissioner Culver said there was nothing in the Code that had to pass through the Sustainability Advisory Board since they were more initiative based. He said with Historic Resources Commission there may be issues triggered for a collaborative effort.

Mr. McCullough said Planning Commission could appoint a liaison to other advisory boards.

Commissioner Kelly said as the issues come forward they could consider them as a Commission, based on interest.

ADJOURN 9:56pm

Planning Commission

Key Links



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



Plans & Documents

- [Horizon 2020](#)
- [Sector/Area Plans](#)
- [Transportation 2040](#)
- [2012 Retail Market Study](#)

Development Regulations

- [Community Design Manual](#)
- [County Zoning Regulations](#)
- [Land Development Code](#)
- [Subdivision Regulations](#)

Online Mapping

- [City of Lawrence Interactive GIS Map](#)
- [Douglas Co. Map Viewer](#)
- [Submittals to the Planning Office](#)

Planning Commission

- [Bylaws](#)
- [Mid-Months & Special Meetings](#)
- [Minutes](#)
- [Planning Commission Schedule/Deadlines](#)

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/19/15

ITEM NO. 1: RS7 TO IL; 2.96 ACRES; 1501 LEARNARD AVE (MKM)

Z-15-00427: Consider a request to rezone approximately 2.96 acres located at 1501 Learnard Avenue from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District. Submitted by Sunrise Green LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.96 acres from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, with use restrictions and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

1. Permitted uses are limited to those listed below:

- a. *Crop Agriculture*
- b. *Social Service Agency*
- c. *Health Care Office/Health Care Clinic*, provided that the gross floor area shall not exceed 3,000 sq ft
- d. *Administrative and Professional Office*
- e. *Personal Improvement*, provided that the gross floor area shall not exceed 3,000 sq ft
- f. *General Retail Sales*, provided that the gross floor area shall not exceed 3,000 sq ft
- g. *Fast Order Food*, provided that the gross floor area shall not exceed 3,000 sq ft
- h. *Limited Manufacturing and Production* when approved with a Special Use Permit
- i. *Light Wholesale Storage and Distribution* when approved with a Special Use Permit
- j. *Agricultural Sales*
- k. *Neighborhood Religious Institution*
- l. *Telecommunication Tower* when approved with a Special Use Permit
- m. *Telecommunication Antennae*, accessory
- n. *Satellite Dish*, accessory

REASON FOR REQUEST

Applicant's Response:

"Vacant for 6 months."

KEY POINTS

- The Douglas County Appraiser's records note that the retail store and greenhouses were built in 1926. The property was annexed into the City of Lawrence in 1956.
- Per Section 20-1502 of the Development Code, a use that was installed in compliance with the regulations at the time but no longer conforms due to a change in zoning or the regulations is considered a nonconforming use. Nonconforming uses are permitted to

remain in accordance with the provisions in this section of the Code. The nursery operation was established in the unincorporated portion of the County prior to the adoption of Zoning Regulations and was, therefore, a nonconforming use. The nonconforming status was lost when the greenhouse/retail use was determined to have been abandoned in 2014. As the nonconforming use status has expired, rezoning to an appropriate zoning district would be necessary for the continued use of the Garden Center and for the additional uses which are being proposed.

- The Sunrise Garden Center would have required IL (Limited Industrial) Zoning. The garden center is classified as *Agricultural Sales* in Section 20-1705 of the Development Code. *Agricultural Sales* are permitted in the following zoning districts:

CC (Community Commercial),
CR (Regional Commercial),
CS (Strip Commercial),
IL (Limited Industrial) or
IG (General Industrial).

The Commercial zoning districts listed above would not be feasible in this location as the Comprehensive Plan and Development Code contain specific locational and size criteria for these districts which this location would not meet. The IG District would not be appropriate as intense industrial activity could be allowed that would not be suitable in a residential neighborhood. The IL would have been the appropriate zoning district; however, the zoning would have been conditioned to restrict uses which were seen as inappropriate for the residential area.

- The property is located within the boundaries of the Barker Neighborhood.
- The recommendation for approval of the IL District is based on the unique characteristics and historic use of the subject property and is not an indication that the IL District would be appropriate for other properties in the area.

ASSOCIATED CASES

- SP-01-06-01; Site plan for 4,200 sq ft of building addition. 2,200 sq ft was to be reconstruction following fire damage and the additional 2,000 sq ft was second floor offices above the reconstructed area. The site plan was administratively approved on June 1, 2001; however, building permits were not issued for the addition within the required time frame and the site plan approval expired.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process: submittal and approval of a Preliminary and Final Plat and Public Improvement Plans.
- Submittal and approval of a site plan and Special Use Permit application for the proposed site improvements and change of use.
- Planning Commission recommendation on Special Use Permit application following public hearing.
- City Commission approval of Special Use Permit and adoption/publication of ordinance.

- Submittal of construction plans to Development Services for processing of building permits. Building permits required prior to construction activity.

ATTACHMENTS

Attachment A: Use Group Table

Attachment B: Concept Plan

Attachment C: Public Communications received prior to the printing of this report

PUBLIC COMMENT

Staff received several inquiries and comments from the public about the proposed uses. The comments were primarily supportive of the project but concerned with the impact that IL Zoning might have on the neighborhood. A neighbor provided a letter of support for the project. The letter is included with this report as Attachment C.

Project Summary

The property at 1501 Learnard Avenue was developed with greenhouses and a retail store in 1926, while located in the unincorporated portion of the County. Zoning Regulations in the County were not adopted until 1966. The property was annexed into the City of Lawrence in 1956 and the 1966 zoning map shows the zoning as RS-2 (Single Family Residence). This zoning converted to RS7 (Single-Dwelling Residential) with the adoption of the Development Code in 2006.

The garden center/retail use was not a permitted use in the residential districts but was allowed to remain per the provisions in Article 20-1502 of the Development Code as a 'nonconforming use'. The garden center ceased operation on December 24, 2013 and the property was offered for sale. The Planning Office requested information from the property owner regarding their future plans for the property and the measures that were being taken to continue the use. These were not provided and the use was considered abandoned and the nonconforming use status expired after the use had been discontinued for over 12 months. It would be necessary to rezone the property if the nursery/garden center use was to be restored. As noted earlier in the report, the garden center/retail sales use would be classified as *Agricultural Sales* in the Development Code and the zoning required would be IL (Limited Industrial).

The garden center was an established feature in the area and many residents have expressed interest in seeing the use continued and the buildings maintained. Rezoning is being requested to allow the use of the greenhouse and property in a different manner than the retail garden center. The applicant provided the following information about the plans for the property:

"Sunrise Green LLC was organized to purchase, rehabilitate, develop, lease, manage and maintain what was formerly Sunrise Garden Center located at 1501 Learnard.

The LLC intends to partner with various other entities to accomplish our stated organizational goals. The following potential lessees 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. The nonprofit is spearheaded by the Lawrence Community Food Alliance; Emily Hampton is the executive director, Melissa Freiburger is the program manager. One of their programs is the Lawrence Fruit Tree Project which would also have a footprint in this development.

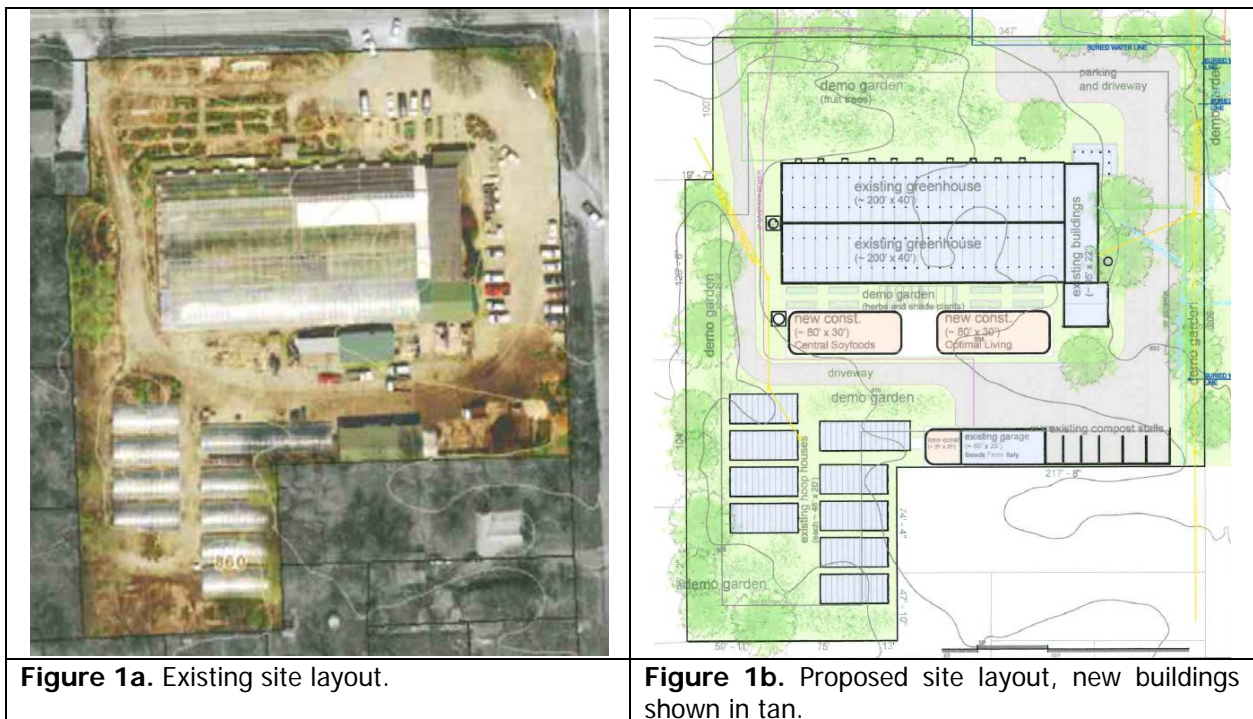
There are 2 proposed food production facilities included in the preliminary site plan that would occupy two structures of 2400 square ft. each adjacent to the 2 gabled greenhouses on the south. Optimal Living, a boutique production kitchen, specializing in 'convenience food without the sacrifice of health', Jeremy Rodrock D.C., owner and founder and Central Soyfoods LLC, a Lawrence based soyfoods processor. Central Soyfoods currently employs 5 part time people and Optimal Living, 4.

The central greenhouses would ideally be used by producers for growing micro greens, seasonal greens and organic seedlings. We are in discussions with several interested parties at this time. As much of the remaining grounds as possible will be converted to gardens, their exact nature has not been formalized.

A tenant for the masonry building attached to the east side of the greenhouses has not been identified. Ideas abound but no decisions have been made.

We have an interested party inquiring about the possibility of building a free standing seed house of 2000 square feet. This would be another low impact addition to this project and one that would benefit from and gain by being part of this mix.

Many of our decisions will turn on neighborhood needs, desires, and restrictions and, of course, zoning possibilities."



Minor physical changes are proposed to the site, as shown in the concept plan provided with the rezoning application. (Figure 1) The southern greenhouse and accessory building to the south of the greenhouse would be demolished and two new structures would be constructed in that location. The structure along the south property line would be expanded and the access drive and parking area would be improved.

The proposed uses are the focus of this rezoning request. The following list includes the proposed uses with their classification in the Development Code shown in italics:

- Greenhouses for growing of greens, micro-greens / *Crop Agriculture*
- Gardens / *Crop Agriculture*
- Education component / *Personal Improvement*
- Seed house (wholesale importer and seller of garden seed) / *Agricultural Sales/Light Wholesale, Storage and Distribution*
- Production uses: tofu production and boutique kitchen / *Limited Manufacturing and Production*

The following are uses that may be proposed in the future but are not part of the current concept plan:

- Garden related retail / *General Retail Sales*
- Coffee shop / *Fast Order Food*
- Holistic health center / *Health Care Office/Clinic*
- Non-profit counseling or life skills training, food bank / *Social Service Agency*

The following review is based on the assumption that all the uses listed above may be included in the project.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The general plan overview supports infill development and redevelopment in neighborhoods and also protection of historic buildings."

Recommendations in *Horizon 2020* are discussed below, with staff comments in red.

General Plan Overview (Page 3-1, *Horizon 2020*)

"The Plan encourages the identification, protection and adaptive reuse of the wide diversity of historic buildings, structures, sites and archeological sites that can be found in Lawrence and Douglas County."

The Sunrise Garden greenhouses were built in 1927 and are a historical component of the area. The zoning request is intended to accommodate uses that would allow the reuse of the Sunrise Garden structures and maintain the crop agriculture use.

The property is located in an existing residential neighborhood and the garden center/nursery has been a feature of this area since the 1920s. For this reason, many of the locational recommendations for industrial districts in the Comprehensive Plan are not met.

The recommendation to rezone the property to IL is based on the unique nature of the property/project and the conditions which have been crafted to insure compatibility with the surrounding uses and does not indicate that other properties in the area may be suitable for the IL Zoning or for similar uses.

Policy 3.2 Consideration of Transitional Uses

"Consider low-intensity commercial or office development as a transition between industrial and employment-related development and low-density residential neighborhoods. The low-intensity commercial or office development should include:

1. *Design elements such as: height, massing, and scale compatible with the surrounding low-density residential uses;* The only change being proposed along the exterior of the site is the expansion of the existing accessory structure along the south property line. Two new buildings are proposed in the interior of the site and these are planned to be approximately 2,400 sq ft in area and 11 ft tall. (Figure 1) The height, massing, and scale of the project will be compatible with the surrounding low-density residential uses. The *Limited Manufacturing and Production* use and the *Light Warehouse Storage and Distribution* use will occur in structures designed as recommended for transitional uses between industrial and residential uses.
2. *"Site design compatible with surrounding residential neighborhoods with consideration given to extensive screening, building and parking orientation, and preservation of natural site amenities."* The site is currently designed with green space around the perimeter which will be enhanced with demonstration gardens. The current site design is compatible with the surrounding neighborhood. The proposed site design will be evaluated in closer detail with the future reviews of the site plan and Special Use Permit application to insure that buffer yards, exterior lighting, off-street parking and other measures are compliant with the Development Code and are compatible with the nearby land uses.
3. *"Site access provided from arterial, collector, or access/frontage streets and traffic directed away from surrounding residential uses."* No changes are being proposed to the access points. There are two access points on E 15th Street, a major collector, and one access point on Learnard Avenue, a local street. The access points will be reviewed by the City Engineer as part of the site plan review based on information provided with the Traffic Impact Analysis.



Figure 2. Concept plan overlain on aerial photo of area. New structures are shown in tan.

Staff Finding – Rezoning to allow the reuse of the structures on the subject site is consistent with *Horizon 2020* goals and policies related to preservation and reuse of historic buildings and aesthetic transitions between uses of differing intensities. The rezoning request does not comply with the locational criteria for industrial uses as this is an attempt to re-use an existing facility rather than new, greenfield development. With the restrictions and standards on permitted uses, the proposed rezoning will accommodate the project in general conformance with the recommendations in the Comprehensive Plan.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

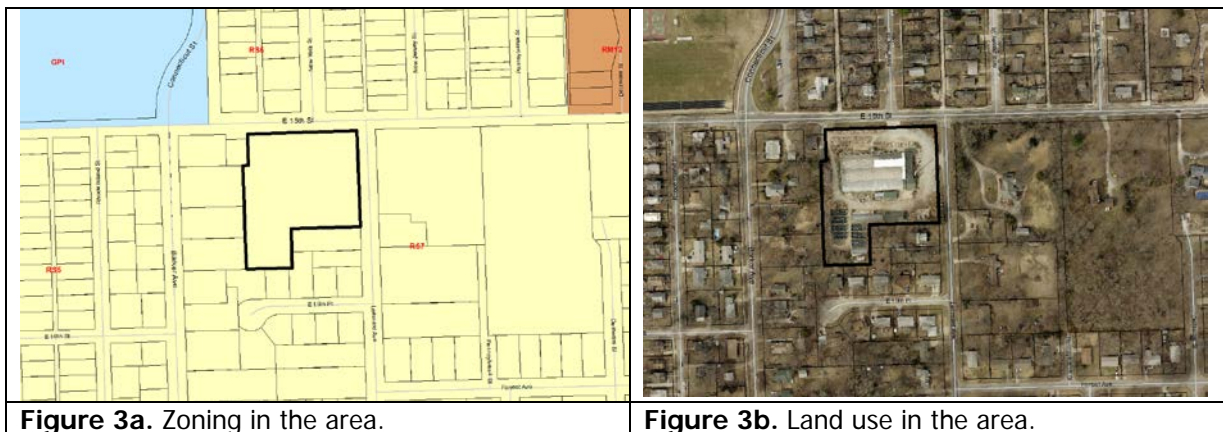
Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; *Agricultural Sales, General Retail Sales, Crop Agriculture*; former Sunrise Garden Center

Surrounding Zoning and Land Use: To the north:
RS5 (Single-Dwelling Residential) District; *Detached Dwellings*

To the east, west, and south:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*

To the northwest:
GPI (General Public and Institutional Use) District;
School, Liberty Memorial Central Middle School

(Figure 3.)



Staff Finding – The surrounding properties are zoned for residential uses and have been developed with detached dwellings. An institutional use, *School*, is in the immediate area. Most uses categorized as Industrial uses in the Development Code would not be suitable for this area; however, the limited uses and standards proposed in this report for the IL District, would be compatible with the existing zoning and land uses in the area, while allowing for the re-use of the Sunrise Garden Center facilities.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The Barker neighborhood is diverse, well maintained and interested in this project as the greenhouse has been a fixture in the community for 88 years."

The subject property is located in a single family neighborhood with uses that are typically associated with neighborhoods, a school and religious institutions. The nursery/garden center was a defining element in this area and it provided visual variety in the area as well as a variety of uses. There are registered historic properties in the nearby area, with the Samuel A. Riggs House to the east and the Edward House House to the southwest. The nursery/garden center is outside of the environs for these registered properties, and is not a registered historic property itself, but is an important factor in the character of the area.

Staff Finding – The neighborhood contains residential land uses and uses typically associated with residential neighborhoods, such as schools and churches. The garden center is an important element in the character of the area. The limited uses proposed in the IL District would result in a project that allows the reuse of the garden center facility and is compatible with the character of the area.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject property is located within the boundaries of the Barker Neighborhood. Barker Neighborhood does not have any adopted area or sector plans at this time.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response:

"Cannot be used under a residential zoning."

The property is currently zoned RS7 which permits residential uses and uses which are typically associated with residential uses. Given that the property is developed with greenhouses and garden structures, residential development on the property would require the demolition of the existing structures.

The property is suitable for converting to the residential uses permitted under the RS7 Zoning, but is also suitable for the nursery/garden center use which has historically been on the property and the uses which were included with it: *Crop Agriculture, General Retail Sales* and *Agricultural Sales*. Because of its size and the limited scope of the proposed project, it is also suitable for the *Limited Manufacturing and Production* and *Light Wholesale Storage and Distribution* uses that are being proposed.

The Development Code (Section 20-1739) defines *Limited Manufacturing and Production* as:

"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 involved in one of the following..." The list of uses includes: *"manufacturing, processing, or packaging of small-scale food production operations with limited on-site retail sales."*

The use is intended to be compatible with nearby residential uses. Additional standards can be placed on the use, if necessary, through the Special Use Permit process to insure compatibility with nearby properties.

The proposed *Light Wholesale, Storage and Distribution* use is of such small scale, 3 employees and 2,000 sq ft, that it should be compatible with the nearby residential uses; however, *Light Wholesale, Storage and Distribution* uses as a whole may not be compatible with nearby residences. To insure the compatibility of the proposed uses, or of uses proposed in the future, staff recommends that these two uses be permitted only when approved with a Special Use Permit. This will allow a public hearing process and it will be possible to establish specific standards on the proposed uses to minimize any negative impacts.

Staff Finding – The property is suited for residential development, but has been developed with a nursery/garden center in a fashion compatible with the area. Redevelopment with residential uses would require the demolition of the garden center structures. The property is well suited to the restricted uses which are proposed in this report for the IL District.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"18 months."

Staff Finding – The building was vacated in December 2013 and the property was advertised for sale.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"It will enhance nearby properties."

The removal of restrictions will allow the greenhouse structures to be re-used for the former uses on the site and the new uses proposed with this project. The facility will have an educational component and is intended to be part of the local food production system. Two small manufacturing businesses, a tofu production facility and a boutique kitchen, and a small wholesale, storage and distribution business, a seed house, would be located on the property. These would all be small scale agriculturally based businesses and would complement the other uses on the property. Limited retail sales are also planned with the project. The applicant indicated that future uses could include a holistic health center with 3 or 4 practitioners, a coffee shop, and perhaps a counseling service or other use which would be considered a *Social Service Agency*.

USE RESTRICTIONS

All uses permitted in the RS7 District should be compatible with the area as the subject property is surrounded by RS7 zoned property; however, the goal of this rezoning request is to allow the retention and reuse of the existing garden center facility and some of the uses permitted in RS7 would not be conducive to that reuse. The permitted use table in Attachment A compares uses that are permitted in the RS7 District with uses that are permitted in other low-intensity zoning districts that have been designed to be compatible with residential uses: the RSO (Single-Dwelling Residential-Office) District and the CN1

(Inner Neighborhood Commercial Center) District and also with the uses permitted in the proposed IL (Limited Industrial) District.

To facilitate the re-use of the garden center facilities, only those uses that would accommodate the reuse and retention of the existing Sunrise Garden facility will be included. (Religious Institutions and Telecommunication uses are required by law to be included in most zoning districts so these uses will be included in the list of permitted uses.) These include the following uses which are permitted in the RS7 District:

- *Religious Institution, Neighborhood*
- *Crop Agriculture*
- *Telecommunication Tower, w/SUP*
- *Telecommunication Antennae; accessory use*
- *Satellite Dish; accessory use*

The RSO and CN1 Districts were reviewed as these districts are designed to be compatible with nearby residential uses. Per Section 20-203 of the Development Code, the purpose of the RSO District is: “..to accommodate low to medium-intensity administrative and professional offices that are compatible with the character of low and medium-density residential neighborhoods.” The CN1 District's purpose is defined as: “*The CN1, Inner Neighborhood Commercial District is primarily intended to accommodate pedestrian-oriented, small-scale retail and service businesses that serve nearby residential areas, typically within a developed neighborhood.*” (Section 20-207, Development Code)

Uses which are not allowed in the RS7 District but are permitted in the RSO or CN1 Districts and that would be conducive to the reuse of the Sunrise Garden facility include:

- *Social Service Agency*
- *Health Care Office/Health Care Clinic*
- *Administrative and Professional Office*
- *Personal Improvement*
- *Retail Sales, General*
- *Fast Order Food*

The CN1 District permits *General Retail Sales*, *Fast Order Food* and *Personal Improvement* uses subject to the standard that the establishments be no larger than 3,000 sq ft. As the subject property is located in an existing single-dwelling neighborhood, the CN1 (Inner Neighborhood) District standards should be applied to uses at this location to insure compatibility with surrounding area. A similar standard should also be set on the *Health Care Office/Health Care Clinic* use to insure it remains an accessory component of the project.

The proposed use of the facility includes crop agriculture and educational programs of a non-profit nature and also includes some production activities. These uses would be classified as *Limited Manufacturing and Production* and *Light Wholesale, Storage and Distribution*; two uses that are not permitted in the RS7, RSO, or CN1 Districts. Staff recommends that these uses be permitted when approved with Special Use Permits to allow a public hearing process for the use and the site plan. Standards can be established with a Special Use Permit to minimize negative impacts that may be associated with the use. In addition, the *Agricultural Sales* use may be continued on the property. As this is the historical use, staff does not recommend any additional standards.

Limited Manufacturing and Production/ allow with SUP

Limited Manufacturing and Production is defined as:

“establishments generally employing fewer than 20 person, 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,***” (Section 20-1739, Development Code/ emphasis added).

The definition includes activities that are considered *Limited Manufacturing and Production* and the following is included “*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.*” The tofu facility and the boutique kitchen would fit into this type of use.

Staff recommends that the *Limited Manufacturing and Production* use be permitted in this zoning district with approval of a Special Use Permit. The Special Use Permit process includes a public hearing at the Planning Commission and approval by the City Commission. Site specific standards will be developed based on the characteristics of the proposed use and surrounding area to insure compatibility with the established neighborhood. Standards assigned with the SUP could include a limitation on the number of employees, maximum size of the establishment, limit on size of delivery vehicles, or other standards that would be developed through the review of the specific application and the public hearing process to minimize any negative impacts.

Light Wholesale, Storage and Distribution

This use is defined in the Code as:

“*Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants.*” (Section 20-1767, Development Code)

The definition lists several types of uses and in Staff’s opinion, the proposed use fits into the following category: “*Light wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.*”

In Staff’s opinion, the *Light Wholesale, Storage and Distribution* use would be appropriate in this area with approval of a Special Use Permit. This will allow site specific standards to be developed to insure compatibility with surrounding properties.

Fast Order Food

The applicant noted that a future use for the site might be a coffee shop or similar use. As noted earlier, the CN1 District permits the *Fast Order Food* use with a limited area of 3,000 sq ft. Two fast food uses are permitted in the Development Code, with the difference being that one permits a drive-through, *Fast Order Food with Drive-in*, and the other, *Fast Order Food*, does not. Without a drive-through, the traffic associated with the use is less and the use can be compatible in neighborhood locations. In staff’s opinion, the *Fast Order Food* use, with the same size limitation as in the CN1 District, would be appropriate for this property.

Agricultural Sales

In addition, the *Agricultural Sales* use may be continued on the property; however, as it is the historical use of the property it is considered to be compatible with the surrounding area and no additional standards or restrictions are proposed.

Following the review of the various low-intensity zoning districts based on the goal of retaining and re-using the Sunrise Garden greenhouse facility, Staff recommends the following uses be permitted in the IL District: (those that are in blue are permitted in the current zoning district)

- *Crop Agriculture*
- *Social Service Agency*
- *Health Care Office/Health Care Clinic*, provided the building or business size limited to no more than 3,000 sq ft
- *Administrative and Professional Office*
- *Personal Improvement*, provided that the gross floor area shall not exceed 3,000 sq ft
- *General Retail Sales*, provided that the gross floor area shall not exceed 3,000 sq ft
- *Fast Order Food*, provided that the gross floor area shall not exceed 3,000 sq ft
- *Limited Manufacturing and Production* when approved with a Special Use Permit
- *Light Wholesale, Storage and Distribution* when approved with a Special Use Permit
- *Agricultural Sales*
- *Neighborhood Religious Institution*
- *Telecommunication Tower* when approved with a Special Use Permit
- *Telecommunication Antennae*, accessory
- *Satellite Dish*, accessory

Staff Finding – The IL Zoning District is being restricted to allow only those uses which were included with the Sunrise Garden Center or are a part of the proposed re-use of the Sunrise Garden Facility. The recommended standards and conditions set on these uses should minimize negative impacts to nearby properties. The rezoning, with the proposed restrictions on permitted uses, should have a positive impact on the nearby properties as it would allow the continued use of the garden center facility, increase access to locally grown food, and provide educational and other activities in the neighborhood.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicants Response:

"A piece of their history will be maintained and added to, hopefully improved upon. If denied, the property will revert back to residential."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Denial of the rezoning would limit the area to uses which are permitted in the RS7 District and would prevent the re-use of the site with a similar use to the Sunrise Garden Center. The property could be developed with detached dwellings, which would be compatible with the

surrounding area; however, the Sunrise Garden Center has been a principal feature in this neighborhood and the removal of the facility would change the character of the area.

Approval of the rezoning would allow the Sunrise Garden Facility to be reused with a limited range of uses. The standards and conditions placed on the uses, as well as the measures taken during the site planning and Special Use Permit processes would insure compatibility with the neighborhood.

Staff Finding – Approval of the rezoning request would benefit the public health, safety, and welfare by allowing the reuse of the Sunrise Garden Center as part of the local food network and providing educational opportunities. Denial would require that the property be redeveloped with uses that are permitted in the RS7 District. While the reuse of the Sunrise Garden Center would not be possible with RS7 Zoning, single-dwelling residential redevelopment would be compatible with the area.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development. The rezoning request is unique in that it seeks to bring a nonconforming use which had been in existence since 1926 into compliance with the Development Code. The proposed zoning district, IL, would be required if the Sunrise Garden Center were to continue as it had operated or with the new uses that are proposed. The rezoning complies with several recommendations in *Horizon 2020*, but due to the fact that the use was established in 1926, the property does not comply with locational recommendations for industrial uses.

Staff recommends approval of the rezoning request for approximately 2.96 acres from RS7 (Single-Dwelling Residential) District to IL (Limited Industrial) District, with use restrictions and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following condition:

1. Uses permitted in the IL District shall be limited to only those uses listed below:
 1. *Crop Agriculture*
 2. *Social Service Agency*
 3. *Health Care Office/Health Care Clinic*, provided the gross floor area shall not exceed 3,000 sq ft
 4. *Administrative and Professional Office*
 5. *Personal Improvement*, provided that the gross floor area shall not exceed 3,000 sq ft
 6. *General Retail Sales*, provided that the gross floor area shall not exceed 3,000 sq ft
 7. *Fast Order Food*, provided that the gross floor area shall not exceed 3,000 sq ft
 8. *Limited Manufacturing and Production* when approved with a Special Use Permit
 9. *Light Wholesale, Storage and Distribution* when approved with a Special Use Permit
 10. *Agricultural Sales*

11. *Neighborhood Religious Institution*
12. *Telecommunication Tower* when approved with a Special Use Permit
13. *Telecommunication Antennae*, accessory
14. *Satellite Dish*, accessory

TABLE 1. COMPARISON OF PERMITTED USES: RS7, RSO, CN1, and IL

Uses identified for this project (current or future) are shown in bold blue print.

Uses permitted in the IL District and in less intense districts (RS7, RSO, and CN1) are highlighted.

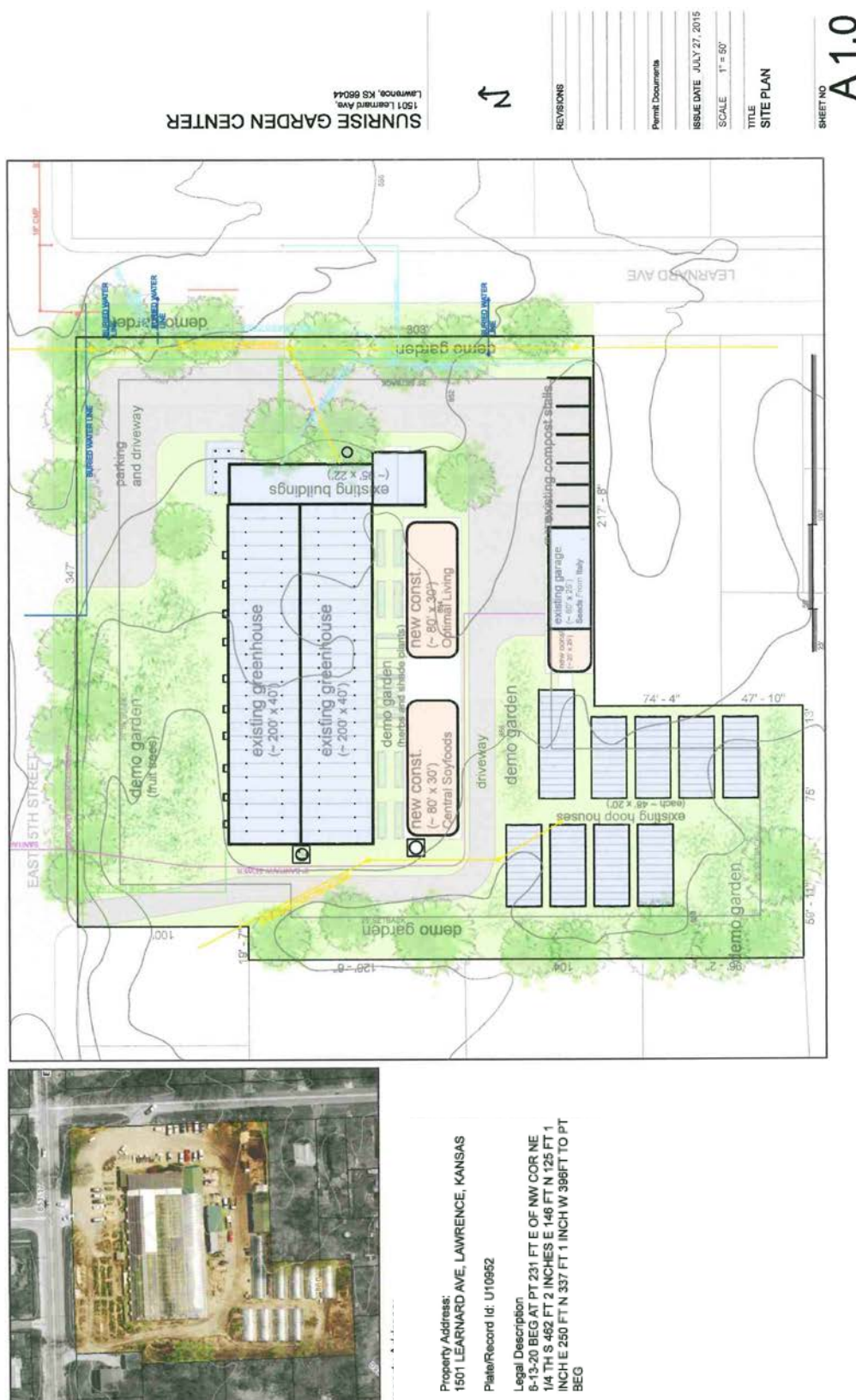
A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed	RS7	RSO	CN1	IL	STDS
Household Living					
Accessory Dwelling Unit	A*	-	P*	-	534
Attached Dwelling	S*	S*	P*	-	503
Cluster Dwelling	P*	P*	-	-	702
Detached Dwelling	P*	P*	P*	-	508
Duplex	-	P*	P*	-	503
Manufactured Home	-	-	-	-	
Manufactured Home, Residential-Design	P*	P*	P*	-	513
Mobile Home	-	-	-	P	
Mobile Home Park	-	-	-	-	514
Multi-Dwelling Structure	-	-	-	-	517
Non-Ground Floor Dwelling	--	P*	P*	-	517/542
Work/Live Unit	--	P*	P*	P*	517/542
Zero Lot Line Dwelling	P*	P*	P*	-	531
Home Occupation, Type A or B	A*	A*	-	-	537
Group Living					
Assisted Living	S	P	-	-	
Congregate Living	-	-	-	-	546
Dormitory	-	-	-	-	
Fraternity or Sorority House	-	-	-	-	
Group Home, General [11 or more]	S	S	S	-	
Group Home, Limited [10 or fewer]	P	P	P	-	
Community Facilities					
Adult Day Care Home	S	P	n/a	n/a	
Cemeteries	P*	P*	P*	P*	505
College/University	S	S	S	P	
School	S	S	P	-	
Cultural Center/ Library	S	S	S*	-	
Day Care Center	S*	S*	S*	P*	507
Day Care Home, Class A	A*	A*	P	-	507
Day Care Home, Class B	S*	S*	S*/A*	-	507
Detention Facilities	-	-	-	S	
Lodge, Fraternal & Civic Assembly	S*	S*	S*	P*	512
Postal Service	-	-	-	P	
Public Safety	S	S	S	P	
Funeral and Interment	-	P*	-	P*	505
Temporary Shelter	A*	S*/A*	S*/A*	S*/A*	544/522
Social Service Agency.....	--	P	P	P	
Community Meal Program	A*	S/A*	S/A*	S/A*	522
Utilities, Minor	P*/S*	P*/S*	P*/S*	P*/S*	530
Utilities and Service, Major	S	S	S	S	

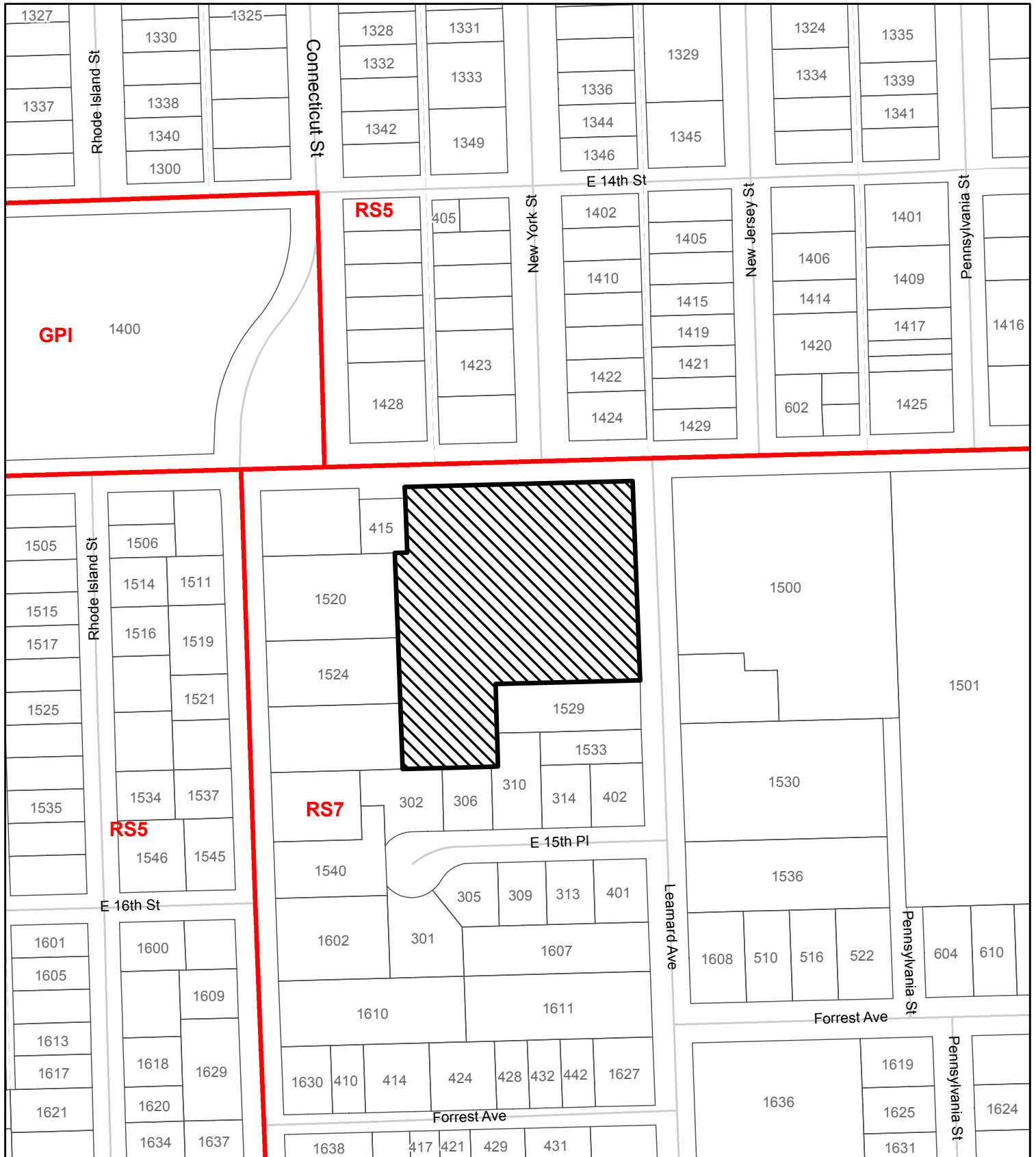
Medical Facilities					
Community Mental Health Facility	--	--	--	--	
Extended Care Facility, General	-	S	-	-	
Extended Care Facility, Limited	P	P	P	-	
Health Care Office, Health Care Clinic	-	P	P	P	
Hospital	-	-	-	-	
Outpatient Care Facility	-	P*	P*	-	519
Recreational Facilities					
Active Recreation	S	S	S	P	
Entertainment & Spectator Sports, General	-	-	-	-	
Entertainment & Spectator Sports, Limited	-	-	-	-	
Passive Recreation	P	P	P	P	
Nature Preserve/Undeveloped	P	P	P	P	
Private Recreation	P	P	P	-	
Participant Sports & Recreation, Indoor	-	-	-	P	
Participant Sports & Recreation, Outdoor	-	-	-	P	
Religious Assembly					
Campus or Community Institution	-	-	P*	P*	522
Neighborhood Institution	P*	P*	P*	P*	522
Animal Services					
Kennel	-	-	-	P	
Livestock Sale	-	-	-	P	
Sales and Grooming	-	-	P	P	
Veterinary	-	P	-	P	
Eating & Drinking Establishment					
Accessory Bar	-	-	A*	A*	
Bar or Lounge	-	-	-	-	
Brewpub	-	-	-	-	
Fast Order Food	-	-	P*	P	511/509
Fast Order Food, Drive-in	-	-	-	P*	
Nightclub	-	-	-	-	
Private Dining Establishments	S*	S*	P*	-	539
Restaurant, Quality	-	-	P*	P*	
Office					
Administrative and Professional	-	P*	P*	P	518
Financial, Insurance & Real Estate	-	P*	P*	P	510
Payday Advance, Car Title Loan Business		P*	P*	P	510
Other	-	P	P	P	543
Parking Facilities					
Accessory	-	A*	A*	A*	535
Commercial	-	S	-	P	
Retail Sales & Services					
Building Maintenance	-	-	-	P	
Business Equipment	-	-	-	P	
Business Support	-	-	-	P	
Construction Sales and Service	-	-	-	P	
Food and Beverage	-	-	P*	P*	
Mixed Media Store	-	-	P*	P*	
Personal Convenience	-	-	P*	P*	

Personal Improvement	-	P*	P*	P*	521
Repair Service, Consumer	-	-	P*	P*	
Retail Sales, General	-	-	P*	P*	525
Retail Establishment, Large	-	-	-	-	
Retail Establishment, Medium	-	-	-	-	
Retail Establishment, Specialty	-	-	-	-	
Sexually Oriented Businesses					
Sexually Oriented Media Store	-	-	-	-	
Physical Sexually Oriented Business	-	-	-	-	
Sex Shop	-	-	-	-	
Sexually Oriented Theater	-	-	-	-	
Transient Accommodations					
Bed and Breakfast	S*	S*	P*	-	504
Campground	-	-	-	-	
Hotel, Motel, Extended Stay	-	-	-	P	
Vehicle Sales & Services					
Cleaning (e.g., car wash)	-	-	-	P	
Fleet Storage	-	-	-	P	
Gas and Fuel Sales	-	-	-	P	
Heavy Equipment Repair	-	-	-	P	
Heavy Equipment Sales	-	-	-	P	
Inoperable Vehicles Storage	-	-	-	P	
Light Equipment Repair	-	-	-	P	
Light Equipment Sales/Rental	-	-	-	P	
RV and Boats Storage	-	-	-	P	
Truck Stop	-	-	-	-	
Industrial Facilities					
Explosive Storage	-	-	-	-	
Industrial, General	-	-	-	P	
Industrial, Intensive	-	-	-	-	
Maker Space, Limited	--	--	P	P	
Maker Space, Intensive	--	--	--	P	
Laundry Service	-	-	--	P	
Manufacturing & Production, Limited	-	-	-	P	
Manufacturing & Production, Tech	-	-	-	P	
Research Service	-	-	-	P	
Salvage Operation	-	-	-	S*	
Exterior Storage	n/a	n/a	-	A*	
Wholesale Storage & Distribution					
Heavy	-	-	-	S	
Light	-	-	-	P	
Mini-Warehouse	-	-	-	P	
Adaptive Reuse					
Designated Historic Property	S*	S*	S*	S*	501
Greek Housing Unit	-	-	-	-	501
Agriculture					
Agricultural Sales	-	-	-	P	
Agriculture, Animal	-	-	-	-	502
Agriculture, Crop	P	P	P	P	
Communication Facilities					

Amateur and Receive-Only Antennas	A*	A*	A*	A*	536
Broadcasting Tower	-	-	-	P	
Communications Service Establishment	-	P	P	P	
Telecommunications Antenna	A*	A*	A*	A*	529
Telecommunications Tower	S*	S*	S*	S*	529
Satellite Dish	A*	A*	A*	A*	536
Mining					
Mining	-	-	-	-	
Recycling					
Large Collection	-	-	-	P	540
Small Collection	-	-	P	P	540
Processing Center	-	-	-	S	

CONCEPT PLAN





**Z-15-00427: Rezone 2.96 acres from RS7 District to IL District
Located at 1501 Learnard Avenue**



City Planning Commission
September 30, 2015
R.E. Rezoning Sunrise Garden Center lots

To Whom It Concerns:

My name is Laurel Sears. I live at 1428 Connecticut Street with my family. We have owned our house since 1978 and are very familiar with the Barker/ Connecticut neighborhood, as well as the property in question for rezoning. We firmly support the rezoning of the former Sunrise Garden Center to light industrial or urban agriculture designation.

We have spent many hours and money at Pence's and then Sunrise Garden Center. It saddened us to watch our beloved garden center close up. But it has been even more distressing to watch this valuable and historically meaningful site degrade through vacancy. We are excited to welcome the Sunrise Project, LLC to the neighborhood. With their investment in small, local business partners like Central Soyfoods and focus on urban agricultural outreach/ education, they fit with the neighborhood character and intentions.

They have worked hard to inform neighbors and build consensus about their upcoming projects and plans. We are well acquainted with Central Soyfoods, who may occupy a small part of the site and produce local tofu. We believe that this designation will not stress the neighborhood infrastructure, nor will it create noise or air pollution. Overall, the occupancy of this site by a neighborhood-based organization, intent on making urban agriculture and UA education available for participants, will benefit our neighborhood.

Please accept our letter of support for the rezoning of the Sunrise Garden Center property to light industrial or urban agriculture.

Sincerely,

Laurel Sears and the Sears-Reese family

From: [Cindi Kroll Hauptli](#)
To: [Mary Miller](#)
Subject: Sunrise project
Date: Thursday, October 08, 2015 3:08:40 PM

Hi. I live at 1530 Barker Ave. my backyard runs up to the sunrise garden center. My family would be happy to have the Sunrise project in our neighborhood. We do not see a problem with the tofu factory. I would like to see a clause that it would go back to residential/not factory if the businesses were to close. I wanted to voice my support. We would be excited to see the greenhouses up and running again. I think it would be Great for our neighborhood. Thank you, Cindi Kroll Hauptli

.....

From: [Will Nagengast](#)
To: [Mary Miller](#)
Subject: Sunrise Rezoning project
Date: Thursday, October 08, 2015 11:15:53 PM

Dear Ms. Miller,

I am writing in support of the rezoning request for the Sunrise Garden Center. My wife and I recently moved into a house directly across the street, and we are excited about the proposed project. I work for Seeds from Italy, and hope our business might be able to relocate there. Our business is a very small, quiet business with virtually no traffic other than the postal service once a day.

But even apart from my personal interest, I think the project would benefit the neighborhood by bringing Sunrise back to life. It promises to bring people together in positive, interesting activities. I hope it will provide jobs for neighborhood kids, and I think it will make the area feel safer to have more people present on the site, rather than just a large, dark, abandoned building and lot. Based on what I know of the project, I don't think it will cause much of an increase in traffic or noise, certainly not more so than when it was a retail garden center. As one of the nearest neighbors, we welcome the new energy it will bring.

Thank you,
Will Nagengast
1429 New Jersey

From: [Pat Kehde](#)
To: [Mary Miller](#)
Cc: [Emily Hampton](#)
Subject: Sunrise site plan and zoning for Central Food facility
Date: Thursday, October 08, 2015 5:45:33 PM

Dear Ms. Miller:

I live at 1636 Learnard, half a block south of the Sunrise site. Our family has lived at this address since 1981.

We support the use of the corner of Learnard and 15th St. site for the Sunrise Garden Project and we support the limited conditional zoning for Central Tofu on that site.

I have talked with several others in our neighborhood and they all are relieved and happy that the site will retain its agricultural/horticultural character and not become an apartment complex with lots of student car traffic. They too support this Project.

In addition, I know David and Susan Millstein because when I owned the Raven Bookstore we rented the space on 7th Street from them.

They are very reliable and responsible people who have done wonderful things for the city of Lawrence e.g. Liberty Hall renovation, which included the space now occupied by the video store, The Raven and Prima Tazz. The whole area of Liberty Hall (then the Opera House) was derelict in 1986 when they bought it with Charles Oldfather. They also renovated the Casbah space in the 800 block of Mass, and of course started and operated Sunflower Surplus, which is now Sunflower Bike shop. The Millsteins have a long and illustrious track record and can be relied on to do the best for the neighborhood and to abide by the zoning restrictions.

I hope that the Planning Commission will support this request for the Sunrise Project and for limited industrial zoning for the corner of 15th and Learnard.

Thank you,

Pat Kehde
1636 Learnard
Lawrence, KS 66044
785.841.8296

From: [Holly Krebs](#)
To: [Mary Miller](#)
Subject: Feedback from Planning and Development Services contact page
Date: Saturday, October 10, 2015 9:56:44 PM

Hi Mary,

I'd like to express my support for the rezoning of the old Sunrise Garden Center to the light industrial classification.

It is a wonderful opportunity for the City to have this land revitalized in such a way that maintains some of the gardening space and brings in local businesses to create a mixed-use location in the heart of a neighborhood. If this rezoning is not allowed to go forward, I think it unlikely that the neighborhood would receive a comparable improvement of the land that would also support the community.

I'm sure that stipulations can be clearly written to guarantee that this zoning is only allowed for the current entities that will inhabit the land.

I hope the City and Planning Commissions will support this great community-based, healthy-food-oriented venture. I think it would only strengthen the neighborhood.

Thank you,
Holly Krebs

.....

From: judamama@iuno.com
To: [Mary Miller](#)
Subject: zoning for the sunrise project
Date: Monday, October 12, 2015 10:51:38 AM

I am writing to support the proposed rezoning for the Sunrise Project at 15th and Learnard. I live three blocks from the site, at the corner of Johnson and Learnard, and I believe the project will be a wonderful addition to the neighborhood. I have been a longtime customer of Central Soy and have visited their operation at two different locations, and from what I observed at those locations I believe that there will be very little disturbance caused by their presence as part of the sunrise project. I think the overall benefits of the proposed project would make it a great asset for the neighborhood and the city. Thanks for your consideration, Juda Lewis
342 Johnson Ave.

From: [Chris Taylor](#)
To: [Mary Miller](#)
Subject: 1501 Learnard Rezoning
Date: Tuesday, October 13, 2015 11:27:05 AM

Dear Ms. Miller,

I was encouraged by the Barker Neighborhood Association to send concerns regarding the rezoning of 1501 Learnard your way for consideration by the planning commission. As a homeowner in the Barker neighborhood, I do have concerns, but not regarding Central Soy. I love the idea of locating Central Soy in the neighborhood and support Mr. Millstein's efforts. My concerns are around the plans of the Sunrise Project. I have written and asked them on more than one occasion if they plan to promote urban animal agriculture and/or backyard slaughter and have not received a straight answer. I fear they may be planning for some kind of small animal slaughter facility at the 1501 Learnard site or the promotion of backyard slaughter in the neighborhood. I do not support urban animal agriculture. I do not support urban animal slaughter. The research simply does not support animal agriculture in any form as sustainable. The encouragement of such is misleading and dangerous, so I cannot support the rezoning of 1501 Learnard for this purpose. I would like to encourage all involved to focus their efforts on truly sustainable plant-based practices.

Warm regards,
Chris Taylor

Mike and Carrie Wendel-Hummell
314 E 15th Place
Lawrence, KS 66044

October 15, 2015

Lawrence-Douglas County Metropolitan Planning Commission
6 East 6th Street
Lawrence, KS 66044

RE: Z-15-00427; rezoning at 1501 Learnard Ave.

To Whom it May Concern,

We are writing in support of rezoning the property located at 1501 Learnard Avenue to limited industrial for the Sunrise project. I live at 314 E 15th Place, which is in very close proximity to this location. I appreciate the efforts of Sunrise Green leadership and new property owners in reaching out to the neighboring community in detailing their plans and addressing our concerns. I look forward to the possibility of this property serving as community cooperative and educational gardens. I understand that Central Soy Foods will also produce at this location, and have been assured that these operations will be light-traffic, minimal-noise, and low-odor. I am confident that the proposed operations can coincide with a quality living environment in the surrounding neighborhood, and further, that the property owners will be responsive to any concerns that may emerge. In rezoning the property, it is important to us that limits specify that any future operations/uses would also be low traffic, noise, and odor.

We will not be able to attend the upcoming public hearing due to a schedule conflict. Please contact us with any questions regarding our support for associated rezoning needed to help bring the sunrise project to fruition.

Sincerely,


Mike Hummel
Mike and Carrie Wendel-Hummell
(785) 393-6366



From: [Kelly Jones](#)
To: [Mary Miller](#)
Cc: kellyjones@ku.edu; willnagengast@gmail.com; [Pat Kehde](#); laurelb@gmail.com; cjjhop@att.net; [Holly Krebs](#)
Subject: Re: staff report and materials for Sunrise Garden Rezoning
Date: Friday, October 16, 2015 10:11:55 AM

Thank you, Mary, for forwarding the staff report.

I own property that abuts the former Sunrise Garden Center, 415 E 15th. My family & I have reviewed the attached document & support the proposed project, which focuses on 1) small scale growth & production of primarily local food & 2) health & environmental education. We therefore support the rezoning as its stated in your report.

If the proposed project is not successful, we ask that City be sensitive to approving future uses that are equally reflective of the character & culture of the Barker & East Lawrence neighborhoods.

Best. -Kelly Jones

On Oct 16, 2015, at 8:13 AM, Mary Miller <mmiller@lawrenceks.org> wrote:

Hello,

The staff report for the Sunrise Garden rezoning is available on the Planning website www.lawrenceks.org/pds I've also attached a copy for your convenience.

This item will be considered by the Planning Commission at their October 19th meeting.

The meeting begins at 6:30 PM in the Commission Room, City Hall (6 East 6th Street).

This is the first item on the agenda. This is a public hearing item.

Please let me know if you have any questions.

Thanks,

Mary

Mary K Miller, AICP, City/County Planner- mmiller@lawrenceks.org

Planning Division | www.lawrenceks.org/pds

P.O. Box 708, Lawrence, KS 66044

Office (785) 832-3147 | Fax (785) 832-3160

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey:

<http://lawrenceks.org/pds/survey/satisfaction>."

<pl_z-15-00427_sr.pdf>

From: [Matthew Stephens](#)
To: [Mary Miller](#)
Subject: rezoning request for 1501 Learnard Ave
Date: Monday, October 19, 2015 9:00:08 AM

Hello Mary,

I wanted to voice my support for the rezoning of the old sunrise garden center at 1501 Learnard Ave. I live 3 houses south at 1536 Learnard and I have zero concerns about the plans for the site that the Millsteins are proposing. I think that preserving the greenhouses and bringing together local businesses will turn that property into a wonderful resource for both the neighborhood and the city. As a resident who lives next to this property, I hope that the planning commission will approve this rezoning request.

Thank you,

Matthew Stephens

From: [John Thompson](#)
To: [Mary Miller](#)
Subject: Sunrise Project
Date: Friday, October 16, 2015 2:32:56 PM

Hi Mary!

I just want to send you a quick note stating our support for the Sunrise Project in our neighborhood.

We look forward to the activity at that site, and are glad to have small business and community activities represented so near to our home. We believe that the project will have a positive impact on our area and the entire community,

and are excited to see it up and running and to be involved in the project.

Yours,

John and Corrie Thompson

1607 Larnard Ave.

Lawrence, Ks 66044

Memorandum

City of Lawrence

Douglas County

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planner

Date: October 12, 2015

RE: Item No. 2: TA-15-00346 – Text Amendment to the Land Development Code to add Urban Agriculture as a permitted use and establish standards

Attachments:

Attachment A: Survey/Questionnaire

Attachment B: Public Communication

Draft language

The draft language for the Urban Agriculture text amendment is being provided to the Planning Commission at this time for consideration and discussion, but not for action. Staff requests that the amendment be returned to staff with direction from the Planning Commission. The draft language will then be reworked and placed on a later Planning Commission agenda for action.

Process

The City Commission initiated a text amendment to add Urban Agriculture to the Development Code at their June 23, 2015 meeting. As a first step in developing draft language, staff reviewed the current *Agricultural* land uses permitted in the Development Code to better understand what was currently permitted. Staff worked with the Food Policy Council to develop the proposed language.

As part of the public outreach, the Food Policy Council distributed an online survey/questionnaire to various stakeholder groups in the City. This survey asked people to list the type of agriculture they were involved or interested in, and what barriers they met. A copy of the survey and a summary of the responses are included with this memo as attachment A. Approximately 150 people responded to the survey/questionnaire.

The Food Policy Council provided suggestions on the proposed language and arranged a public forum to discuss the Urban Agriculture text amendment. Approximately 46 people met at the Union Pacific Train Depot on Monday, September 28th, to discuss the draft language. The draft language has been revised to reflect the comments generated at this forum.

The draft language has also been placed on the Food Policy Council website and the Planning and Development Services website.

In addition to the information provided by the Food Policy Council and the public, staff researched other communities codes, guidebooks put out by planning organizations, and online information. The draft was sent to the Northeast Kansas Bee Association for a review of the bee keeping standards and a member contacted the Planning Staff with comments.

Current Regulations

Agriculture is a use group classification in the Development Code. (Sections 20-402 and 20-403) Uses which are permitted in this use group are:

- ***Agricultural Sales***

DEFINITION: *"On-site sale of feed, grain, fertilizers, pesticides, and similar goods. Typical uses include nurseries, hay, feed and grain stores."* (Section 20-1705)

WHERE ALLOWED: *Agricultural Sales* are permitted in the following districts: CC (Commercial Center); CR (Commercial Regional); CS (Commercial Strip); IL (Limited Industrial); and IG (General Industrial)

USE-SPECIFIC STANDARDS: No use-specific standards set in the Development Code.

- ***Crop Agriculture***

DEFINITION: *"Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries."* (Section 20-1709)

WHERE ALLOWED: *Crop Agriculture* is permitted in all Residential Zoning Districts except the RMG (Multi-Dwelling Residential – Greek Housing) District, and is permitted in all the non-residential districts except CD (Downtown Commercial), OS (Open Space), and H (Hospital) Districts.

USE-SPECIFIC STANDARDS: No use-specific standards set in the Development Code.

- ***Animal Agriculture***

DEFINITION: *"Activities that primarily involve raising, producing or keeping of animals. Examples include breeding or raising of fowl or other animals; stables; riding academies; kennels or other animal boarding places that are not otherwise specifically defined in this Development Code. The keeping of fowl in compliance with the requirements of Article 5 of Chapter III of the City Code shall not constitute an animal agriculture use."* Section 20-1708)

WHERE ALLOWED: Animal Agriculture is permitted in only the RS40 (Single-Dwelling Residential) District [minimum lot area of 40,000 sq ft]

USE-SPECIFIC STANDARDS: The following use-specific standards are provided in Section 20-502 of the Development Code:

- 1) *Animal husbandry, dairying, and pasturage, but not including the keeping of swine shall have a minimum lot area of not less than five (5) acres and shall have not less than one (1) acre of lot area for each head of livestock kept on the premises. No feedlots shall be allowed.*

-- [Livestock is defined in Section 20-1701 as "*Any animal customarily kept for producing food or fiber.*"]

- 2) *No animal agriculture uses shall be located nearer than 150 feet to any R District or nearer to an adjoining lot line than 100 feet.*
- 3) *Applicants shall show that adequate measures will be taken to prevent odor, dust, noise, or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted."*

SUMMARY OF PROPOSED CHANGES

The following is a summary of the major changes being proposed with this text amendment.

- 1) Overall use category revised from 'Agriculture' to 'Urban Agriculture'.
- 2) *Agricultural Sales* moved from the 'Agriculture' to the 'Retail Sales and Services' use group as it is a type of retail, rather than agricultural use.
- 3) *Crop Agriculture* maintained as an Urban Agricultural use with the following changes:
 - a. Revise the definition.
 - b. Expand districts in which the use is permitted.
 - c. Develop Standards so it is clear that crop agriculture can occur in the required yards and also, with some limitations, in the right-of-way.
- 4) Keep *Animal Agriculture* as a use, but divide into two sections: *Large Animals* (cows, horses, etc); and *Small Animals* (chickens, fish, bees, goats, etc)
 - a. Revise the definition.
 - b. Establish districts in which the *Small Animal* use is permitted.
 - c. Develop standards for the *Small Animal* use.
 - d. Move the regulations and standards for fowl from Article 5 of Chapter III of the City Code to the 'Urban Agriculture' section.
- 5) Add *On-Site Agricultural Sales* as a use, to allow for the sale of products grown or raised on the property.
 - a. Define the use.
 - b. Establish districts in which the use is permitted.
 - c. Develop standards.

- 6) Add *Urban Farm* as a use.
 - a. Define the use.
 - b. Establish districts in which the use is permitted.
 - c. Develop standards.
- 7) Add *Agricultural Processing* as a use.
 - a. Define the use.
 - b. Establish districts in which the use is permitted.
 - c. Develop standards.

Staff requests specific direction for the following specific questions:

- 1) Should slaughtering of small animals be permitted within the City limits? The City Code currently prohibits the willful killing of any animal in city limits. Urban Agricultural proponents state that this is a component of agriculture and using a commercial slaughtering facility would be too expensive. Others note that slaughtering may not be acceptable to neighbors. Both options are listed in the draft language.
- 2) Property maintenance. Urban agriculture uses are typically conducted outside and include implements, wire, hay, organic material piles, etc. Should properties with urban agriculture uses have a different standard within the City Code related to the conditions of exterior yards? The Property Maintenance Code requires properties to be maintained in a sanitary condition free of rodents, noxious and tall weeds. The code requires that, *"No person shall allow on any yard, porch, deck, balcony, or other exterior area of a premises, the accumulation of any of the following items: lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, stoves, refrigerators, televisions, sinks, garbage, rubbish, refuse, junk or the like."* A recent property maintenance enforcement case brought into question the applicability of this standard for agricultural based properties. Standard 2 in the Crop Agriculture section requires that the site be "maintained in accordance with the City Code, including maintaining the site free of debris or high grass or weeds, taller than 12 inches, and screening of exterior storage from view of right-of-way or adjacent property." If the Commission recommends revisions to the Property Maintenance Code for urban agricultural uses, then staff will need to process that amendment separately through amendment the city code.
- 3) Home Occupation Standards for on-site agricultural sales. Limit of customers per day? Type B limits to 10 per day. Proposed language provides 2 options: a limit of 25 customers a day, or a standard that customers to on-site agricultural sales businesses must not block off-site access drives.
- 4) Should standards be developed for rabbits? Maximum number, hutch size, etc.?

Current Development Code language in *italics*, added or revised language **bold**,
deleted text ~~struck through~~, comments, **highlighted**;

Definitions

Agricultural Processing: Manufacturing processes that increase the value of primary agricultural commodities. (This term does not include commercial slaughtering.)

*20-1705 Agricultural Sales: ~~On-site~~ The sale of feed, **plants**, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.*

20-1707 Agriculture: Characterized by uses that create and preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.

20-1708 Agriculture, Animal: Activities that primarily involve raising, producing or keeping of animals to provide food, wool, and other products. Also referred to as Animal Husbandry. ~~Examples include breeding or raising of fowl or other animals; stables; riding academies; kennels or other animal boarding places that are not otherwise specifically defined in this Development Code. The keeping of fowl in compliance with the requirements of Article 5 of Chapter III of the City Code shall not constitute an animal agriculture use.~~

- **Small Animal Agriculture**, is limited to small animals which are more appropriate in a denser urban setting, such as bees, crickets, worms, rabbits, small goats, fowl, and aquatic animals/organism such as crayfish and fish.
- **Large Animal Agriculture** is limited to larger animals that are more commonly considered livestock and require more area such as cattle, sheep, horses, and goats that do not meet the criteria for Small Animal Agriculture.

20-1709: Agriculture, Crop: ~~Activities that primarily involve raising or producing field crops or other plants. Examples include farming, truck gardening, forestry, tree farming, and wholesale plant nurseries.~~

The management and maintenance of an area of land to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. Crop Agriculture uses include but are not limited to personal gardens, community gardens, rooftop gardens, tree farms, hay meadows, or truck gardens. Standard structures used for Crop Agriculture include hoop houses, cold-frames, greenhouses, equipment or planting sheds, composting and waste bins, and rain barrel systems.

Bee Hotel: Bee hotels are places for solitary pollinator bees to make their nests. These bees live alone, not in hives, and typically do not make honey.

Community Garden An area of land managed and maintained by a group of individuals to grow and harvest food and/or horticultural products for personal or group consumption or for sale or donation. A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as tool storage sheds) maintained and used by the group.

Community Supported Agriculture

A member organization in which individuals or households become members by purchasing a share or agreeing to volunteer work for a share of the agricultural producer's output. The share is committed to in advance and the member then receives, in return, food items from the producer on a regular schedule throughout the season and sometimes all year.

Farmers Market: A food market at which local farmers sell products such as fruit and vegetables and often meat, cheese, and bakery products directly to consumers.

'Fowl' : ~~Shall mean those Domestic birds commonly kept for the production of meat, eggs, or feathers. For the purposes of this Article, 'Fowl' shall include, but not be limited to: ducks, chickens, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus.~~

~~'Permitted'~~ For the purposes of this Article, 'Fowl' shall mean **only** ducks and female chickens:

Personal Garden A garden that is maintained by one or more individuals, typically on the same property as a dwelling unit.

On Site Agricultural Sales

Display or sale of agricultural products, such as plants, produce, eggs and honey grown or produced on the property. Honey produced off-site may be sold in conjunction with honey that is raised on-site if it is produced on a site that is registered to the same user (off-site bee hives).

Urban Agriculture The growing, processing and distribution of plant and animal products — by and for the local community — within an urban environment. Urban Agriculture includes, but is not limited to: animal husbandry, aquaculture, agroforestry, beekeeping, gardening, and horticulture.

Complementary activities associated with Urban Agriculture include the processing and distributing of food, collecting and reusing food waste and rainwater, and public outreach activities such as education and employment.

Urban Farm

An agricultural use which includes market gardens and production of food-producing or ornamental plants (such as truck farm or wholesale plant nursery), bees, fish, poultry, small and large animals, for commercial purposes. End products are typically sold on- or off-site or are distributed through the community supported agriculture (CSA) distribution or other small scale distribution model. Home Occupation standards limiting the use to no more than 10 customers a day or to one non-resident employee would not be appropriate for an Urban Farm.

STANDARDS:---Article 5

Animal Agriculture, Small

1. General Standards for all Small Animal Agriculture
 - a. Structures shall comply with the Accessory Structure Standards except where expressly stated.
 - b. Waste, manure, etc. shall be managed to prevent odors and insects.
 - c. The facilities used to house the animals shall be of adequate design to keep the animal confined and reasonably safe from predators, and provide enough shelter and room to provide humane conditions.
2. Standards that apply in the CD, CS, CC, and CR District
Small Animal Agriculture permitted in these commercial districts is limited to beekeeping and fish.
3. Bees
 - a. The following standards apply to the keeping of bees:
 - i. Africanized honey bees are not permitted.
 - ii. Hives must be registered with the Planning Office before the use commences.
 - 1) Prior to registering the hives, the registrant shall mail notice of the proposed hives to the physical address of the following properties:
 - All residents of the property, if the property contains multiple residences; and
 - Adjacent residents.

- 2) If the hive(s) will be located on property not owned by the registrant, written permission from the owner or person lawfully in possession of such land must be provided with the request for registration.
 - 3) The registration must be renewed every 2 years. Notification is not required for renewal of a license.
 - 4) A list of the registered hives shall be available upon request.
- iii. Up to 2 colonies may be located on a lot of $\frac{1}{4}$ acre or less; 4 colonies on lots between $\frac{1}{4}$ and $\frac{1}{2}$ acre; 6 colonies on lots of $\frac{1}{2}$ to full acre. 8 colonies are permitted on any property larger than an acre (exception for additional colonies when they are set back at least 200 ft from all property lines.)
- 1) For every 2 colonies permitted on a tract there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 $\frac{5}{8}$ inch depth 10-frame hive body with no supers attached as required from time to time for swarm management.
 - 2) Each such nucleus colony shall be moved to another tract or combined with another colony on the subject tract within 30 days after the date made or acquired.
- iv. Every person owning a hive, stand, box or apiary on property other than their residence shall identify such hive, stand box or apiary by a sign or other prominent marking stating in letters at least one inch high on a contrasting background the name, address, and phone number of the owner of such equipment.
- v. No hive shall exceed 20 cubic feet in volume.
- vi. The following locational requirements apply to all hives:
- a. Hives are permitted only in the side and rear yards, unless roof-mounted.
 - b. No hive shall be located closer than 3 ft from any property line.
 - c. No hive shall be located closer than 10 ft from a public sidewalk or 25 ft from a principal building on an abutting lot. (Hives must be relocated as needed as abutting lot develops.)
 - d. If a hive is within 10 ft of a property line, a flyway barrier is required.
 - This shall be at least 6 ft tall and extend 10 feet beyond the colony on either side. It can be solid, vegetative, or any combination of the two that forces the bees to cross the property line at a height of at least 6 ft.

- The flyway barrier requirement can be waived if the hive is located at least 10 ft off the ground.
 - e. The beekeeper shall promptly requeen the colony if the colony exhibits unusual defensive behavior without due provocation.
 - f. A constant supply of water shall be provided for all hives (within 25 ft of each hive) between March 1 and October 31 of each year.
- b. Bee hotels are permitted without registration.
4. Fowl Keeping of Fowl Prohibited; Exceptions:
(Ord. 8378, Ord 8731)
 (A) Except as provided in subsection (b), no person shall own, keep, or harbor, on a temporary or permanent basis, any Fowl within the City.
 (B) A person may own, keep, or harbor
- (Language is moved from other section of City Code; only change proposed to the current language is in Section d slaughtering.)*

The following standards apply to the keeping of Fowl within the City:

- a. Fowl may be kept on a property only as an accessory use to a permitted primary use.
- b. The maximum number of Permitted Fowl is limited to:
 - i. One fowl per 500 sq ft of lot size, rounded down; and
 - ii. No more than 20 fowl, regardless of the size of the lot.
- c. Any person who owns, keeps, or harbors Fowl, i.e. chickens and ducks, shall provide a coop or other similar shelter.
 - i. Any coop or shelter shall be screened or walled in a manner that allows the Permitted Fowl to be reasonably protected from predators.
 - ii. Any coop or shelter shall be a minimum of 3 sq ft in size per fowl if the fowl have an enclosed outdoor run, or 10 sq ft in size per fowl if the fowl do not have an enclosed outdoor run.
 - iii. Any coop or shelter shall be constructed in a manner that is consistent with the requirements of this section. In the event that the coop or shelter qualifies as an accessory structure then all requirements regarding placement and setbacks must be met.
 - iv. In no event shall any coop or shelter be located nearer than 5 foot from any neighboring property line.
 - v. Any coop or shelter shall be maintained in a clean and sanitary fashion to prevent the unreasonable accumulation of waste or other noxious substances, the emanation of noxious odors, or the presence of vermin.

- vi. A roost shall be provided for each chicken, with a minimum length of 10 inches per chicken and a minimum size of 8 sq inches. A roost is not required for ducks.
 - vii. For every three chickens, a minimum of one laying box space, with a minimum size of one square foot, shall be provided. Each laying box shall contain adequate clean bedding material such as hay or other soft material. A laying box is not required for ducks.
- d. **Slaughtering of Fowl is not permitted within the City limits.**

OR:

Commercial slaughtering of fowl is not permitted except in USDA licensed locations. Slaughtering for personal use may occur in compliance with State regulations and must occur within an enclosed structure.

5. Goats

- a. Goats may be kept on a property only as an accessory use to a permitted primary use.
- b. Only small goats are permitted as 'small animal agriculture'. Breeds which would be considered 'small goats' are Pygmy Goats, Nigerian Dwarf Goat and Miniature Dairy Goats.
 - i. Breeds that do not exceed 24" at the withers are considered small goats.
- c. Male goats must be neutered.
- d. Slaughtering is not permitted within the city limits.
- e. No more than 2 goats may be kept on the premises
 - i. Nursing offspring of goats licensed according to the provisions of this Code may be kept until weaned, no longer than 12 weeks from birth, without violating the limitations of this sub-section.
- f. The following standards apply to any structure used to house goats:
 - i. Must be located a minimum of 50 ft from any off-site dwelling.
 - ii. Must be located in the rear yard and a minimum of 15 ft from adjacent properties.
 - iii. The structure shall provide a minimum of 10 sq ft of living area per goat.
 - iv. A fenced open air enclosure shall be provided which has a minimum area of 150 sq ft per goat.

Agricultural Processing

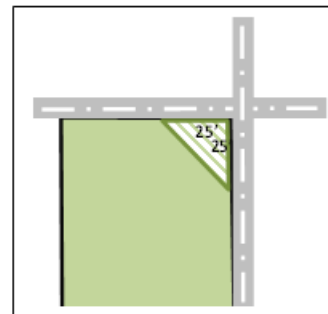
The following standards refer to Agricultural Processing occurring with an Urban Farm:

1. Agricultural Processing must be accessory to an Urban Farm.
2. The primary agricultural product being processed must be grown on the premises.
3. No outside storage of materials or products is permitted.
4. All processing must occur indoors with potentially offensive external effects mitigated to insure compatibility with nearby residential uses.
5. Employment is limited to 5 full-time equivalent employees.

Crop Agriculture

Crop Agriculture must comply with the following standards:

1. Crops may be grown within the right-of-way adjacent to the property without the need to obtain a use of right-of-way permit; however, the use is temporary and may need to be abandoned when street or infrastructure improvements are proposed.
 - a. Crops may not exceed 3 ft in height when located within 8 ft of the roadway or within 3 ft either side of a sidewalk to avoid interference with visibility for driveways and other access points.
 - b. Crops may not be planted within 1 ft on either side of the sidewalk and may not grow onto the sidewalk.
 - c. Crops taller than 3 ft are not permitted within the sight distance triangle (area created by connecting the endpoints of two 25 ft lines, measured along the curb line, from the intersection of two adjacent streets). See figure.
2. The site shall be designed and maintained so as to prevent the free flow of stormwater, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.
3. The site shall be maintained in accordance with the City Code including maintaining the site free of debris or high grass or weeds, taller than 12 inches, and screening of exterior storage from view of right-of-way or adjacent property.



On-Site Agricultural Sales

1. Only eggs or whole, uncut, fresh produce and/or horticultural products produced or grown on site may be donated, sold on-site, or distributed through Community Supported Agriculture (CSA) pick-ups as On-Site Agricultural Sales.
 - a. An exception to this standard is honey that is produced in off-site hives that are registered to the same person that operates the on-site production.
2. On-Site Agricultural Sales for personal gardens on the same property as the gardener's residence require registration as a Type B Home Occupation.
3. The following standards apply to On-Site Agricultural Sales associated with Urban Agricultural uses occurring on properties without a residence:
 - a. One temporary sign advertising only food or horticultural products grown on-site may be displayed during sales.
 - i. The sign must be on-site, unilluminated, and not more than 2 sq ft in area or 3 ft in height.
 - b. Sales may occur between 7 a.m. and 9 p.m.
 - c. Employment is limited to 1 employee.
 - d. Customer or employee parking shall not block off-site access drives.
 - e. Any stands used for the display or sale of products shall be located a minimum of 15 ft from the curb and shall be temporary; being removed and stored when sales are not in progress.

CHANGES TO OTHER SECTIONS OF THE DEVELOPMENT CODE:

Section 20-602(e)(6)(viii)

Covered Accessory Structures (Buildings) are items such as garages, greenhouses, storage Buildings, wood sheds, covered decks, coops for fowl, or other agricultural structures, and covered porches. Covered Accessory Structures that are six feet or less in Height are allowed in required Side and Rear Yards, and covered Accessory Structures greater than six feet in Height are allowed in the required Rear Yard where an Alley abuts the Rear Lot Line, but no covered Accessory Structure is allowed in a required Front Yard.

Section 20-533 General Standards For Accessory Structures

The standards of this subsection apply to all accessory uses and structures.

- (1) Time of construction
Accessory Structures shall be constructed in conjunction with or after the Principal Building. They shall not be built prior to the construction of the Principal Building.

- **No principal building is required for structures that are accessory to an Urban Agriculture use.**

(2) Subordinate Nature

- (i) Accessory Uses shall be a subordinate part of a Principal Use and be clearly incidental to a Principal Use.
- (ii) Accessory Structures shall be of secondary importance and subordinate in size and Scale to the Principal Building on a site.
 - **No principal building is required for structures that are accessory to an Urban Agriculture use.**

(3) Density and Dimensional Standards

Unless otherwise expressly stated, the Setback, Height, and Building coverage standards of the Base District apply to both principal and Accessory Structures (See Density and Dimensional Standards, Article 6). Accessory Structures in residential districts shall be located to the rear of the front Building line and may be located as close as 5' to interior and Rear Lot Lines. Setbacks from interior Side Lot Lines shall not apply to accessory Buildings placed on lots that abut Alleys. An Accessory Structure may be located up to the rear property line when the Lot abuts an Alley and when the doors to the Building do not open directly onto the Alley. There shall be no Setback required between an Accessory Structure and an Alley when Access to the Structure is parallel to the Alley, except that no part of the Structure shall overhang or otherwise encroach onto the Alley.

- **These setback requirements apply to structures used for *Urban Agriculture* unless a different setback is specified in Section XXXX.**

(4) Building Coverage

- (i) A detached Accessory Structure may not have a larger footprint than the Building footprint of the Principal Building.
- (ii) The combined footprint of all Accessory Structures may be equal to the footprint of the Principal Building or 20% of the Lot Area provided the total footprint of all Structures does not exceed the maximum Building coverage as permitted by Sec. 20-6019a0 or (b) for the corresponding Zoning District.
 - **Temporary *Urban Agriculture* structures used to extend the growing season such as cold frames, low tunnels, and hoopouses are exempt from these Building Coverage regulations.**

20-537 Home Occupation

(6) Site-Related Standards

- (i) Signs

One non-animated, no-illuminated, accessory identification sign of no more than 2 square feet in area shall be permitted. The allowed sign shall be placed flat against a wall or door, displayed in a window, or within ten feet 910'0 of the building entrance.
- (ii) Outdoor Activities
 - a. All activities shall be in completely enclosed structures, **except for On-Site Agricultural Sales.**
 - b. Exterior storage or display of goods or equipment is prohibited, **except for the display of goods offered for sale with On-Site Agricultural Sales.**

(8) Additional Type B home Occupation Regulations

The following are additional regulations that apply to Type B Home Occupations. Waivers or variances from this section of the regulations are prohibited.

- (i) Hours
Customers or clients may visit the site only during the hours of 7 a.m. to 7 p.m., **with the exception of customers for On-Site Agricultural Sales. Customers may be visit the site for On-Site Agricultural Sales only during the hours of 7 a.m. to 9 p.m.**
 - (iii) Customers/Clients
Only 10 customers or clients may visit the site in a day, **with the exception of On-Site Agricultural Sales.**
 - a. **Up to 25 customers or clients may visit the site in a day for On-Site Agricultural Sales.**
- OR
- There is no maximum limit on customers for On-Site Agricultural Sales; however, customer or client parking must not block off-site access drives.**

PARKING

20-902 Off-Street Parking Schedule A

Use Category	Minimum Number of Vehicle Parking Spaces Required	Minimum Number of Bicycle Parking Spaces
Agricultural Sales	1 per 500 square feet of Building area + 1 space per acre of outdoor storage or assembly	1 per 10 auto spaces
Agriculture, Small Animal	<i>None</i>	<i>None</i>
Agriculture, Large Animal	<i>None</i>	<i>None</i>
Agriculture, Crop	<i>None</i>	<i>None</i>
On-Site Agricultural Sales		
Personal Garden	<i>None</i>	<i>None</i>
Community Garden	<i>None</i>	<i>None</i>
Farmers Market	<i>Schedule D</i>	<i>5 or 1 per 5 auto spaces, whichever is greater</i>
Agricultural Processing	1 per employee on largest shift	1 per 5 auto spaces
Urban Farm	1 per employee on largest shift	1 per 5 auto spaces

Urban Agriculture Community Input

Thank you for your interest in helping shape urban agriculture policy in the City of Lawrence. The Douglas County Food Policy Council welcomes the opportunity to assist the Planning and Development Services Department in gathering input from citizens as it drafts an urban agriculture text amendment to the City Code, to present to the Planning Commission.

We will formally accept comments through Wednesday, August 26.

PLEASE NOTE: DEADLINE HAS BEEN EXTENDED UNTIL FRIDAY, SEPTEMBER 4.

The City of Lawrence is currently conducting a comprehensive revision of its urban agriculture policies. Urban agriculture policies can include:

- Determining what gardening practices require a permit, minor site plan, or City registration
- Placement and maintenance of compost
- Soil quality assessment and drainage
- Residential keeping of chickens, honey bees, and other small animals, and their processing on-site
- Requirements for accessory buildings like a shed or hoop house
- Maintenance requirements for gardens
- Sale of home-produced foods and operation of farm stands in residential areas
- Defining different types of gardens (e.g. home garden, market garden, community garden, etc.)
- Water use rates for urban agriculture
- Roof top gardens
- Community garden land access
- Public and food safety

1. Do you currently practice urban agriculture?

☐ Yes

☐ No

2. If you practice urban agriculture, what best describes your core activities? Check all that apply.

☐ Supplementing household foods

☐ Home gardening

☐ Bringing in cash income

☐ Community gardening

☐ Enhancing your community

☐ Composting

☐ Making a living

☐ Value-added products for sale (i.e., jams, jerky, etc.)

☐ Crop production (fruit, vegetable, etc.)

☐ Donating harvest to food bank

☐ Animal production (chickens)

Other (please specify)

Urban Agriculture Community Input

3. What barriers have you experienced in your practice (or consideration) of urban agriculture?

4. What elements would you most prefer to see in an urban agriculture policy for the City of Lawrence?

5. We would like to collect your contact information in order to keep you informed and engaged during this policy process, including a public meeting on Monday, September 28th to review a draft of the policy proposals and collect feedback prior to its submission to the Planning Commission. Please provide:

First Name

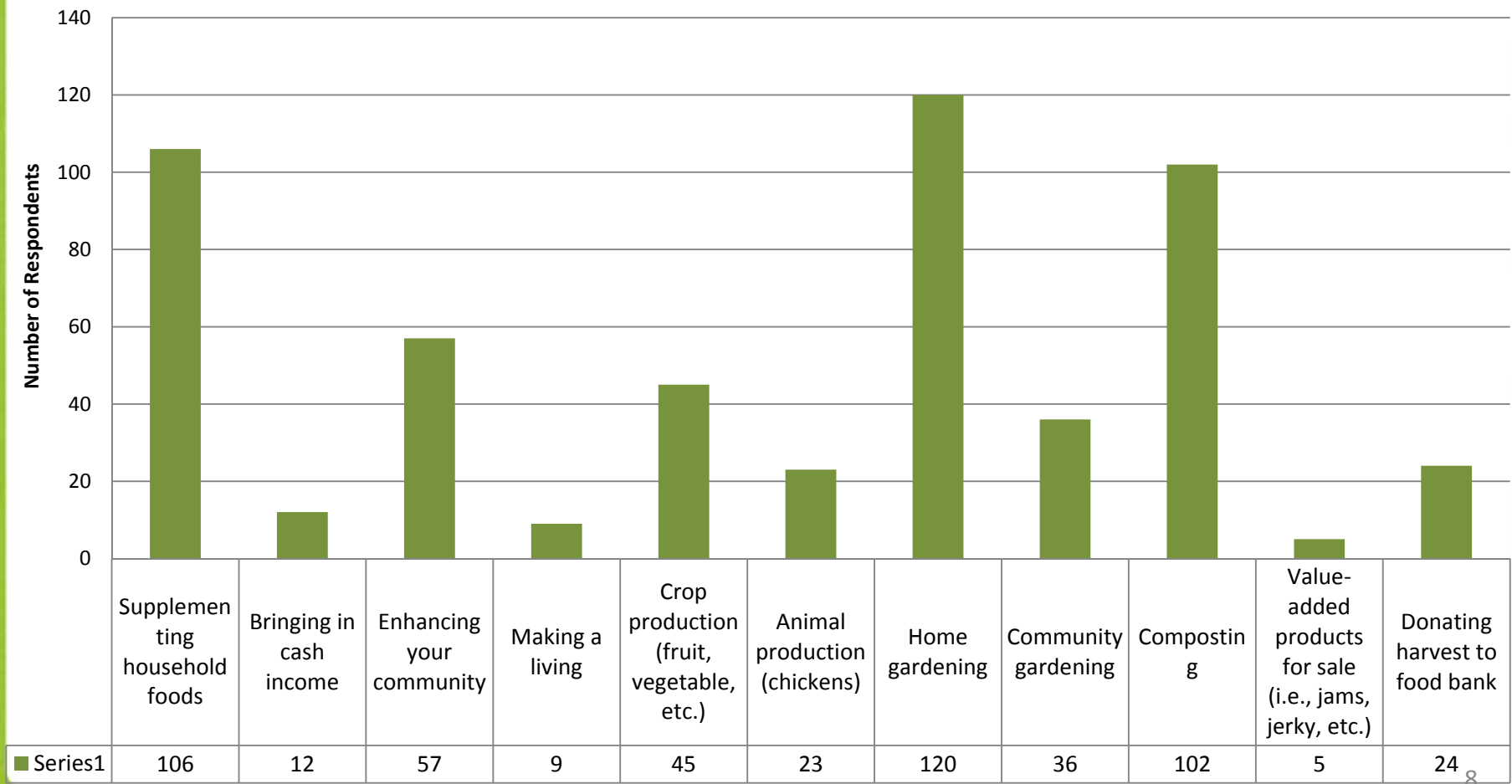
Last Name

Email Address

Zipcode

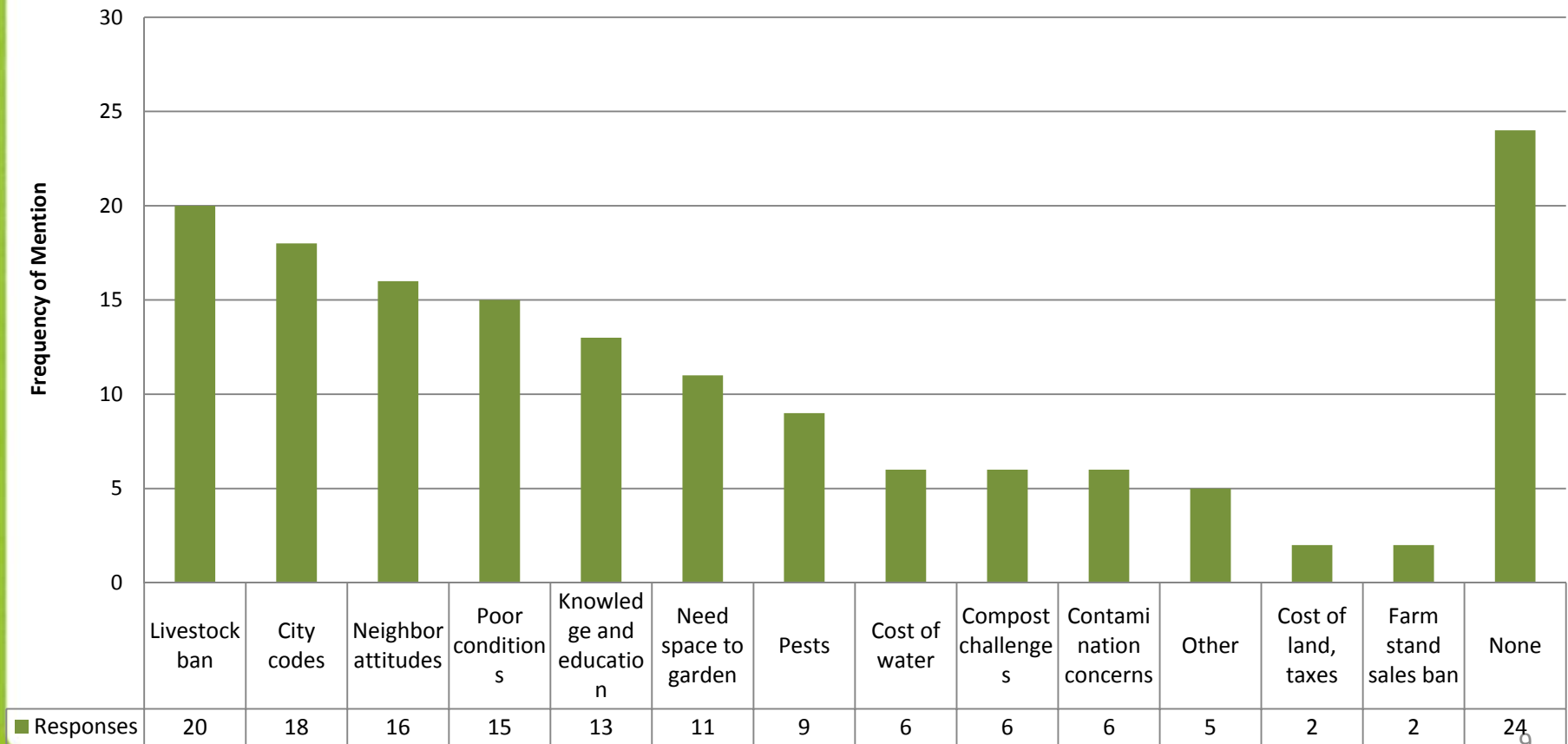
Public Input Survey: Current Practices

If you practice urban agriculture, what best describes your core activities?



Public Input Survey: Current Barriers

What barriers have you experienced in your practice (or consideration) of urban agriculture? *Grouped by similar response types*



Public Input Survey: Policy Priorities

- Support for urban ag production generally
- Concern about over-regulation, permits
- Interest in expanded livestock production (including bees)
 - Awareness about need for responsible regulation
 - Some opposed to small animal agriculture
- Interest expanding sales, community gardens, educational opportunities
- Concern about water access, chemical impacts

Lawrence City Commission
City Hall
PO Box 708
Lawrence, KS 66044

To the Lawrence City Commissioners:

We write to address the current city regulations on beekeeping within the city of Lawrence. We propose that the city code (Chapter 3) be amended to make an exemption for beekeeping in the form of pollinator hotels and individually maintained beehives. I am requesting that a text amendment be initiated, following the precedent of other exemptions such as hedgehogs and Vietnamese potbellied pigs (Section 3-104) and chickens and ducks (Section 3-501).

Pollinator bees and honeybees are threatened. Yet, they are essential to the pollination and propagation of plants (edible and not). Lawrence is often a leader in recognizing issues that affect the world on a large-scale and an active responder on the local level. Certainly, this as an opportunity for the City of Lawrence to make an official statement that recognizes the value of bees and other pollinators, and acknowledges their importance with an official stance that encourages their activity within Lawrence.

Recognizing the critical role of pollinators in a healthy ecosystem, we have been working with the Food Policy Council to collect research on other city policies and codes. As well, the recent White House Pollinator Research Action Plan¹ suggests the pressing need to encourage the life of pollinators.

Clearly, there are motivating forces for making this change. The City of Lawrence boasts a number of initiatives, organizations, and institutions that would be ideal partners for “expanding public education programs and outreach,” as cited in the White House document. Of course, the ability to “increase and improve pollinator habitat” within city limits would make this all possible.

Thank you for your consideration.

Emily Ryan
Aimee Polson
Katrina McClure
Travis Weller
Shannon Criss
Margaret Gathunguri
Molly Murphy
Kim Nixon

¹ <https://www.whitehouse.gov/sites/default/files/microsites/ostp/Pollinator%20Research%20Action%20Plan%202015.pdf>

Sarah Mathews
Laura Lee Sengchan
James Roper
Mike Wahweotten
Mike and Christy Huntington
Stephanie Weaver
Jimmy Calderon & Marta Schwartz
Kent Smith
Katie Conrad
Kate Gramlich
Richard Noggle
Julie Schwarting
Katie and Mike Pierson
Jamaica Larsen
Anne Tangeman
Kathy Youngquist
Loni Hosking
Maggie Allen
Claudean McKellips
Bret Dillingham
Dondo Hosking
Dawn Hawkins and Peter Wolf
Katie Ashmore
Kirsten Bosnak and Bob Gent
Anne Underwood and Rodney Troth
Janet Fitzgerald
Scott Campbell
Hally Bini
Mike Higley
Nils Gore
Roxie McGee
Russell Mullin