

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

Staff Report  
09/24/08

**ITEM NO. 6B SPECIAL USE PERMIT FOR COUNTRYSIDE; 1216 BILTMORE (PGP)**

**SUP-07-07-08:** Consider a Special Use Permit for Countryside, a proposed Extended Care Facility to serve as an Alzheimer's treatment facility, located at 1216 Biltmore Dr. Submitted by Landplan Engineering PA, for the developer Ray Brown & Associates and the property owner of record Free State Development LC.

**STAFF RECOMMENDATION:** Planning Staff recommends approval of SUP-07-07-08, a Special Use Permit for an Extended Care Facility, General, located at 1216 Biltmore Drive, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an SUP Ordinance per Section 20-1306 (j).
3. Prior to the operation of the facility, applicant shall submit a copy of their license(s) issued by one of the regulatory agencies of the State of Kansas to the Planning Office (as required per Development Code, Section 20-1701 for Extended Care Facility).
4. Recording of the Final Plat at the Register of Deeds Office for the property.
5. Provision of a SWP-3 (Storm Water Pollution Prevention Plan) to the approval of the Stormwater Engineer prior to the issuance of a building permit.
6. Review and approval of the Down Stream Sanitary Sewer Analysis by the Utility Engineer prior to the issuance of a building permit.
7. Provision of minor modifications to the site plan:
  - a. Property Surface Summary, existing summary total needs to equal project completion total.
  - b. Plant Schedule, Turf areas, of should be fescue or sod.
  - c. Lighting information and photometrics for the site per Sections 20-1305(f)(1)(xvi) & 20-1103.
  - d. Add "...to be platted as Lot 1, Block One of a Final Plat for Countryside." to the end of the legal description.
  - e. Change the plat names on the elevations from 'Lot 1, Block One, Stormont-Vail Addition No. 2' to 'Lot 1, Block One of a Final Plat for Countryside.'
8. Prior to the release of the site plan for a building permit, the applicant shall provide a written letter of approval from the adjacent property owner to the south (Lot 2, Block One, Stormont-Vail Addition No. 2) for the applicant's proposed parking lot/landscape improvements to this adjacent property.

**Applicant's Reason for Request:** *The proposed use 'Extended Care Facility, General' is permitted in the IBP zoning district by special use only.*

**KEY POINTS**

- Special Use Permit is for an Extended Care Facility, General.
- IBP District was recently amended to allow for Extended Care Facility, General in the Industrial Business Park District, subject to a Special use Permit.

### **FACTORS TO CONSIDER**

- Procedural requirements of Section 20-1306; Special Use Permits.

### **ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Publication of a SUP Ordinance per Section 20-1306 (j).
- Preliminary Plat addition/replat of the existing lot [PP-07-09-08].
- Administrative approval and recording of a Final Plat for the site.

### **PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

No public comment was received as of the writing of this staff report.

### **GENERAL INFORMATION**

Current Zoning and Land Use: IBP (Industrial Business Park) District; Undeveloped.

Surrounding Zoning and Land Use: IBP (Industrial Business Park) District; Existing medical and professional offices to the east, south and west, undeveloped to north and northwest.

### **Site Summary**

Legal Description	Replat of Lot 1, Stormont-Vail Addition No. 2 and portion of adjacent unplatted parcel.
Location	1216 Biltmore Drive
Property Area	80,864 Square Feet/1.865 Acres
Use Group	Extended Care Facility, General
Existing Buildings	None
Proposed Buildings	2 buildings. Phase I – Bldg 1 - 10,970 SF 1-story. Phase I – Bldg 2 – 11,104 SF 1-story. Phase II – Addition to Bldg 2 – 5,324 SF 1-story.
Required Off Street Parking	1 per 3 Beds; 10 for Phase 1, 12 total development
Off-Street Parking Provided	15 parking spaces including 1 ADA accessible space

### **Summary:**

The property is an undeveloped lot and portion of an unplatted parcel.

The proposed request is for the development of a 34 bed Alzheimer's treatment facility. The project is proposed as two phases. The first phase is for 28 beds located in two separate buildings. The second phase, proposed to be started within 18 months, is for a 6-bed addition to the north side of the east building.

General Note No. 16 states, "If a building permit for Phase II is not issued within 18 months of approval of this site plan, future phases must undergo site plan review and approval prior to issuance of a building permit."

Each building has a residential nature. There is a 15 space parking lot for visitors and staff along the east side, walking paths throughout the site and a grass pavers fire access lane from the east parking lot along north side of the east building. Improvements include off-site changes to the existing parking lot that abuts the south side along the cross-access easement. These off-site improvements revise the site plan for Lot 2 [SP-11-76-97].

The property is ready for development with existing infrastructure for the project including: road access from Biltmore Drive through a recorded joint driveway access with the property to the south; municipal water main and stormwater drainage connections located in front of the property along Biltmore Drive and a sanitary sewer main located along the east property line.

The site plan has been reviewed by staff and appropriate revisions have been made by the applicant.

### **Review and Decision-Making Criteria (20-1306(i))**

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

Applicant's Response "Yes".

Per Section 20-1701 Definition Extended Care Facility, General:

*"A long term facility or a distinct part of an institution occupied by nine (9) or more persons with a disability who require the provision of health care services under medical supervision for twenty-four (24) or more consecutive hours and who need not be related by blood or marriage. An extended care facility must be licensed by one (1) or more of the following regulatory agencies of the State: Department of Social and Healing Arts, Behavioral Sciences Regulatory Board, State Board of Healing Arts, or Kansas Department on Aging. Disability means, with respect to a person: (a) a physical or mental impairment which substantially limits one (1) or more of such person's major life activities; (b) a record of having such impairment; or (c) being regarded as having such impairment. Such term does not include illegal use or addicting to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802). Extended Care Facilities include facilities for the provision of skilled nursing care, hospice care and similar services."*

**Staff Finding** – The proposed use is for an Extended Care Facility, General per section 20-1701. This use is allowed in the IBP district subject to the approval of a Special Use Permit. Specific requirements applicable to extended care facilities are set out in section 20-1701 and require the applicant to provide a copy of their State license prior to the operation of the facility. The proposed use, as conditioned, complies with the provisions of the development code.

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

Applicant's Response *"Yes. The proposed use will serve as an Alzheimer's treatment facility. It will rest adjacent to multiple existing medical/dental offices and clinics. Due to the nature of the facility's patient clientele, it will generate only employee and visitor traffic. Like other structures in the immediate vicinity, the proposed structures will be single story. Site design will consist of parking, site lighting, and landscaping per Development Code requirements."*

**Staff Finding** – Approval of the Special Use Permit does not alter the base zoning district. The proposed use, with conditions, can be found to be compatible with the adjacent professional and medical offices and the Industrial Business Park.

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

**Staff Finding** – The site is located in the middle of an Industrial Business Park Zoning District. The property to the east, south and west have developed with professional office space and medical office uses. The property to the north is undeveloped. The Extended Care Facility, General, will not cause a reduction of property values in the area.

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

**Staff Finding** – The Special Use Permit application has been reviewed by staff for conformance to site plan code requirements. The applicant has made appropriate modifications to the site plan as requested by staff review. The public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development.

**5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

**Staff Finding** – The site plan will function as the enforcement document to assure that maintenance and use of the property is consistent with the approval. The execution of a site plan performance agreement is a standard condition on a Special Use Permit.

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

Applicant's Response *"No"*.

**Staff Finding** – This is an infill project that will not cause significant adverse impacts upon the natural environment. The storm water drainage will be detained within a detention basin which has been approved by the Storm Water Engineer.

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

**Staff Finding** – The Extended Care Facility, General, requires the issuance and maintenance of a state license which oversees the operation of the facility. As the impacts of the use upon the adjacent and nearby properties are expected to be minimal, in Staff's opinion it would not be appropriate to place a time limit on the period of time the proposed use is allowed.

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