

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
11/17/08

ITEM NO. 2 SPECIAL USE PERMIT FOR HEALTH CARE OFFICE; 4811 BOB BILLINGS PKWY (SLD)

SUP-09-09-08: Special Use Permit for a medical office use located in the CN2 district located at 4811 Bob Billings Drive. Submitted by Adam Williams, for NEK Management LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-09-09-08, a Special Use Permit for a health care office use in the CN2 District located at 4811 Bob Billings Parkway, 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; and
2. Publication of an ordinance per Section 20-1306(j).

Applicant's Reason for Request: *Allow existing surgical facilities to expand and provide surgical dental services to Lawrence citizens west of Iowa.*

KEY POINTS

- Dental office is classified in the Health Care Office, Health Care Clinic use as a Medical Facility.
- Health Care Office and Health Care Clinic uses are allowed in the CN2 district subject to a Special Use Permit per section 20-403 use table.
- Building is currently under construction as a mixed retail and office building per SP-04-20-08.
- A variety of retail and office uses are allowed by right in the CN2 district.
- Proposed use will occupy planned office space in new building.

FACTORS TO CONSIDER

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

ASSOCIATED CASES/OTHER ACTION REQUIRED

- SP-04-20-08; Site plan for new building.
- Publication of a Special Use Permit ordinance per Section 20-1306(j).

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None to date.

SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	60,275	60,275	-
Building Area (sq ft):	4,560	4,560	-
Paved Area (sq ft):	28,673	28,673	-
Total Impervious Area (sq ft):	33,233	33,233	-
Total Pervious Area (sq ft):	27,042	27,042	-

Summary of Special Use

GENERAL INFORMATION

Current Zoning and Land Use: CN2 (Neighborhood Commercial Center) District; undeveloped property except for access drive.

Surrounding Zoning and Land Use: CN2 (Neighborhood Commercial) District to the south and west; existing commercial development

RM12 (Multi-Dwelling Residential-Office) District to the east; existing nursing home and independent living units [Known as Brandon Woods].

GPI (General Public and Institution) District and IBP (Industrial Business Park) District to the north; existing police training facility and office buildings.

The subject property is located on the southeast corner of Bob Billings Parkway and Wakarusa Drive. The property is developing with a mixed office/retail building. The proposed use will occupy the second story of the building generally accessed from the south side of the parking lot. The north side of the building is planned for retail uses. Section 20-403 of the Development Code requires approval of a Special Use Permit for Medical office uses in the CN2 District.

Site Plan Review:

The site plan proposes the use of 2,080 SF of the second story of the building to be occupied with a medical office use. No changes to the parking lot, circulation, landscape areas, or building orientation are proposed to be altered by this proposed use.

Parking Summary

The medical office use requires parking at a ratio of 1 stall per 200 GSF of building space. The original approval included 4,560 GSF of office space with parking at a ratio of 1 spall per 300 GSF. The proposed use results in a division of space with 2,080 SF of medical office space and 2,480 SF of general office space located on the second floor of the building. The total required parking for the office portion of the use has increased from 16 required off-street parking spaces to 20 required off-street parking spaces. There are no changes in the retail space on the first floor that includes 4,560 GSF with a required 23 parking spaces. The subject property also shares parking with the abutting commercial development to the south thus minimum required parking is provided for the use (*Deed 1034, Page 2508 for shared parking; SP-08-50-01 - 137 required spaces, 227 provided spaces*). The parking summary of the proposed development has been updated on the site plan.

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

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

The proposed use is permitted in the CN2 (Neighborhood Commercial Center) District with a Special Use Permit. There are no additional use standards associated with this proposed use established in Article 5 of the Development Code. A site plan was recently approved for the construction of the building. At that time specific tenants were not known.

Staff Finding – The proposed use is compliant with all applicable 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

The proposed use is similar to adjacent uses in terms of scale and operating characteristics. The proposed site design is not altered by the proposed use.

Staff Finding – The proposed use is compatible with adjacent uses.

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

Until recently the property has remained vacant. Proposed development of the site plan requires landscape buffers and parking lot screening from the abutting multi-family use to the east.

Staff Finding –The proposed use will not cause a substantial diminution in the value of surrounding property.

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

The subject property is located within the City of Lawrence. Public sewer and water are available to the site.

Staff Finding –Public safety, transportation and utility services are currently available and a sufficient level of such services is available to support the proposed use.

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.

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

The proposed use is located in proximity to a developed neighborhood retail area. The City Stormwater Engineer has reviewed the plan and did not have any comments on the proposed use. No physical changes to the site are proposed as a result of the office use other than interior improvements to the building space. .

Staff Finding – The proposed use will not cause significant adverse impacts on the natural environment.

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.

The use proposed is similar to office related uses found in the area along Wakarusa Drive. Future uses that may occupy space within the building will require a revision to an approved site plan. Expansion of the dentist office beyond the 2,080 SF shown on the site plan will require a revised Special Use Permit.

Staff Finding – It is not appropriate to place a time limit on this type of Special Use given the nature of the use and the site improvements required to change the use or expand the use.

Conclusion

The proposed Special Use Permit site plan proposes to establish a medical office use in the CN2 (Neighborhood Commercial Center) District. The proposed use will not result in any visible change to the site. Adequate parking is provided on site and with the shared access and parking agreement previously recorded for this property.

During the review of this application staff identified a recommended future text amendment to eliminate the requirement for a Special Use Permit for health care uses in the CN2 district. This text amendment to the use table will be included in the 2009 text amendments to be prepared by staff.