

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

PC Staff Report  
04/20/2009

**ITEM NO. 3 SPECIAL USE PERMIT FOR RESEARCH SERVICES; 647 MASSACHUSETTS ST (SLD)**

**SUP-2-1-09:** Consider a Special Use Permit to allow Research Services in Downtown Commercial district at 647 Massachusetts Street, [Lot 19 on Massachusetts Street, 2<sup>nd</sup> Floor Only]. Submitted by Barber Emerson, LC, for GCB Holdings, LC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of SUP-2-1-09, a Special Use Permit for Research Service uses located at 647 Massachusetts Street [Lot 19 on Massachusetts Street, 2<sup>nd</sup> Floor Only], 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 ordinance per Section 20-1306(j).
3. Applicant shall provide a revised site plan to include the following listed restrictions:
  - a. No manufacturing or production activities shall be conducted on-site;
  - b. No radioisotopes or other radioactive materials shall be used on-site;
  - c. No known type 1 mutagens or carcinogens shall be used on-site
  - d. No known toxins or pathogens shall be used on-site; and
  - e. No animal research shall be conducted on-site.
4. Applicant shall provide a revised site plan to include the following note: "SUP is granted approval for 10 years. A new SUP shall be required before July 2019 to continue Research Service uses."

**Applicant's Reason for Request:** *This is a generic SUP request submitted by the property owner/landlord to expand the permitted use of existing downtown office space to allow limited research activities under the special use category of "Research Service," which is an allowed special use in the CD zoning district under the Lawrence Development Code. (Additional comments attached).*

**KEY POINTS**

- Property is developed.
- Proposed request is for speculative tenant.
- Additional building permit required for tenant finish.

**FACTORS TO CONSIDER**

- Procedural requirements of Section 20-1306; Special Use Permits.
- Attached description of request from applicant.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- SP-8-21-71; bank
- SP-01-04-91; drive-up window

- SP-07-58-96; office to retail conversion (Gap)
- SP-07-49-99; retail office changes
- Publication of a Special Use Permit ordinance per Section 20-1306(j).
- DR-02-14-09; SUP review
- DR-03-22-09; exterior alterations review.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

None have been received.

**ATTACHMENTS**

- Supporting letter from applicant
- Area map
- Site Plan

**GENERAL INFORMATION**

Current Zoning and Land Use: CD (Downtown) District; existing development.  
Surrounding Zoning and Land Use: CD (Downtown) District; existing development.

**Summary of Special Use**

The property is located on the west side of Massachusetts Street. The proposed Research Service use would specifically occupy the 2<sup>nd</sup> floor of the building. The total building includes 11,600 SF with 5,800 SF occupied by existing ground floor retail space. The remaining 5,800 SF is currently vacant 2<sup>nd</sup> floor space and is proposed for research office space. The proposed use is defined in section 20-1758 of the Development Code as:

*20-1758 RESEARCH SERVICES. Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.*

A specific tenant is not known at this time. The applicant has proposed this SUP ion order to market the space for Research Service uses as described in their attachment.

**SITE SUMMARY**

	<b>Existing</b>	<b>Proposed</b>	<b>Change</b>
Property Area (sq ft):	5,850	5,850	-
Building cover (sq ft):	5,800	5,800	-
Total Impervious Area (sq ft):	5,850	5,850	-
Total Pervious Area (sq ft):	0	0	-

**Site Plan Review:**

The site plan notes that the property is built with an existing structure. A roof diagram is provided to show the location of existing and proposed mechanical equipment as part of the site plan. Physical building improvements proposed for the site include the roof mounted mechanical equipment, a change to a rear door and replacement of windows. No other physical changes to the site are proposed. A separate building permit for tenant finish would be required before occupancy. The property is located in the Downtown Urban conservation Overlay District. Historic Resources review and applicable building permits are required for these improvements.

Off-street parking is not required for land uses in the CD district. Parking is provided on-street and in public and private parking lots throughout the downtown area.

The site plan notes that the use approval is for 5,800 SF located on the 2<sup>nd</sup> floor of the existing building. The application also notes that in marketing the property, a tenant may wish to occupy adjoining office space to the north. The Research Service activities would be restricted to the 647 address.

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

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

**Staff Finding** – The site plan complies with the information requirements set out in the Development Code. The proposed use is an allowed use subject to Special Use Permit approval.

#### **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. Applicant owns the entire building, as well as the adjacent property. Hours of operation, traffic, light, noise, dust, etc. will be comparable to permitted general office use. The proposed use will not increase or alter the external impacts, nor change the exterior of the building, except for the proposed roof vents (not visible from ground level).*

The proposed use will be located within an existing building. Only limited building alterations are proposed (window replacement, rear door entry replacement, and roof mounted equipment). Off-street parking is not required for uses in the CD district. The site is developed and thus consistent with the existing developed character of the surrounding area. Anticipated hours of operation would be consistent with other office uses found downtown.

**Staff Finding** – The proposed office research service use will be compatible with adjacent uses.

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

Applicant's Response: *No. The proposed use requires the installation of vent hoods, comparable to local school district biology and chemistry classrooms. Otherwise, the proposed use is essentially permitted office use.*

The proposed use will allow for occupancy of currently vacant space on the 2<sup>nd</sup> floor of an existing building. The property is located within the downtown core. Vertical mixing of uses within multi-story buildings is a common characteristic of the downtown area. The applicant has proposed limitations to further protect the interests of the property and surrounding area as follows:

1. No manufacturing or production activities conducted on-site;
2. No radioisotopes or other radioactive materials may be used on-site;

3. No known type 1 mutagens or carcinogens may be used on-site
4. No known toxins or pathogens may be used on-site; and
5. No animal research conducted on-site.

These more specific limitations, if approved, should be noted on the face of the site plan.

**Staff Finding** – No diminution of value is anticipated if approved. Approval will not alter the base zoning district that will continue to allow other office uses.

**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**

The City Utility Department has indicated that when a specific tenant is identified additional information may be needed to assure proper waste disposal. This issue would be addressed as part of the building permit application process. Tenant finish will also include necessary fire and building code compliance.

**Staff Finding** – Approval of the request will not detrimentally impact the ability to provide continued public services to the property.

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

The site plan will function as the enforcement tool for the land use. The property is built and is subject to adopted building code requirements. No special maintenance is required with the exception of addressing waste disposal through the building permit review process.

**Staff Finding** – No continuing maintenance provisions are required for this request if approved.

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

Applicant's Response: *No. the SUP will not result in the construction of any new building structures, and will not have any negative impact on the natural environment. Essentially, the SUP is required to obtain a permit to install vent hoods in the ceiling of the existing building structure. Otherwise, there will be virtually no change or impact compared to the existing permitted office use of the property.*

The property is located within a developed urban area. There are no regulated flood zones in the immediate area. The application includes necessary mechanical equipment to provide proper venting. Water quality assurances are addressed through various local, state, and federal regulations for waste disposal. Any special requirements for a future tenant will be reviewed as part of the building permit process.

**Staff Finding** – Approval of the request should not result in 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.**

Applicant's Response: *The applicant does not consider the list of prohibited uses to be comprehensive, and will consider additional SUP restrictions to address the reasonable, legitimate concerns of the planning staff, including a time-limit on the SUP. Any such time-limit should take into account the need to amortize the applicant's investment in tenant improvements and allow for flexibility in negotiating reasonable lease terms. Under the circumstances, the applicant would consider a 10-year SUP time-limit to be reasonable.*

Approval of the request will not alter the base CD zoning district. Approval of the request is specific to the area shown on the site plan. If future expansion of Research Services into additional space to the north is contemplated such use would first require a new Special Use Permit to expand into that space. Further, section 20-1306 (l) provides procedures to amend, suspend, or revoke an approved Special Use Permit. The proposed space is not intended for manufacturing operations associated with products resulting from research activities. The function of the space appears to be similar to other office type uses allowed in the CD District. Approval of the Special Use Permit for a given period of time will allow required evaluation of the use and consistency with applicable codes at that future time.

**Staff Finding** – Approval of the Special Use Permit for a given period of time will allow evaluation of the use and consistency with applicable codes at that time. If a time limit is added to the approval, a note should be added to the face of the site plan to state the time limit. Staff recommends a 10 year limitation that would require a new public hearing to extend the approval for an additional time period.

**Conclusion**

The land use is proposed to be restricted by limitations proposed by the applicant. These limitations would be noted on the face of the site plan to clearly indicate the range of activities anticipated for the site. A thorough review of tenant finish plans will be required to assure compliance with fire, building, and utility codes and standards.

The use has potential to bring needed employees/employers to downtown. The use is compatible and appropriate for this location and staff recommends its approval with the conditions noted.