

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item:

PC Staff Report
1/25/10

**ITEM NO. 2 SPECIAL USE PERMIT FOR RESEARCH SERVICES; 645-647
MASSACHUSETTS ST (SLD)**

SUP-12-11-09: Consider a Special Use Permit to expand Research Services in portions of existing buildings located at 645-647 Massachusetts Street. The proposed use is located on portion of Lot 15 and all of Lots 17 and 19 Massachusetts Street. Submitted by Barber Emerson, LC, for GCB Holdings, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-12-11-09, a Special Use Permit for Research Service uses located at 645-647 Massachusetts Street [located on a portion of Lot 15 and all of Lots 17 and 19 Massachusetts Street], 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) to include the following use restrictions as noted on the face of the site plan:
 - 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.
3. Publication of an ordinance per Section 20-1306 (j) to include a statement that this Special Use shall be permitted for a period of 10 years from date of publication of the ordinance.
4. Provision of a note on the face of the site plan that states: "Construction of the 4,840 SF 2nd floor addition shall occur within 24 months after the date of publication of the ordinance and shall be subject to Historic Resources Commission review and approval and issuance of building permits. Construction after 24 months from date of publication of the ordinance shall require a request for extension per Section 20-1306 of the Development Code or review and approval of a revised Special Use Permit per Section 20-1306 of the Development Code and approval of the project by the Historic Resources Commission if an extension is not granted."

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.
- The City Commission previously approved a Special Use Permit for Research Services at 647 Massachusetts Street. This request proposes to expand those uses into other portions of the building at 645 and 647 Massachusetts Street.

- Proposed request does not include a specific 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.
- SUP-02-01-09; Research Service Use; Approved by City Commission 5/5/09; Ordinance Number 8395.
- DR-02-14-09; SUP-02-01-09 review.
- DR-03-22-09; exterior alterations review.
- DR-12-145-09; SUP-12-11-09 review.
- Publication of a Special Use Permit ordinance per Section 20-1306(j).

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 primarily occupy space on the 2nd floor of the buildings at 645 Massachusetts Street (existing 4 stories) and 647 Massachusetts Street (existing 2 stories).

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.

The following table provides a floor by floor summary of space for both buildings.

Total Space – Existing Use			
Location – Use Existing	645 Mass (SF) (Lot 17 and part Lot 15)	647 Mass (SF) (Lot 19)	Total (SF)
Basement – Parking/Storage	8,700	5,800	14,500
Floor – 1 – Retail	8,700	5,800	14,500
Floor – 2 – Office	3,860	5,800	9,660
Floor – 3 – Office	3,860	0	3,860
Floor – 4 – Office	3,860	0	3,860

A specific tenant is not known at this time. The applicant has proposed this SUP in order to market the space for Research Service uses. The building footprint will not be altered by this request.

SITE SUMMARY

	Existing	Proposed	Change
Property Area (sq ft):	14,625	14,625	-
Building cover (sq ft):	14,500	14,500	-
Total Impervious Area (sq ft):	14,625	14,625	-
Total Pervious Area (sq ft):	0	0	-

Site Plan Review:

The property is built with existing structures. A roof diagram is provided to show the location of existing and proposed mechanical equipment as part of the site plan. Immediate physical building improvements proposed for the site include the roof mounted mechanical equipment, a change to a rear door and replacement of windows. The property is located in the Downtown Urban Conservation Overlay District.

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.

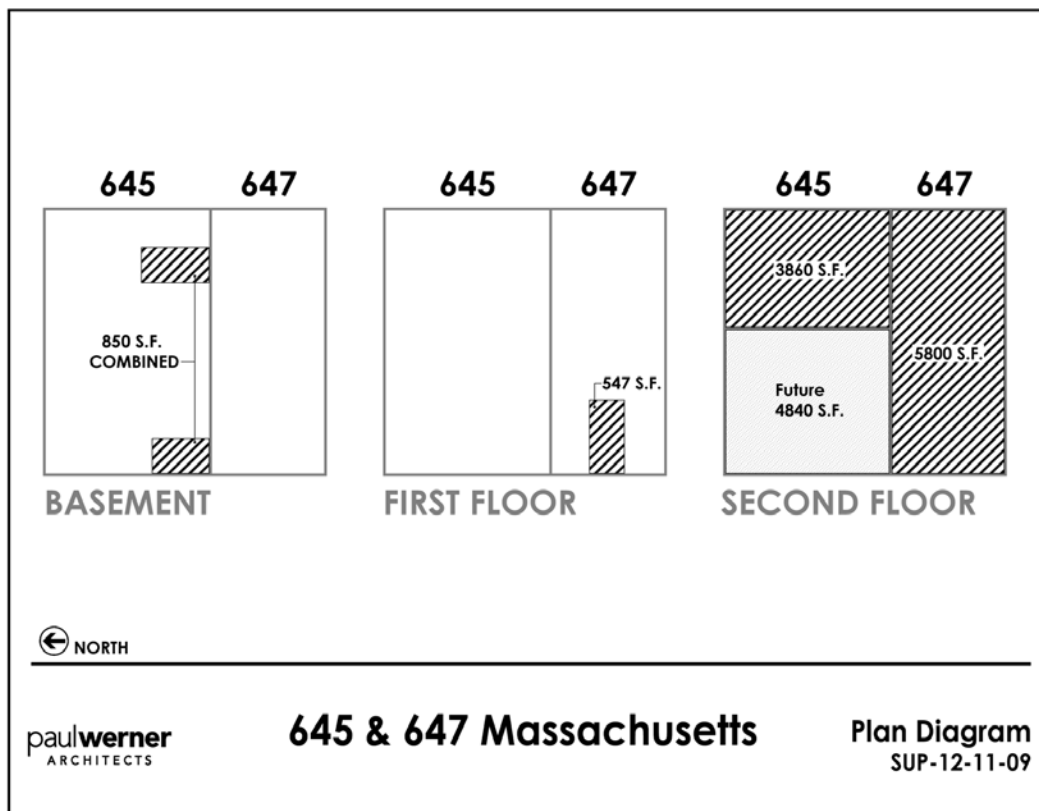
The Special Use Permit approval allows a Research Services use to occupy 9,660 SF of 2nd floor area in the existing building at 645 and 647 Massachusetts Street. A limited area on the first floor and basement levels (534 SF and 850 SF respectively) is also included in this Special Use Permit application. The remainder of the 1st floor (13,966 SF) will continue to be occupied by retail uses.

The site plan also indicates the potential for a future second floor addition at 645 Massachusetts Street that could provide an additional 4,840 SF for Research Services uses. This future addition will require an amendment to the Special Use Permit, Historic Resources Review and building permits prior to construction.

The following table and plan graphic is provided to illustrate the general locations and square foot allocation for the Research Services use associated with this Special Use Permit request.

Total Space to be Occupied by Proposed Research Services Use.		
Location	Total Space Proposed for Use (SF)	Total Remaining Space for Other Uses (SF)
Basement – Parking/Storage	850	13,650
Floor – 1 – Retail	534	13,966
Floor – 2 – Office	9,660 + 4,840 (future)	0
Floor – 3 – Office	0	3,860
Floor – 4 – Office	0	3,860

Note: Future 2nd floor addition will require revised SUP, Historic Resources review and building permits.



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.*

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 be located within existing buildings. Only limited building alterations are proposed (window replacement, rear door entry replacement, and roof mounted equipment) at this time. The site plan indicates a potential future 2nd floor expansion at 645 Massachusetts Street (Lots 17 and part of Lot 15). 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 Research Services 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 will have no affect on other property in the vicinity.*

The proposed use will allow for occupancy of currently vacant space in existing buildings. 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 limitations are identical to those previously approved in SUP-2-01-09 for 647 Massachusetts Street in May 2009.

These more specific limitations are noted on the face of the site plan. They are also recommended to be stated in the ordinance, if approved.

Staff Finding – No diminution of value is anticipated if approved. Approval will not alter the base zoning district that will continue to allow office and retail 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 is 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 have any negative impact on the natural environment. Essentially, the SUP is required to allow biology related research uses in the building structure adjacent to the previously approved SUP for 2nd floor 647 Massachusetts. 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.

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. Section 20-1306 (I) 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. The previous application included a 10 year period of validity for the SUP application. At such time a new application would be required. This note is reflected on the face of this site plan.

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. Staff recommends a condition of 10

years be included in the publication of the ordinance. This limit is currently reflected as a note on the face of the site plan.

Conclusion

The land use is proposed to be restricted by limitations proposed by the applicant. These limitations are 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 desired employees/employers to downtown. The use is compatible and appropriate for this location and staff recommends its approval with the conditions noted.

The future building addition will require additional review to assure compliance with Historic Resources requirements and the Urban Conservation Overlay District design guidelines.

Approval of this request includes the approval of the future 2nd floor addition of 645 Massachusetts Street subject to Historic Resources Commission review and approval and issuance of applicable building permits. If construction commences within 24 months from the date of the publication of the ordinance no additional review to the Special Use Permit will be required; except that Historic Resources Commission review and approval is still required. Any proposed construction for the future 2nd floor addition of 645 Massachusetts Street shall require full Special Use Permit review per Section 20-1306 of the Development Code in addition to Historic Resources Commission review and approval prior to issuance of a building permit unless an extension for the Special Use Permit has been granted. Regardless, Historic Resources Commission review and approval is required prior to any construction of the proposed 2nd floor addition to 645 Massachusetts Street.