



## Legislation Text

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File #: 18-243, Version: 1

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**TO:** Mayor Collins and Town Council Members

**FROM:** Kevin Burke, Town Manager  
Dawn-Marie Buckland, Deputy Town Manager  
Paul Michaud, Interim Community Development Director

**DATE:** June 14, 2018

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

**Discussion of Major Special Use Permit Amendment - Statement of Direction (SUP-18-06).  
7125 E Lincoln Drive - Lincoln Medical Plaza**

**Town Value(s):**

- Primarily one-acre, residential community
- Limited government
- Creating a sense of community
- Partnerships with existing schools and resorts to enhance recreational opportunities
- Improving aesthetics/creating a brand
- Preserving natural open space

Several General Plan policies apply related to the request for redevelopment of the Lincoln Medical Plaza property. Primary policies that apply include the policies of Goal LU 2.1.2, Special Use Permit Property Revitalization, and several of the policies of Goal DA 2.2.1, Development Area Policy. The site is located in the East Lincoln Development Area that encourages moderate intensity, mixed-use, and context appropriate resort development that includes reasonable separation between incompatible uses and adjacent residential areas and effective buffering of unwanted noise, light, traffic and other adverse impacts. Also, the General Plan encourages upgrading existing structures and properties to improve their physical condition to acceptable Town standards. Attached is a more exhaustive list of pertinent General Plan policies for consideration in review of this application request.

Approve the Major Special Use Permit Amendment Statement of Direction for the Lincoln Medical Plaza located at 7125 E Lincoln Drive.

**UPDATE:**

The Town Council discussed the Statement of Direction (SOD) with the Town Council at the May 24, 2018 and May 31, 2018 study sessions. Height, use, landscaping/buffering, and traffic, parking, and circulation were of particular concern. Attached is a track change version of the edits reviewed at the last meeting, along with a clean version of the SOD for action at the June 14, 2018 meeting. Attached

is an e-mail from the applicant dated June 6, 2018. The applicant requests that specific language discouraging the urgent care use is unnecessary and has the potential to cause significant harm to the marketability and value of the end product if the urgent case use ends up being prohibited. The draft SOD retains the language discouraging this use based upon direction but it may be appropriate for further Council consideration. The applicant's other suggested text on the buffer was added to the draft SOD under the setback bullet.

**REQUEST:**

The new property owner of the Lincoln Medical Plaza is seeking redevelopment of the property via a major amendment to the site's existing Special Use Permit - Medical Office zoning. A first formal step in this application process is issuance of a Council Statement of Direction (SOD) to the Planning Commission.

The applicant's proposed redevelopment of this medical office property will be a complete demolition of all existing structures. The proposed use is for medical office.

Attached to this report is the submittal from the applicant. The applicant is seeking Town Council SOD for the June 14, 2018 Council meeting to allow the Planning Commission to discuss their application request during summer 2018. Citizen Review Meeting(s) and action will not be scheduled in July or August. Recommended action by the Planning Commission may occur as early as fall 2018. Town Council discussion and action may occur as early as fall/winter 2018. Timing on the application will depend on several factors. These factors include Council SOD, Planning Commission direction, public input, and the applicant in providing the necessary information for the Town to take action on their application request. The full merits and details of the application request will be vetted through many Planning Commission and Town Council meetings over several months.

**BACKGROUND:**

History and Conditions

Use of the property for medical office use was established by the Town in 1974 by Special Use Permit approval. Prior to annexation in 1961, the site had a structure on the south end of the site. The latest approvals were for a pharmacy and urgent care center in 2011. Attached is a SUP History of the property.

SOD - Covered Items

Per Section 2-5-1.C of the Town Code, a SOD may address, but is not limited to, addressing the following items:

- Anticipated time frame for completion;
- When and if drafts should be referred back to Mayor and Council;
- Expectations for public participation;
- Process for new policy considerations; and,
- Policy preferences, undesired outcomes, or areas where no further review is necessary.

Per Section 1102.3.B.4 of the Zoning Ordinance, regarding Special Use Permits, a SOD may address, but is not limited to the following items:

- Uses
- Lot coverage/density

- Massing/Scale
- Perimeter setbacks
- Maximum heights
- View Corridors
- Circulation
- Known issues, if any (for intermediate amendments this may include issues outside of the geographic area)

### SOD - Provisions

A SOD is not a final decision of the Town Council and shall create no vested right to the approval of a Special Use Permit, nor shall any applicant for a Special Use Permit be entitled to rely upon the matters addressed in the Statement of Direction being the same as those that may be part of an approved Special Use Permit.

At any time during the review process, the Planning Commission may, by a favorable vote of the majority, request clarification and/or expansion of the Statement of Direction based upon matters not considered by the Town Council.

### Timing

Section 2.5.2.D of the Town Code provides time limits for the Planning Commission to hear, approve or disapprove, and forward the Special Use Permit to the Council within the time period specified by the Council in its SOD or in the absence of a specified time period, the time period shall be the lesser of 90 days from the approval of the SOD or 150 days from the filing of the application for the Special Use Permit. The suggested date for the Planning Commission hearing is October 16, 2018.

Section 1102.3.C.3.c of the Zoning Ordinance requires the Town Council to issue a SOD within 45 days from the date of staff presentation. The SOD must be issued by July 8, 2018.

### Major Special Use Permit Application Process

A first step in the application process is for the applicant to file the pre-application material. The applicant filed this on May 3, 2018. Staff provided comments back to the applicant on May 9, 2018. Staff comments are similar to the concerns noted with the formal application.

The formal application was filed on May 15, 2018. Attached is a flow chart from the Article XI of the Zoning Ordinance that summarizes the process steps. Following Town Code/Zoning Ordinance/Town Policy procedures, noticing to persons within 1,500 feet of the site occurs for the Citizen Review Meeting held prior to the Planning Commission recommended action, for the Planning Commission recommended action, and for the Town Council action.

### Draft Statement of Direction (SOD) for Consideration in the Lincoln Medical Plaza SOD

The draft SOD is based on Council's discussion of the SOD Consideration Points at the May 24, 2018 work session. Attached is a draft SOD for Council discussion.

### **ATTACHMENT(S):**

1. Application
2. Vicinity Map & Related Maps
3. General Plan Policies

4. SUP History
5. SUP Flow Chart
6. Draft SOD
7. Presentation
8. Project Narrative & Site Data (booklet)
9. Applicant E-Mail 06-06-18