



Legislation Text

File #: 18-438, **Version:** 1

TO: Mayor Collins and Town Council Members

FROM: Brian Dalke, Interim Town Manager
Dawn-Marie Buckland, Deputy Town Manager
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DATE: December 6, 2018

DEPARTMENT: Community Development

AGENDA TITLE:

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

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 Plaza Medical Center. 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. Attachment C is a more exhaustive list of pertinent General Plan policies for consideration in review of this application request.

Council Goals or Statutory Requirements:

Review of the amendment to the site's Special Use Permit relates to the Council goals related to governance and infrastructure.

RECOMMENDATION:

No action will be taken at the Council study session of December 6, 2018.

SUMMARY STATEMENT:

Town Council Study Session

Town Council discussed the application request at its November 1, 2018 meeting. The main discussion points were the following:

1. To provide expanded traffic documentation that addresses such items as traffic generation beyond the subject site, access points in/out of the site, the right in/right out movements, medians, deceleration turn lane for eastbound traffic entering the site, full build-out of nearby uses such as the Ritz Carlton Special Use Permit, and the coordination with Town improvements along Lincoln Drive. Planning Commission forwarded their recommendation with the knowledge that this information would be fully addressed by Town Council per the parenthetical language in Stipulation J.1b on the roadway easement. This information has been provided. The Town Engineer recommends the shared full median access option with modifications that include extension of the left turn storage length on Lincoln Drive from 90 feet to 115 feet, relocation of the shared access driveway location onto the Smoke Tree Resort property, addition of a dedicated right turn lane at the shared access driveway, elimination of the western Smoke Tree Resort and Lincoln Plaza Medical Center driveways, and recordation of a non-vehicular access easement along the eastern and southern property lines of the Lincoln Plaza Medical Center parcel. Attachment M.3 includes both prior and updated parking/traffic documentation.
2. Policy direction is needed regarding any acceptance in allowing part of the 65' right-of-way to be roadway easement and to allow parking and signs in such easement. Points to consider include the following:
 - a. Section 5-10-17 of the Town Code requires for a Special Use Permit or Major Amendment to a Special Use Permit that "one-half of the public right-of-way located adjacent to such property shall be dedicated as a public right-of-way in conformance with the Town General Plan, as it may be amended from time to time. If such dedication would render the subject property in violation of Town zoning laws, the Town may, in lieu of dedication, accept an easement for public right-of-way over the same amount of land as would be required by dedication."
 - b. Section 1102.1 of the Zoning Ordinance states that "In the exercise of its legislative discretion, the Town Council may modify the development standards, or permit additional related uses, for the special uses listed in this article or elsewhere in order to promote the goals and policies of the General Plan, in exchange for site enhancements that improve overall site design, or to promote the best interests of the Town or its residents."
 - c. The Planning Commission recommendation of 49' of right-of-way dedication and 16' of right-of-way easement factored in allowance for some future physical expansion of the roadway within the 49' dedicated area. Presently, the 33' dedicated area includes approximately 31' for a portion of the center turn lane, two travel lanes and curb. This leaves an additional 18' for sidewalk and either a third travel lane or deceleration lane. The Town Engineer noted that the 49' dedication might not be enough dedicated area since future roadway needs are unknown.
 - d. There was a comparison to other Special Use Permit properties having roadway easements. Typically, the only structures/uses within such easements are signs. A

question asked was whether the site complies with its minimum parking requirements should the 9 to 11 parking spaces along Lincoln Drive be removed by some future roadway expansion project. Removal of these parking spaces would meet only the Phoenix/Scottsdale parking standard. The proposed site plan will require modification to address the shared access driveway with Smoke Tree Resort and elimination of the existing west driveway.

CALCULATION	EXISTING	PROPOSED
Interior Floor Area	25,000 sf	31,000 sf
Pharmacy	2,079 sf	2,500 sf
Total Parking Spaces	153	146
Total Parking Spaces Reduced (Remove front 11 spaces along Lincoln Drive)	142	135
SUP Guideline (1 space / 200 sf interior floor area)	125	155
SUP Guideline Pharmacy (1 space / 300 sf interior floor area)	122	151
Applicant's Parking Study (1 space / 216 sf interior floor area) or (4.62 spaces / 1,000 sf)	116	144
Phoenix/Scottsdale Standard (1 space / 250 sf interior floor area)	100	124

- e. A development agreement can stipulate costs for condemnation and disposition of parking spaces.
3. Attachment O provides information on the width of the Lincoln Drive right-of-way from Invergordon Road to Scottsdale Road. Presently, the Town does not have the full 130 feet of right-of-way.
 4. Town Council suggested some revisions to a few stipulations. Attachment Q includes the ordinance recommended by the Planning Commission with the track changes based on Town Council input at the November 1st study session and applicant input dated November 16, 2018. Staff expects there to be additional edits based upon further Town Council discussion. Edits include a definition for retail, limiting the size of the lobby/retail area of the pharmacy, modifying the stipulation on medical marijuana dispensary, changing the time the sign illumination is shut off, and adding a stipulation under urgent care that limits use of vehicles generating sound and light. For added information on the pharmacy, the existing stipulation for Lincoln Plaza Medical Center allows a pharmacy at 2,079 square feet per the attached floor plan in Attachment N. The only other pharmacy within Town limits is Mountain View Medical Center not to exceed 2,500 square feet.
 5. The matter of the compelling reason for height over 30' was raised. The Planning Commission had five reasons listed under Height in the Compliance to SOD of Attachment L. Staff always encourages the applicant to comply with the Special Use Permit Guidelines, leaving it up to Planning Commission and/or Town Council to determine whether there is merit to apply a different standard under their legislative authority. The applicant has lowered the height of the building from 36 feet to 35 feet as measured from finished floor elevation. Attachment P includes a letter from the applicant's architect on this matter and revised elevations.

6. Regarding Stipulation G.3 on solar panels, the Planning Commission encouraged solar panels on the parking lot canopies to avoid making the building taller than necessary and/or the need to push the parapets closer to the roof edge. As noted at the study session, the merits of any future Special Use Permit amendment for solar will be addressed at that time.
7. As noted above, the applicant has lowered the height of the building one foot to 35 feet. From finished grade, the maximum height of the building to the parapet setback 25 feet from the roof edge is 35 feet 8 inches. Attachment P includes the finished grade elevation documentation per Stipulation F.2.
8. Also requested was clarification on the hours of operation and schedule of drugs dispensed from the pharmacy, specifically Schedule I and II drugs. It is the Police Chief's preference to prohibit Schedule I and II drugs. If Schedule I and II drugs are permitted, the Police Chief did offer suggested edits to stipulations regarding the security and storage requirements of such drugs which can be found in Attachment Q. Further information has been provided in the revised narrative to address these comments, furthermore, the applicant provided the following:

"With respect to the hours of operation for the pharmacy, the applicant is currently proposing hours of operation that align with the hours proposed for primary building operations with the exception of the urgent care. This is simply a matter of maintaining uniformity throughout the facility with respect to the availability of services. This is standard operating procedure for the medical office tenants at the applicant's other facilities.

Regarding Schedule I and Schedule II drugs, the applicant worked closely with Planning Commission to reach mutually agreeable stipulations that will provide adequate safety controls and security for the pharmacy. These stipulations were reviewed by the Paradise Valley Chief of Police, who provided additional suggestions that were incorporated into the stipulations and agreed to by the applicant. The six security stipulations outline the procedures and physical safeguards that must be implemented to ensure drugs kept in the pharmacy are properly stowed, secured, and monitored. Additionally, the revised narrative describes the proposed pharmacy operations in greater detail. The applicant is not proposing a retail pharmacy to compete with the Walgreens less than 1/3 mile from the site. It will not be advertised as a standalone pharmacy and will not be prominently identified outside the building. This pharmacy is intended to serve the medical providers in the building and to cater to the patients visiting medical providers within the building. The vast majority (if not all) trips to the pharmacy will be incidental to patient visits rather than the primary purpose for the visit. Because of the nature of the medical services being offered - particularly outpatient surgery - the ability to prescribe certain Schedule I and II drugs and have them dispensed on-site is critical to the primary operations of the facility."

Request

Jamel Greenway L.L.C., the property owner of the Lincoln Plaza Medical Center, is seeking redevelopment of the existing medical plaza located at 7125 E Lincoln Drive (Assessor Parcel No. 174-64-003B). The proposed redevelopment of this property will be a complete demolition of all existing structures and construction of a new building for medical office uses. Attachments M.1, M.2 and M.3 include the project information from the applicant.

Planning Commission Recommendation

In a vote of 6 to 0, the Planning Commission forwarded a recommendation of approval of the application via Ordinance #2018-19. The Planning Commission discussed the application request at four work sessions: July 17, 2018; August 7, 2018; September 18, 2018; and October 2, 2018. Exhibit "C" to this Ordinance lists the proposed stipulations. Attachment N is the recommended Ordinance #2018-19.

The Town Council issued the Statement of Direction to the Planning Commission on June 14, 2018. Attachment L, Compliance to SOD, describes how the application is consistent with the uses and limitations outlined in the approved Statement of Direction.

History

Use of the property for medical office 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. Attachment G provides a Special Use Permit history of the property.

Compliance to Code & Guidelines

The subject property is designated Special Use Permit- Medical per the Town's General Plan. It is zoned Special Use Permit - Medical Office, Kennels and Veterinary Clinics per the Town's Official Zoning Map. The primary documents used in reviewing an amendment to a property zoned by Special Use Permit are the Town's General Plan; Article XI, Special Uses and Additional Use Regulations, of the Town's Zoning Ordinance; and the Special Use Permit Guidelines. Attachment H provides a chart that describes how the existing development complies with applicable codes/guidelines.

COMMENTS & NOTICING

Public notification for the Planning Commission meeting was performed in accordance with the Town's public hearing process; including posting of the site, notice in the newspaper, and mailing notification to property owners within 1,500 feet of the subject property. The applicant held their required neighborhood meeting on October 3, 2018. There was one nearby resident at the neighborhood meeting. This resident supported the application request. There were no public comments given at the Planning Commission hearing on this item. Attachment J includes the noticing and neighborhood meeting summary.

BUDGETARY IMPACT:

The applicant will be responsible for the construction of sidewalk and landscaping within the Lincoln Drive right-of-way. The Town will receive its full 65 feet of half width right-of-way/roadway easement along Lincoln Drive.

ATTACHMENTS

- A. Vicinity Map/Aerial/General Plan/Zoning
- B. Application
- C. General Plan Policies
- D. SUP Section 1102.2
- E. SUP Medical Guidelines
- F. East Lincoln Development Area Boundary Map
- G. Existing SUP Stipulations
- H. Existing - Proposed Comparison

- I. Minutes
- J. Noticing & Comments
- K. SOD
- L. Compliance to SOD
- M. 1. Narrative & Plans
- M. 2. Drainage & Utility
- M. 3. Parking & Traffic
- N. Existing Pharmacy Floor Plan
- O. Lincoln Drive Right-of-Way
- P. New Documents
- Q. Ordinance
- R. Presentation

Copies - Applicant
- Case File