



## Legislation Text

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**File #:** 19-008, **Version:** 1

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Brian Dalke, Interim Town Manager  
Dawn-Marie Buckland, Deputy Town Manager  
Jeremy Knapp, Community Development Director  
Paul Michaud, Senior Planner

**DATE:** March 14, 2019

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

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

**RECOMMENDATION:**

No action will be taken at the Council study session of March 14, 2019.

**SUMMARY STATEMENT:**

Update from Town Council Study Session/Discussion:

Town Council last discussed the application request at its December 6, 2018 and November 1, 2018 meetings. The main discussion points at the December study session, along with a status update, are listed below. Attachment P includes the applicant response to these points.

1. Right-of-Way Dedication/Easement. Lincoln Drive has historically been a challenge to get the full 130' wide right-of-way due to constraints such as undersized properties and existing structures close to the roadway. However, over time the Town has sought to get the full right-of-way as vehicular trips/traffic along Lincoln Drive has increased necessitating additional roadway improvements. In instances, the Town has in the past accepted the full width via a combination of right-of-way dedication by deed and right-of-way by easement. As shown at a prior Council study session, Attachment O provides the right-of-way condition along Lincoln Drive east of Town Hall showing that the Town lacks the full 130' width in areas and accepted both deed/easement. The applicant remains in support of the Planning Commission right-of-way recommendation for 49' by deed and 16' by easement. The Planning Commission discussion centered around the right-of-way deeded to the Town should include the physical improvements such as travel lane, curb, and sidewalk. The discussion at the last Council study session included detailed driveway access options for the area between Mockingbird Lane and the Town limits not available during the Planning Commission review and unknown future roadway improvement needs that could impact the proposed 16-foot easement.

2. Traffic/Access. Town Council has had several meetings since early December 2018 independent of the review of this application request regarding the Lincoln Drive improvements from Mockingbird Lane east to the Town limits. These discussions centered around how best to balance property owner interests and redesign this stretch of Lincoln Drive from a safety perspective. The direction on the Lincoln Drive improvements impact the Lincoln Plaza Medical Center since it potentially changes driveway entrances, parking areas and related site plan components. The Planning Commission's recommendation was cognizant of this added step in the process in draft Stipulation J.1.b that put the applicant on notice the Town Council would likely require a development agreement and/or other Council process related to items such as ingress and egress. Direction at the February 28, 2019 Town Council study session was to bifurcate the ingress/egress discussion and focus discussion on the other items from the prior study sessions. The applicant expressed willingness for shared access with Smoke Tree Resort if the shared driveway is at the shared property line and not fully on the Smoke Tree Resort property.
3. Parking. Council noted a concern at the last study session about the site not meeting the SUP guideline of one parking space for each 200 square feet of interior floor area. The proposal has 146 parking spaces compared to the existing 153 parking spaces and 155 parking spaces based on the SUP guideline. The applicant's parking analysis supports the proposed 146 parking spaces based upon actual parking demand at a similar medical facility in Town and the circumstance that part of the square footage will be used for uses such as a pharmacy that have less restrictive parking standards than the suggested SUP guideline. The Planning Commission recommendation and Town Engineer were supportive of the proposed number of parking spaces.
4. Height. Council expressed a need for more information on the compelling reasons beyond those described in the Planning Commission recommendation related to height above the Special Use Permit (SUP) guideline of 30'0". During the review process, the proposed building was lowered in overall height to 35' as measured from finished floor elevation (maximum of 35'8" measured from finished grade). The height of the building minus the roof parapets is 29'4" as measured from finished floor elevation (maximum of 30'0" measured from finished grade). There are two roof parapet enclosures. The first parapet is 1' tall as measured from the top of roof and setback 10' from the roof edge. Whereas, the other parapet is 5'8" tall as measured from the top of roof, setback 25' from the roof edge and screens the HVAC equipment. A lot of effort was made during the Planning Commission review to lower the height of the entry atrium, concentrate the HVAC equipment to the center of the roof and setback the parapets from the roof edge. These measures effectually mitigate the view of the parapets/height over 30' tall onsite and adjacent to the site. The letter from the applicant dated March 4, 2019 in Attachment P provides additional information related to the Council Statement of Direction (SOD) allowance of height over 30' based on its impact to adjacent residential properties, the operational needs for medical office use, and design aspects that mitigate this height. This includes an alternative option from the applicant to remove the parapets that are the cause of the height over 30 feet since the mechanical equipment setback from the roof's edge will screen the visibility of the rooftop mechanical equipment.
5. Building Footprint. Building footprint impacts lot coverage noted in the SOD and impacts parking calculations. The proposed design removes the existing outside access to each suite from a two-building design to a single building that internalizes individual suite access. The

building itself increases in lot coverage from 12,322 square feet (13.2%) to 21,620 square feet (23.2%) including roof coverage. This falls within the SUP guideline of 25% lot coverage. During the Planning Commission review the parking canopy coverage increased from an existing 4,720 square feet to 14,040 square feet. Total existing lot coverage is 17,042 square feet (18.3%), compared to the total proposed lot coverage of 35,660 square feet (38.3%). The Planning Commission was supportive of the proposed lot coverage since this increase is due to covered parking, the 2.1-acre site is undersized from the typical 5.0-acre site in the SUP guideline, and the site is in a Development Area. Typically, ancillary structures are included in lot coverage to show compliance with the SUP guideline. However, Council has the discretion to modify development standards if they find it promotes the goals and policies of the General Plan, improves overall site design, or promotes the best interests of the Town.

6. Pharmacy. Council approved a pharmacy on this site in 2011. The site is presently allowed one pharmacy at 2,079 square feet, it cannot sell non-medical items, and can operate Monday - Saturday, 8:00 a.m. - 6:00 p.m., apothecary allowed. The applicant has modified their current request to reduce the square footage from 2,500 square feet to 2,079 square feet. The proposed security measures outlined in the proposed stipulations and described in Attachment P are greater than the existing security measures. The applicant also met again with the Town's Police Chief to discuss additional security measure regarding time-delayed safes, wider counters in the lobby, signage and barriers near the building entrance. The Police Chief prefers not to have Schedule I and II drugs onsite; but if so, is supportive with the proposed additional stipulations. The applicant provides explanation in their latest response that such security measures and the general nature of the pharmacy serving on-site patients satisfies concerns in the sale of Schedule I and II drugs. The applicant has provided a typical floor plan, but it lacks dimensions. As in the last draft ordinance, the lobby/retail (patient area) is proposed at a maximum 150 square feet. The proposed hours of operation remain the same to match the proposed regular office hours for the property of Monday - Friday, 7:00 a.m. to 8:00 p.m. These hours are earlier/later during the week but eliminate the existing condition of the pharmacy open on Saturday. Evaluation is necessary on whether the proposed pharmacy maintains/improves safety and promotes the best interests of the Town.
7. Urgent Care. Urgent care was not specifically addressed at the last study session. Council approved an urgent care facility on this site in 2011. The site is presently allowed one urgent care facility at 2,170 square feet in size, it cannot have out-patient surgical use, ambulatory facilities or sell prescription drugs, and can operate Monday - Friday, 8:00 a.m. - 5:00 p.m. The proposed urgent care keeps similar stipulations, but allows for up to 5,000 square feet and the facility to be open seven days a week from 7:00 a.m. to 10:00 p.m. Discussion during Planning Commission review included that the site is not directly adjoining residential uses, the nearest urgent care is not close to the Town limits (approximately two miles away at Scottsdale Road/Camelback) and the Town resident/hotel guest density nearby will be higher than other parts of Town that can provide a service to these Town residents/guests. Added to the draft stipulations, based on prior Council input, was that there shall be no use of vehicles generating sound and light in connection with the regular operation of the urgent care center.
8. Lighting. Ambient light from the glass entry atrium was a point raised at the last Council study session. The applicant provided a photometric plan at Planning Commission and has with this submittal provided a nighttime rendering of the building in Attachment P. The SUP guidelines do not have a maximum foot-candle at the property line when the site adjoins all commercial

uses as the proposed site. The guideline suggests parking lots at 1.6 foot-candles and driveway entrances at 5.0 foot-candles. When a SUP property adjoins a residential property, the suggested guideline is 0.5 foot-candles. Internally-illuminated signs like proposed at this site have a maximum illumination at the property line of 0.75 foot-candles. The foot-candle measurements at the property line are below typical illumination guidelines. They are 0.0 and 0.1 along all property lines.

9. Development Agreement. Limited progress has been made on a draft development agreement that might address, and is not limited to, the Lincoln Drive access, right-of-way dedication/easement, and/or costs for condemnation and disposition of parking spaces within the proposed right-of-way easement.
10. Draft Ordinance. Attachment Q is the draft ordinance with edits shown in track change that includes the proposed stipulations. Additional edits may be warranted after the upcoming study session.

### 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 Q 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. Noticing for the Council hearing will need to be done.

## 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 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 (Revised)
- M. 2. Drainage & Utility
- M. 3. Parking & Traffic
- N. Existing Pharmacy Floor Plan
- O. Lincoln Drive Right-of-Way
- P. Additional Documents
- Q. Ordinance
- R. Presentation

Copies - Applicant  
- Case File