

# Board of Adjustment

## *Staff Report*

**CASE NUMBER:** BA16-058  
**LOCATION/ADDRESS:** 4121 East Valley Auto Drive  
**COUNCIL DISTRICT:** District 2  
**STAFF PLANNER:** Kaelee Wilson  
**OWNER:** Online Investment Group, LLC and Advanced Spine and Rehab  
**APPLICANT:** Todd Lehmenkuler, Corgan

**REQUEST:** *Requesting a Special Use Permit (SUP) to allow a Medical Clinic in the LI- PAD zoning district. (PLN2016-00654)*

### **SUMMARY OF APPLICANT'S REQUEST**

This request is for a Special Use Permit to allow a medical clinic to locate within an LI-PAD zoning district. There is an existing medical user, Advanced Spine and Rehab, that is making some tenant improvements in order for Beach Surgical center to locate in the suite next door. The surgical center will specialize in orthopedic and spinal surgeries but will not exclusively be used by Advanced Spine and Rehab. The Zoning Ordinance classifies outpatient surgical centers as a "clinic". Clinics in the LI zoning district require the issuance of a Special Use Permit.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BA16-058, *conditioned upon the following:*

1. *Compliance with all documents submitted, except as modified by these conditions.*
2. *Compliance with all requirements of Development Services in the issuance of permits.*
3. *A minimum of an eight-foot landscape island shall be located on the southern side of the generator.*

### **SITE CONTEXT**

**CASE SITE:** Existing Office Development– zoned LI- PAD  
**NORTH:** Existing Motor Vehicle Division- zoned LI  
**EAST:** Existing retail- zoned LC  
**SOUTH:** Existing Office Development– zoned LI  
**WEST:** (across Valley Auto Drive) Existing office developments – zoned LI and LI-PAD

### **STAFF ANALYSIS**

#### **Special Use Permit for a Medical Clinic**

The requested Special Use Permit (SUP) would allow for a surgical center to be located in an office development within the LI zoning district. The Zoning Ordinance defines a medical clinic as: "facilities other than hospitals where patients are admitted for examinations and treatment by one (1) or more physicians, on either a "walk-in" or "appointment" basis. Patients are treated on an outpatient basis and are not admitted for overnight treatment or observation. This classification includes emergency medical services offered exclusively on an out-patient basis, such as urgent care centers, as well as licensed facilities offering substance abuse treatment, blood banks and plasma centers". The proposed surgical center is classified as a clinic based on the "outpatient" basis.

The applicant has provided the following as justification for the granting of the Special Use Permit for a clinic: 1) the project will be in conformance with the intent of the City Code, the General Plan and all other specified plans or council policies; 2) the use will not be detrimental to surrounding uses; 3) the use will intensify employment opportunities within the community; and 4) the use will supply a health resource for community

members.

Chapter 31 of the Zoning Ordinance lists additional development standards for "Hospital and Clinics" uses. The additional requirements relate to enhanced drop off locations for patients near the entry. The additional development standards relate more to a single tenant hospital or clinic user. The project site is an existing office complex that would have to be drastically modified to meet the additional requirements. The applicant is proposing to add a patient pick-up area located behind the building. The patient pick-up area will have foundation base that is 10 feet deep by 24 feet long with a portion having an overhead canopy. Staff believes this enhanced pick up location meets the intent of the additional development standards specific to medical clinics as listed in MZO Section 11-31-15.

As part of the surgical center installation, a backup generator is being added to the property. The generator is being proposed on the eastern side of the building within an existing parking spaces. Such an addition should remain compatible with surrounding activities provided a minimum of eight-feet of landscaping is installed adjacent to the enclosure (recommended condition 3). This additional landscaping would require the removal of an additional parking space. Even with the removal of two parking spaces, the site is adequately parked. The overall site with the current uses requires 89 parking spaces and 117 are provided.

This case is recommended for approval by the Board, conditioned upon the three items listed above. This use should not have a negative impact on surrounding properties.

#### **FINDINGS SUP:**

- 1.1 The proposed Special Use Permit is to allow for a medical clinic to locate within an office development that is zoned LI-PAD.
- 1.2 The proposed medical clinic is an outpatient surgical center that specialized in spinal and orthopedic surgeries.
- 1.3 The proposed medical clinic will not be injurious or detrimental to the surrounding neighborhood.
- 1.4 The medical clinic use is in conformance with all adopted plans and the General Plan designation of Employment. The use furthers the intent of the Employment District by adding healthcare related jobs.
- 1.5. There are adequate public services, public facilities and public infrastructure to serve the proposed project, as it is locating within an existing office complex.

#### **ORDINANCE REQUIREMENTS:**

11-70-5- E: Special Use Permits: A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in

the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.