

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
06/25/2012

**ITEM NO. 2: IG TO H GPI; 12.4 ACRES; 138 ALABAMA ST (SLD)**

**Z-11-27-11:** Reconsider a request to rezone approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) District to GPI (General Public and Institutional) District, located at 138 Alabama Street. Submitted by Treanor Architects, for Alford-Clarke Post #852 VFW, property owner of record and Bert Nash Community Mental Health Center, contract purchaser.

**Staff Recommendation:** Staff recommends approval of the request to rezoning approximately 12.40 acres and adjacent right-of-way from IG (General Industrial) to GPI (General Public and Institutional), located at 138 Alabama Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *For the construction of new medical office building, a wellness center, and a miracle field with associated site improvements.*

This zoning request is for the consideration of property that was originally proposed for the H (Hospital) District considered by the Planning Commission January 25, 2012. This report has been updated to reflect a recent text amendment regarding the definition of a *Mental Health Care Facility* (TA-4-2-12), considered by the City Commission on June 4, 2012. Revised Language is shown in **“bold green text”**

**KEY POINTS**

- **This specific request is intended to replace a previous rezoning request of the same property to the H (Hospital) District. This request is based on the recent text amendment to create a use for *Mental Health Care Facility* and for that use to be allowed in the GPI District.**
- Request to allow expansion facility to accommodate growth in community mental health care.
- Proposed property is located with proximity to existing offices and related medical health services.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Future subdivision plat, site plan and floodplain development permit is required.
- **TA-4-2-12; creation of a Mental Health Care Facility Use.**

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

**ATTACHMENTS**

- Area map
- Concept plans
- Vision Statement provided by applicant

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Request by area residents for clarification of application and boundary of zoning request.
- **None received to date regarding revised consideration.**

**Project Summary:** Proposed rezoning to the ~~hospital~~ **General Public and Institutional** district to accommodate a full range of mental health care activities, including overnight stay at the facility. This request represents the expansion of offices and services with proximity to the existing Bert Nash offices.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"Yes, as the plan shows future community facilities in this vicinity"*

*Horizon 2020* addresses future hospital needs in Chapter 10, Community Facilities. The Plan states *"To ensure that the Douglas County community is not harmed by an excessive supply of General Hospital facilities, development proposals for any new General hospital shall be carefully examined."* The plan recommends the assessment of both short and long term economic impacts a proposed facility will have on the existing hospital and the community need.

The proposed request is for the ~~H (Hospital)~~ GPI (General Public and Institutional) District. The focus of the use is for a mental health facility providing a greater range of services than is currently available in the community. Bert Nash coordinates with numerous agencies to provide services including a partnership with Heartland Health Center to provide integrated care. The proximity of the mental health center to Lawrence Memorial Hospital and the Douglas County Dental clinic provides opportunities for partnerships for providing integrated services.

The proximity of the proposed use to the existing Bert Nash offices and the existing "General Hospital" as well as the relationship between Bert Nash and Lawrence Memorial Hospital (LMH) are significant factors in this request.

**Following additional communication with Lawrence Memorial Hospital representatives it was concluded that providing more clarity in the Development Code by establishing a specific use for a community mental health care facility was in the public's best interest. This issue is discussed in detail in the staff report for the text amendment – TA-4-2-12. The use of the Hospital District was a best fit response to the uses as they existed at the time of the application and the knowledge of the issues of interested parties at the time of the preparation of the report. It is now reasonable to consider rezoning to an alternative district.**

Excerpt from TA-4-2-12:

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

*Health services are addressed in Chapter 10 – Community Facilities in Horizon 2020. The Plan recognizes the importance of adequate facilities to serve Lawrence and Douglas County. The Plan states that such facilities should be located within the incorporated areas of Douglas County. The Plan further recognizes the existence of a general hospital – Lawrence Memorial Hospital. The plan further provides a definition of a General Hospital as:*

*An establishment with an organized medical staff of physicians, with permanent facilities including in-patient beds and acute care facilities, and with medical services – including physician services and continuous registered professional nursing services – for not less than 24 hours of every day, for the purpose of proofing diagnosis and treatment for patients who have a variety of medical conditions. (Page 10-7)*

*This definition is further refined in the Development Code. The Horizon 2020 further addresses the need to retain the existing Hospital's economic viability. From this perspective the use of the hospital zoning district for activity and uses that do not meet the full and complete definition of a hospital could lead to an oversupply of the district. This oversupply can lead to development of single service and for-profit medical uses that threaten the economic viability of the existing general hospital.*

*The Bert Nash proposal for a community health facility that addresses mental health care in a holistic approach requires overnight stay for patients as well as space for practitioners, care providers and support services. There would not be surgical or obstetric care provided as part of this use which is a distinguishing characteristic from a general hospital.*

*The comprehensive plan does not address the growing need for a facility that can accommodate multiple programs and services along with a mental health care (in-patient) component. Horizon 2020's focus is on a "bricks and mortar", classically defined, hospital. This focus gives rise to the need to establish a defined use and designate an appropriate zoning district for a medical use that is not a general hospital but has some similar characteristics. The community nature of the mental health care use makes this use appropriate for the General Public and Institutional District rather than the hospital or commercial-office district. The fact that a mental health care facility is expected to include overnight and transitional stay for patients longer than 24 hours means that the development code must be either interpreted to accommodate the use or amended to specifically classify the use. These actions must be conducted within the scope of Horizon 2020's policy to protect the public interest in its general hospital.*

**Staff Finding –** The comprehensive plan supports additional hospital facilities when it can be demonstrated that such a use does not result in an excessive supply of such facilities. The proposed request does not pose a new general hospital but a facility with a specific focus of care. **The adoption of a more specific and applicable land use as amended into the Development Code provides a better fit of the proposed development with the Comprehensive Plan. The GPI District provides an appropriate district for a use that is intended as a community-wide benefit and protects the integrity of the Hospital District as intended by Horizon 2020.**

## 2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: IG (Industrial General) District; Veterans of Foreign Wars post including meeting space, out buildings, and lake.

Surrounding Zoning and Land Use: IG (Industrial General) District and VC (Valley Channel) County District to the north. Undeveloped 13 acre tract of land (IG) owned by the City of Lawrence and Railroad right-of-way in the Valley Channel.

GPI (General Public and Institutional) District and RM12 (Multi-Dwelling Residential) District to the south; City Water Treatment Plant east side of Illinois Street, mixed use residential development between Alabama and Illinois Streets; Community Health Building is located between Alabama and Maine Streets; Lawrence Memorial Hospital to the southwest on east side of Maine Street.

IG (Industrial General) District and RS10 (Single-Dwelling Residential) District to the west; School District USD 497 maintenance facility, Woody Park, and Mobile Village residential development.

**Staff Finding –** The property is surrounded by a variety of land uses including detached homes, duplex and multi-dwelling units to the south, institutional uses to the east and west, a manufactured home park and a public park to the west. This request is compatible with the

existing zoning and uses of the neighborhood. **There is no change to this finding for the request as it relates to the proposed GPI District.**

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"Adjacent to Woody Park and abuts medium density/low density residential housing. Just south of Woody Park is LMH and the Community Health Clinic."*

The property is located within the Pinckney Neighborhood. This portion of the neighborhood is characterized by industrial/institutional uses and public facilities. The proposed request would accommodate a change of use from a fraternal organization use (VFW) to a community facility providing Mental Health Care Services. Pinckney Neighborhood is the home of the community's General Hospital.

**Staff Finding** – This neighborhood includes a wide range of uses. A significant portion of the neighborhood is devoted to the hospital and medical office related uses. This request is compatible with the character of the neighborhood. **There is no change to this finding for the request as it relates to the proposed GPI District.**

### 4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

A neighborhood plan was last approved in July 1978. Numerous changes have occurred since the adoption of that plan including; the adoption of the Development Code and the creation of two new historic districts in the neighborhood. There have also been several development applications for redevelopment within the neighborhood for multi dwelling uses, a daycare, and improvements to commercial property along W. 6<sup>th</sup> Street. Given these factors the land use plan used for this review is *Horizon 2020*. Key features of *Horizon 2020* encourage the protection of neighborhoods and infill development and redevelopment that provides a range of uses. The plan also encourages a design that is compatible with the established land use pattern in the surrounding areas.

Approval of the request would accommodate redevelopment of the site with features to benefit the entire community rather than just the neighborhood. Development concepts include the retention of the existing pond and the provision of a sports field to accommodate accessibility needs of individuals.

**Staff Finding** – There is no current neighborhood area or sector plan for this part of Lawrence. The proposed request, if approved, would be located within the corridor of the neighborhood consistent with similar uses and services. **There is no change to this finding for the request as it relates to the proposed GPI District.**

### 5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *"Current zoning allows a more intensive use; however not as compatible with the adjacent neighborhood current use."*

The property is currently zoned IG. The purpose of this district is stated in section 20-216 of the Development code as:

*"The IG, General Industrial District, is primarily intended to accommodate moderate and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas."*

The property is currently developed with a 6,000 SF auditorium and a 520 SF 1-bedroom residence according to the County Appraiser's Office. The VFW is located at this site. That use is considered a *Lodge, Fraternal and Civic Assembly* use defined in Section 20-1738 as:

*"Meetings and activities primarily conducted for members of these groups. Excludes "Group Living" and "Transient Habitation" use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations. Lodge, Fraternal and Civic Assembly uses are small-scale and shall not exceed a capacity of 500 people."*

This use is not allowed in the IG District. Because it pre-dated the adoption of the 2006 Development Code it is considered a non-conforming use. The existing use is inconsistent with the current zoning.

The proposed zoning includes approximately 13.13 acres; within that boundary is a 3.26 acre lake and 3.56 acres of woodland area surround the lake. The property has access to local streets only. These features impinge on the suitability of the property for industrial uses.

**The following section of the staff report has been updated to reflect the proposed GPI District and land use definition for a *Community Mental Health Care Facility*.**

Section 20-219 states:

*"The GPI District is a **Special Purpose Base District** primarily intended to accommodate **Institutional Uses** occupying significant land areas but not appropriate for development in the H District or on property designated on the official zoning map as U. The District regulations are designed to offer the institution maximum flexibility for patterns of uses within the District while ensuring that uses and development patterns along the edges of the District are compatible with adjoining land uses."*

This use is defined in Section 20-1770 as:

*"A **Community Mental Health Facility** is a facility containing space for care and programs specializing in services for individuals seeking mental health services for themselves or for their families. A **Community Mental Health Facility** may contain space for waiting rooms, patient rooms, and accommodations for licensed health care providers providing case management services. A **Community Mental Health Facility** may provide care services for individuals seeking mental health services, either on an in-patient or out-patient basis, or both, and may include care services under medical supervision for more than twenty-four consecutive hours, but shall not include surgery and obstetrical care as may be found in a Hospital.*

*A **Community Mental Health Facilities** shall, as may be required by State law, be licensed by the appropriate State Agency. A **Community Mental Health Facility** may also include office space, outpatient medication services (limited pharmaceutical services), education, consultation, treatment and rehabilitation services, employment and housing services, medical and dental care in a coordinated manner with mental health care services, and general community wellness programs as accessory uses.*

*A **Community Mental Health Facility** shall not include Hospitals, Group Homes, Extended Care Facilities, or Temporary Shelters, as defined in the Land Development Code."*

If approved, the development of a facility providing mental health care would be located within proximity to existing offices and other health care uses. Specific site design issues would need to be implemented to protect the residential uses especially those located south of W. 2<sup>nd</sup> Street.

**Staff Finding** – As currently zoned the existing use does not conform to the base zoning district. Redevelopment of the site as proposed requires the property to be rezoned. The current IG zoning is not suitable for the proposed use. **The recent text amendment is intended to provide a clarification of the use and an appropriate zoning designation for the anticipated use.**

## 6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *"Not currently vacant, but has not been used in an industrial use in recent time."*

As noted previously the property is developed with an existing 6,000 SF auditorium and a small residence. The property was platted as individual lots as part of the West Lawrence Addition recorded in 1869. The subdivision at the time established 80' rights-of-way for Alabama and Illinois Streets to be extended north of what is today W. 2<sup>nd</sup> Street. These streets were never constructed. The residence was constructed in 1900 and the auditorium was constructed in 1964.

The property was zoned M2 (General Industrial) District and M3 (Intensive Industrial) District from 1966 to 2006. Upon the adoption of the Development Code the property was rezoned to the current IG District. An aerial photograph from 1941 shows the lake and several buildings in the immediate area. The 1927 Sanborn maps show this property as the Kaw Valley Brick Company.



The Planning Commission approved a request to rezone this property to the H (Hospital District) on January 25, 2012. Staff was contacted by representatives for Lawrence Memorial Hospital who expressed concerns about the long term applicability of the H (Hospital District) zoning and use for the Bert Nash site. Upon further review of the use definitions all parties agree that the proposed use would be better served with its own use category and definition. On April 17, 2012 the City Commission initiated a text amendment to the Development Code to clarify in the Development Code a use that addresses mental health care and future community health programs. This request is a response to those actions.

**Staff Finding** – The property is not currently vacant, however the land use and the base zoning district are not consistent. This request reflects recent text amendments to the

**Development Code but does not alter the existing development condition of the subject property.**

**7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Applicant's Response: *"Should not have a detrimental effect on neighboring property"*

The property is located at the north end of the neighborhood. The immediately adjacent property owners include the municipal water treatment facilities and the school district service building. The most likely affected properties would be the residents located between W 2<sup>nd</sup> and W 3<sup>rd</sup> Street between Alabama and Illinois Streets. Property owners in this area have indicated on-street parking concerns that exist today. Site development should include adequate parking to accommodate the use and alleviate the potential for employees to park in the neighborhood.

Access to the site is restricted to existing local streets. Approval of the request is likely to include land uses that will generate more traffic than the current use generates. To mitigate impact on the residential uses to the south, a traffic study will be required.

**This zoning consideration is in response to concerns identified by Lawrence Memorial Hospital. The intent is to provide a *Community Mental Health Care Facility* while protecting the integrity of the Hospital District.**

**Staff Finding** – Impacts from the proposed zoning include increased traffic and on-street parking. These elements would require more review with a detailed site development plan. **Approval of this request will mitigate concerns addressing the appropriate use of the Hospital zoning district for a defined use. The GPI District reflects the quasi-public nature of the intended development and community services.**

**8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION**

Applicant's Response: *"Requested zoning makes development of the site as planned in compliance with the current development standards."*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The proposed request is to facilitate the development of a future medical clinic that includes space for observation for temporary psychiatric treatment while waiting for inpatient placement outside the community according to staff discussions with the applicant. This would place the new development near the existing Bert Nash offices. If approved, the applicant will be positioned to proceed with further development applications including subdivision plat and site plan review. If denied, the applicant would need to work to obtain space within the existing Hospital District to provide the planned services or acquire additional property in another location.

**Staff Finding** – The gain to the public is the ability to provide and expand mental health services within the community and within proximity to established medical services. **There is no change to this finding for the request as it relates to the proposed GPI District.**

## **9. PROFESSIONAL STAFF RECOMMENDATION**

Approval of the request provides for opportunities to expand medical care in the community that do not currently exist. ~~The relatively small size of the property would likely not be desirable for another general hospital.~~ Additional development applications are required to fully redevelop this site. The property is encumbered by regulatory floodplain and will require specific review of this element for any future development of the site.

**It was determined that a more specific definition of a *Community Mental Health Care Facility* was needed to address the complex range of uses intended for development and to preserve the integrity of the Hospital District. The nature of the request and the ultimate development intended for the site has not altered since the January consideration of this property by the Planning Commission.**

## **CONCLUSION**

The proposed request is compatible with the surrounding land uses and zoning of the area as well as consistent with the Comprehensive Plan **and planned development for the area.**