



## Legislation Text

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File #: 17-261, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Tim Stillings, Director of Planning and Zoning  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** April 4, 2017

CONDITIONAL USE REQUEST FOR CONTINUING CARE ROOMS FOR TZIKAS MEDICAL CENTER LOCATED AT 526 & 542 SE 5TH AVENUE (*QUASI-JUDICIAL HEARING*)

**Recommended Action:**

Motion to Approve the conditional use request to permit four continuing care rooms at the Tzikas Medical Center located at 526 & 542 SE 5<sup>th</sup> Avenue, pursuant to Land Development Regulations Section 2.4.5(E) and 4.4.9(D)(19).

**Background:**

The conditional use request is associated with a Class IV Site Plan Modification, Landscape Plan and Architectural Elevations for construction of a 6,229 sq. ft. building addition to the existing medical facility located at 526 & 542 SE 5<sup>th</sup> Avenue on the west side of SE 5<sup>th</sup> Avenue, within the General Commercial District (GC).

In 2010, a Class III Site Plan Modification (File No. 2010-094-SPM-SRB-CL3) was approved for 0.432 acres of the site to convert a vacant, 5,336 square foot office building into the Tzikas Medical Center. The current request is to expand the existing facility and add a continuing care use. The lot to the south of the existing office has been incorporated, increasing the site to 0.575 acres. The project consists of a three-story 6,229 square foot addition resulting in a total of 11,565 square feet. The proposed addition requires 20 spaces for the additional medical office use and six spaces for the four continuing care rooms. The 26 spaces plus the original 18 spaces results in a requirement of 44 total parking spaces. Per LDR Section 4.6.9(F)(1), the applicant is requesting an adjustment of eight spaces. Associated site improvements include a total of 36 parking spaces; 26 parking spaces are accessed from SE 5th Avenue and 10 spaces are accessed from an adjoining alley. The alley is currently unimproved, but will be improved by the applicant and include a four-foot wide right-of-way dedication.

The submitted "Description of Proposed Use" indicates that the first floor will provide a new waiting area, storage, and offices. The second floor will contain operating rooms. The third floor will contain four continuing care suites that allow patients to recuperate on site under medical supervision. The medical office uses will provide services from 7:30 a.m. to 5:00 p.m., with the continuing care rooms providing services up to 24 hours, every day of the week. The potential impact of this use is analyzed in the staff report.

On February 27, 2017, the Planning and Zoning Board reviewed the request and recommended approval (x-x) of the conditional use with the following conditions:

1. That adequate parking shall be determined and approved by SPRAB;
2. The project is constructed based on the use, square footage and tabular data as presented on page two of the site plan and the rooms are for post-operative medical uses;
3. Construction of the alley that shall run from SE 6<sup>th</sup> Street to SE 5<sup>th</sup> Street and be aligned with all efforts made to use materials other than asphalt.

Analysis by Staff suggests that the conditions are not necessary to address the board's concerns:

Condition 1: The approval process for a Class IV Site Plan modification requires review by SPRAB, including the required and provided number of parking spaces, configuration, and landscaping, as well as approval of any requested parking reduction.

Condition 2: The condition was added to narrow the use of the rooms to not allow certain potential unwanted uses of the rooms. Concerns raised included additional office space, hotels/motels and sober homes. Hotel/motel uses are conditional uses and would require an additional approval. Expanded offices would require a change of use and increase the parking requirement. Detox facilities are only permitted within the Medical Arts Overlay. Finally, residential uses, including dwelling units, "Residential Licensed Service Providers" or sober houses are permitted within the GC so the City cannot lawfully restrict this use. However, a building permit would be required to install kitchens to the proposed rooms so the city would have notice of the change.

Condition 3: The city ultimately controls the right-of-way alignment and materials used for paving alleys. The board's condition will be taken into consideration by the City's Engineering Services Department during the review of the site plan and will recommend the appropriate materials based upon the assessment.

**Attachments:**

Site Plan, Floor Plan, and Elevation Plans  
Board Order

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

The conditional use must be approved before the site plan that includes the continuing care rooms

may be considered by SPRAB.