

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Community Development Director *JK*

DATE: June 7, 2007 (CC Meeting of 06/20/07)

SUBJECT: Consider Approval of Administrative Modification No. 1 to the Carlsberg Specific Plan Amendment No. 1 that Medical Offices, Urgent Care, Surgical Units, MRI, and Other Similar Medical Uses are Similar, and Therefore, Permitted Uses

DISCUSSION

On September 7, 1994 the City Council approved Amendment 1 to the Carlsberg Specific Plan. On November 4, 1998 the City Council approved the addition of an Alzheimer's Residential Care Facility as a permitted use in the Institutional area and subsequently approved a commercial planned development for the 38 bed facility on June 8, 1999. This use was not constructed and the approval has since expired. It is the use for this property that the applicant is requesting a determination. The Specific Plan established various land uses and development standards that could be developed. Much of the land within the Specific Plan has been developed with only two areas remaining, one in the commercial/industrial area and one lot in the institutional area. It should be noted that the City Manager is of the opinion that the City Council at the time of approval of the Specific Plan discussed the concept of a single user as operator of the institutional use. Now that most of the Specific Plan has been constructed or approved for construction it is appropriate for the current City Council to consider and determine the definition of health services as it applies to this Specific Plan.

The uses in the Institutional area are a vacant lot (under contract to Peach Hill Medical Center - Larry Greene) adjacent to Moorpark Presbyterian Church and Pinecrest Private School. Across Peach Hill Road is Mesa Verde Middle School and adjacent to the school is the Catholic Church. Neither the Catholic Church nor the Presbyterian Church is part of the Carlsberg Specific Plan. Both of these properties are shown on the City's General Plan as Low Density Residential and shown on the City's Zoning Map as RE-1 and RPD 1.8u. This request is to determine that certain medical uses are similar in

nature to the "health services and hospital" uses that are permitted in the I (Institutional) land use.

Determination of similarity of use in the Carlsberg Specific Plan follows the Specific Plan text and not the City's Zoning Ordinance. On page 60 of the Specific Plan it sets forth the Purpose and Intent for the Institutional land use. Specifically, it states:

"The institutional area is intended to provide for the development and maintenance of institutional uses such as a library, museum or similar uses. The physical effects of such uses will be limited so that negative impacts such as; noise, odor, glare, visual impacts, and other such effects that could be harmful to life or property will not be generated."

On page 61 the Specific Plan sets forth the Permitted Uses allowed in the Institutional land use area. Specifically, it states:

"Includes public facility uses: government building; museum; library; fire station; non profit organization uses; church; community service center; private or public school; day care facility; health services and hospital; art gallery or similar uses which the Director of Community Development finds consistent with the purpose and intent of this land use.

Staff has surveyed the Ventura County cities, as well as the County, and no jurisdiction has a definition of "health services" in its Zoning Ordinance. Additionally, since this is one of the last properties in the area available for development staff has mailed a courtesy notice to all property owners within 1,000 feet of the exterior boundaries of this property and notified the management agency responsible for the master homeowner association and individual homeowner associations within the Carlsberg development.

The applicant is proposing to construct a single building that will house multiple medical uses which will include medical offices, surgery unit, MRI X-ray unit, urgent care facility, and a small pharmacy. The applicant is also proposing to make the offices condominiums so that individual office space can be purchased and has entered into a reciprocal parking agreement with the Moorpark Presbyterian Church so that employees of the proposed facility can park in the church parking lot. The applicant proposes to meet all city parking requirements as well as all requirements of the Specific Plan. It should be noted that included in the allowance of medical office would be chiropractic offices and physical therapy when done in conjunction with a doctor's office. Massage, such as one would find in a spa setting would not be permitted. If this determination is approved by the City Council the application for a planned development permit would be scheduled for a public hearing before the Planning Commission on July 24, 2007 and a public hearing before the City Council on August 1, 2007.

ANALYSIS

There are three options available to the City Council for consideration regarding this issue. Option 1 is Determination of Similar Use; Option 2 is Amend the Specific Plan to Clearly Define Institutional Uses; and Option 3 Amend the Specific Plan to Require a Conditional Use Permit. Please note that whatever option that the Council selects would not allow a business office use in lieu of medical offices. Medical office use requires different construction and occupancy than business office and would open this site to a much broader array of uses.

Option 1 – Determination of Similar Use: The Specific Plan gives the authority to the Community Development Director to make a determination of similarity with findings to support the director's decision. Since the Specific Plan does not state what those findings should be staff proposes to use the City's Zoning Ordinance similar use findings i.e. 1) that the proposed use is similar in nature, character, and intensity to one or more of the listed uses; and 2) that the review requirements for the proposed use shall be identical to those similar uses upon which the Community Development Director has based the determination.

The proposed use is similar in nature, character, and intensity to one or more of the listed uses: Neither health services nor hospital is defined by the Specific Plan. "Hospital" is, however, defined by the City's Zoning Ordinance as a "licensed institution providing inpatient care or overnight accommodations for persons with illnesses, injuries, or other conditions, physical or mental, calling for medical treatment or observation, including (1) or more of the following basic services: anesthesia, laboratory, nursing, pharmacy, radiology, rehabilitation or surgery." The kinds of uses proposed, i.e. medical offices, surgery unit, MRI X-ray unit, urgent care facility, and a small pharmacy, would fit within those uses normally found in a hospital, however, these uses would not constitute a hospital use. Health services is a broad enough use to allow for the uses proposed by the applicant and would have similar characteristics to other kinds of health services such as medical laboratories, blood banks, medical supplies and the like.

Each of these various uses would have similar traffic and parking demands with the medical offices parking having a somewhat longer parking turnover time frame. None of the proposed uses would have peak traffic hours that would be substantially different. All use activity would be inside and not generate any noise or odor inconsistent with the uses in the vicinity. All of the uses proposed would have to be licensed by the state or the practitioners licensed by the state.

The review requirements for the proposed use shall be identical to those similar uses upon which the Community Development Director has based the determination: Any use which is proposed for this vacant property would have to first receive approval of a planned development permit prior to construction. The applicant's would be required to

comply with this same requirement. In fact, the applicant has submitted a proposed planned development permit for consideration if this determination is approved.

Option 2 – Amend the Specific Plan to Clearly Define Institutional Uses: The Specific Plan is not particularly well written when it comes to defining the Institutional land use and the permitted uses allowed. Additionally, when you look at the existing land uses the area clearly looks like an institutional area in the “classic” sense. It has two churches, a public school, and a private school with a single vacant, undeveloped lot. The question is should the use that is allowed on the vacant property be a “classic” institutional use or the multiple medical use services proposed? If this is the Council’s desire then it would be appropriate to give staff direction as to the appropriateness of multiple medical service uses proposed and direct staff to prepare an amendment to the Specific Plan for consideration at the Planning Commission meeting of July 24, 2007 and subsequently at the City Council meeting of August 1, 2007.

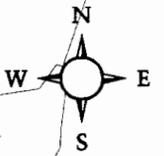
Option 3 – Amend the Specific Plan to Require a Conditional Use Permit: This option is an off-shoot of Option 2 but would allow the City Council more control over the continuation of the use of the property for multiple medical service uses. This option would still require the amendment of the Specific Plan but it would allow the multiple medical services use as part of a conditional use permit. The advantage to this option is that the conditional use permit runs with the land and could be conditioned to always be a medical center with the approved multiple medical service uses.

STAFF RECOMMENDATION

Based upon the findings presented in this report, determine that multiple medical service uses including, but not limited to an urgent care facility, an MRI facility, a surgical unit and a small pharmacy are consistent and similar to health services and hospital use of the Carlsberg Specific Plan.

Attachment: Location Map

Location Map



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CC ATTACHMENT

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