

6. SPECIAL USE PERMIT NO. 2009-20 - 10644 West 87<sup>th</sup> Street

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1. APPLICANT: Private Equity Ventures is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting approval of a special use permit, for a five-year period of time, to allow a nursing home.
3. LOCATION: The subject property is located at 10644 West 87<sup>th</sup> Street.
4. EXISTING ZONING: This property is currently zoned CP-O, Planning Office Building District.
5. NEIGHBORHOOD CHARACTERISTICS: The subject property is located at the northeast corner of 87<sup>th</sup> and Goddard Streets along the shared city limit line with the City of Lenexa. To the north is property zoned RP-3, Planned Garden Apartment District, for a multi-family residential building. Immediately to the east is an office building that was zoned together with the subject property. South across 87<sup>th</sup> Street are properties zoned R-1, Single-Family Residential District, for single-family homes. Across Goddard Street to the west are commercial properties in the City of Lenexa.
6. CONFORMANCE WITH THE MASTER PLAN: The Master Plan shows office uses as being appropriate on the subject property. The Elder Care Facilities Land Use Goals of the Master Plan indicate that assisted living and nursing facilities are appropriate in areas designated for office use. These goals also specify that access to care facilities should be provided by thoroughfare or collector streets. The proposed location of the facility is an existing office building adjacent to a thoroughfare (87<sup>th</sup> Street), and the existing access off Goddard Street will be utilized by the care facility. In staff's evaluation, this request conforms to the Master Plan.
7. ANALYSIS: The applicant is requesting special use permit approval for a nursing home facility in the northern two-thirds of an existing office building. The southern one-third of the building is occupied by a medical office. The applicant for this request currently has an adult daycare at this location and would like to add the option of overnight care. The Unified Development Ordinance (UDO) allows day care centers in office zoning districts, but the addition of overnight care requires special use permit approval.

The facility currently provides five bedrooms and the necessary restroom and shower facilities for the adult daycare use. With the applicant's current consumers, five would stay 24 hours a day, and 16 would utilize

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only the daycare service. The applicant's license through the State of Kansas would allow five overnight residents and 20 during the day. In the future, if additional restrooms and bedrooms are installed, the applicant could have up to eight overnight residents.

The applicant is not proposing any changes to the exterior of the building or the site. Currently, there are approximately 30 parking spaces to serve the existing building, which is more than enough to meet UDO requirements for the medical office and care facility. The individuals served by the care facility are not able to drive, so no personal vehicles will be permanently parked at this location. The applicant will be planting new street trees along Goddard Street to meet the number of street trees required in the UDO.

8. STAFF RECOMMENDATION: Staff recommends approval of Special Use Permit No. 2009-20, for a five-year period of time, subject to the following stipulations:
  - a. The development shall be in accordance with Exhibit "A" (Site Plan), which is filed in the office of the Planning Commission Secretary at City Hall and which is incorporated by reference as if set out in full herein. In addition, the development shall follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
  - b. New street trees will be installed on the east side of Goddard Street to meet the UDO requirement of one street tree for every 40 feet of lineal frontage.