

5. REZONING NO. 2007-25 - Vicinity of the southeast corner of 159<sup>th</sup> Street and Antioch Road
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**GENERAL COMMENT:** This request is directly related to Special Use Permit No. 2007-33, and should be considered at the same time.

This request was continued from the February 25, 2008, Planning Commission meeting. The Planning Commission requested the applicant to investigate the following modifications to the proposed plan:

1. Down-size the amount of commercial to help alleviate traffic concerns.
2. Remove some parking to get closer to four parking spaces per 1,000 square feet as required by ordinance or at least defer the construction of the parking.
3. Add buildings along 159<sup>th</sup> Street to get closer to the requirements of the Commercial Design Guidelines.
4. Lessen the amount of stream deviation requested for Tributary A and F.
5. Review the design of the office development along Antioch Road.
6. Provide a more direct route for emergency vehicles to the hospital.

The applicant has reduced the amount of square-footage from 1,130,121 to 1,030,121 square feet a reduction of 100,000 square feet. The impact of this reduction on traffic is discussed in more detail in the Transportation Impacts section. The amount of parking was reduced from 4,667 spaces to 4,337 spaces, which equates to a reduction of 330 spaces. The Unified Development Ordinance would require 4,120 parking spaces for a center of this size. The required number of spaces has also been reduced because of the 100,000 square-foot reduction in the commercial square-footage being requested.

In order to address the 159<sup>th</sup> Street frontage, the applicant added buildings 1D, 2A and 3A to the 159<sup>th</sup> Street frontage. Therefore the amount of building wall along this frontage has increased from 188 lineal feet to 402 lineal feet of frontage or 16 percent of the 159<sup>th</sup> Street frontage. The Commercial Design Guidelines require 60 percent of a thoroughfare street frontage to be occupied by building frontage, decorative architectural walls, landscaped entryway signage or features, required focal point and/or site amenities. The applicant has also included 1,798 lineal feet of landscaping or decorative wall to meet this requirement.

To address the stream deviations as requested by the Planning Commission, the applicant is now proposing to only pipe the northern half of the stream corridor which runs along Antioch Road just south of the

**159<sup>th</sup> Street intersection (Tributary A).** The applicant has removed several cottage homes in the southeast corner of the site to maintain the entire stream corridor, which was identified as Tributary F. This impact is addressed more thoroughly in the Environmental Impacts section of the report. The office layout and route for emergency vehicles have not changed from the site plan discussed at the February 25, 2008, Planning Commission meeting.

The office pods, RP-6 development and hospital have not changed since the February 25, 2008, hearing date.

**All changes from the last meeting are in bold. The Transportation Impact and Environmental Impact sections have both changed since the last hearing. Staff does not support this request even with these changes because of the large increase of nonresidential uses from what was proposed in a recent Master Plan study.**

1. APPLICANT: Price Brothers Development is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting a rezoning from RUR-J, Rural District, Johnson County, to CP-2, Planned General Business District, CP-O, Planned Office Building District, RP-6, Planned High-Rise Apartment District, and PRN, Planned Residential Neighborhood District, to allow a commercial, office and mixed density residential district.
3. LOCATION: The 293-acre tract is located in the vicinity of the southeast corner of 159<sup>th</sup> Street and Antioch Road.
4. CHARACTER OF THE NEIGHBORHOOD: The area is characterized by single-family residences on larger lots, churches, multi-family homes, Blue Valley Middle School, Blue Valley West High School, highway and undeveloped land planned for a single-family subdivision and a church.
5. LAND USE AND ZONING PATTERNS: The property north of 159<sup>th</sup> Street is zoned A-J, Agricultural District, Johnson County, and approved for a special use permit to allow a utility structure at the northwest corner of U.S. 69 Highway and 159<sup>th</sup> Street. The land to the west of this utility structure is land zoned RP-3, Planned Garden Apartment District, RP-4, Planned Cluster Housing District, and R-1, Single-Family Residential District. The RP-3 and RP-4 property is developed with attached homes

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while the R-1 land is developed with a church at the northeast corner of 159<sup>th</sup> Street and Antioch Road.

The land across Antioch Road to the west is zoned RN1-J, Residential Neighborhood One District, Johnson County, and RUR-J (single-family homes on larger lots), RE, Residential Estates District (Blue Valley West High School and Middle School), and R-1 zoned land which is undeveloped land south of these schools. This undeveloped land is proposed to be developed as single-family homes and a church at the northwest corner of 159<sup>th</sup> Street and Antioch Road. To the south of 167<sup>th</sup> Street is land zoned RN-2J, Residential Neighborhood Two District, Johnson County, and approved for a special use permit to allow a church which is located at the southeast corner of 167<sup>th</sup> Street and Antioch Road. The land east of the church is developed with single-family homes on large lots and is zoned RUR-J. U.S. 69 Highway is located to the east of the application area.

6. ANALYSIS OF APPLICATION:

- a. DEVELOPMENT PLAN: The applicant is requesting approval of a rezoning from RUR-J, to CP-2, CP-O, RP-6, and PRN to allow a mixture of a large shopping center, office development, apartments, and a mixed density single-family development. A special use permit to allow a hospital is also proposed on the east central 42 acres along U.S. 69 Highway. That application is on this agenda as well (Special Use Permit No. 2007-33). Each zoning area associated with Rezoning No. 2007-25 will be discussed individually. One feature for the overall development is a stream corridor which divides the development east to west. The stream corridor runs along Antioch Road and then traverses to the southeast. The city's Parks Department has agreed to have a trail along Antioch Road and then travel along the stream corridor to 167<sup>th</sup> Street and U.S. 69 Highway. This is in lieu of a hike/bike trail along U.S. 69 Highway. An additional stream corridor is being provided in the southeasterly portion of the site. Additional information on the stream corridor will be provided in the Environmental Impact section.

The public streets run along the east side of the main stream corridor to the west and southwest towards Antioch Road and 167<sup>th</sup> Street. Everything to the east and northeast of this road that runs

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along the stream corridor is private and will be maintained by the development.

This property has shown a collector street running from 159<sup>th</sup> Street south to 167<sup>th</sup> Street on the Master Plan. As part of this proposal that collector street would be changed to run from the northern entrance off of Antioch Road south to 167<sup>th</sup> Street. Staff is agreeable to this change.

CP-2 DEVELOPMENT PLAN: The CP-2 property is the northern 101 acres and is proposed to be developed with **1,030,121** square feet of commercial development. Access to the site is proposed to be from 159<sup>th</sup> Street, Antioch Road and through the development to the south of the CP-2 zoned land. There are no public streets proposed through the CP-2 property. The applicant has stated that the proposal is for an internal grid street network that is lined with retail. This would allow for persons to stroll through this commercial development and have a variety of shopping experiences. Almost all of the parking would be located around the perimeter with only parallel parking provided along the internal drive system and some parking located in internal building pods. This parking would be used more for those working in the adjacent buildings. All of the internal grid network within the CP-2 zoning boundary would be private drives. The internal street network would function much like a downtown with wide sidewalks, street trees, benches, scored and colored concrete and other pedestrian features. Additional information will have to be submitted at the time of final development plan.

There are five large-sized buildings, two of which are focused at the east and west terminus of the main drives. The other three large buildings are located on the south side of the CP-2 portion. The buildings are a combination of one and two-story buildings. The larger footprints are generally proposed as two-story buildings.

The applicant is proposing a minimum number of pad sites along the perimeter thoroughfares to promote internal focus to the applicant's commercial development. Three pad site buildings are located at the southeast corner of 159<sup>th</sup> Street and Antioch Road, **with three additional pad sites located at the commercial drive intersections and 159<sup>th</sup> Street.** The applicant has stated this location of the three pad sites **at the intersection of 159<sup>th</sup> Street**

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**and Antioch Road** was in response to the single-family developer at the northwest corner of 159<sup>th</sup> Street and Antioch Road, as well as, to address a concern from Site Plan Review Committee. A corner feature is also proposed as required by the Commercial Design Guidelines, which will be developed further at the time of final development plan, if approved.

A total of **4,337** parking spaces are located on-site which the Commercial Design Guidelines would only require four parking spaces per 1,000 square feet or **4,120** spaces. However, the Commercial Design Guidelines do require that parking lots be broken into no larger than 40 parking spaces without an intervening landscaped island. Staff has attempted to work with the applicant to accomplish this. The plan revisions have helped the appearance but staff will have to review this further at the final development plan stage. The parking lot between U.S. 69 Highway and the eastern buildings is not as visible from the public street and therefore, staff has not requested as many landscape islands. This item is addressed more thoroughly in the Staff Concerns section.

There are two large retaining walls located at the northeast corner of the development. However, the applicant has stated they will meet the Design Guideline requirement of each wall being no taller than five feet, with at least four feet in between each wall. Landscaping will be provided in that four-foot wide area.

The applicant has provided a bus stop location adjacent to Building 2 near the western entrance off of 159<sup>th</sup> Street. The staff, applicant and Johnson County Transit will work to ensure this is a suitable location for this transit stop at the time of final development plan approval.

The Commercial Design Guidelines also require the thoroughfare frontage be defined at the street edge with building frontage, decorative architectural walls, landscaped entryway signage, focal point, or site amenities. Staff and the Planning Commission have generally attempted to have buildings define this street edge instead of the other features. Currently the plan provides **402** lineal building frontages along 159<sup>th</sup> Street and 170 lineal building frontages along Antioch Road. Staff has requested to have more buildings pulled out to the street frontage or to have more

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significant architectural elements to define this street edge. The applicant is just proposing to provide a three-foot edge/wall along 159<sup>th</sup> Street and Antioch Road to meet this requirement **and has added the three buildings discussed previously. In staff's opinion the three additional buildings along 159<sup>th</sup> Street does not adequately address this concern, but have agreed to wait for the final development plan stage.**

Very little discussion has occurred regarding the building elevations for the CP-2 portion of the development. The applicant is aware of the Commercial Design Guidelines and that further review will occur at the time of final development plan approval. As required with the Corbin Park development, a thorough development handbook will be required to be submitted with the first final development plan to explain proposed building materials, lights, signage, pedestrian elements, etc.

CP-O DEVELOPMENT PLAN: The site plan identifies six separate pods for the office development with a total of 417,330 square feet. These office buildings are proposed to be either one, two or three stories as shown in the provided building elevations. There is no Pod A shown on the site plan; the office pods start with B. All pods provide the exact number of required parking spaces by ordinance. Pod B is located at the northeast corner of the second drive south of 159<sup>th</sup> Street along Antioch Road. This pod has a total of five buildings and a total of 47,650 square feet. A total of 181 parking spaces is required and is being provided in this area.

Pod C has a total of three buildings and is located at the southeast corner of the second drive south of 159<sup>th</sup> Street along Antioch Road. There is a total of 30,300 square feet of office space and a total of 115 parking spaces, which meets ordinance requirements.

Pod D is located at the northeast corner of the southern drive along Antioch Road. There are a total of four buildings and 78,950 square feet. 300 parking spaces are being provided which meets ordinance requirements.

Office Pod E is located at the southeast portion of the site just east of Pod E and has three office buildings. A total of 124,480 square feet is proposed with a total of 473 parking spaces.

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Pod F is located just to the east of the multi-family buildings and to the north of the proposed hospital. This pod has two buildings with a total of 87,500 square feet. A total of 333 parking spaces are provided. The applicant has stated this is a potential location for a hotel which will require a special use permit.

Finally, Pod G is located more centrally to the site just south of the hospital. This pod has a total of 184 parking spaces and 48,450 square feet between the two buildings.

The building elevations submitted do show the offices are proposed to be a combination of stone base and EIFS. These building elevations will be reviewed at the time of final development plan approval. Additional lighting and landscaping information will be provided at that time.

RP-6 Development Plan: The RP-6 portion is located just south of the southern large commercial buildings and just to the north of the proposed hospital. A total of 600 units are proposed on the 15.98 acres for a density of 37.54 units per acre. These four buildings are proposed to be three and four stories tall. The Multi-Family Design Guidelines limit the RP-6 density to 29 units per acre without receiving a density bonus. The density bonuses are discussed in the Site Plan Review Committee section below. The plan shows a total of four buildings, each one surrounding an internal parking garage. Private drives divide the buildings from each other and allow for parallel parking along the drives. Access to the apartment is provided from the commercial to the north and a public street to the west.

The applicant has provided a total of 14.1 percent open space which is 6.1 percent more than required by the Multi-Family Design Guidelines. The open space is located in an internal courtyard between buildings B and D and an internal courtyard of building C. The additional open space is found along the perimeter of the buildings, which is proposed to be developed with sidewalks, landscaping and other pedestrian features.

Based upon the bedroom counts provided on the site plan, a total of 991 parking spaces are required to be provided for the RP-6 portion of the development. This table identifies a total of 1,000 spaces provided within the multi-family development.

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Similar to the CP-2 portion of the development staff, has not thoroughly reviewed the building materials or elevations. The proposed elevations show a combination of materials including brick and EIFS. Numerous offsets are provided on a majority of the elevations. A more thorough analysis will be undertaken at the time of final development plan approval. The applicant is aware of the Multi-Family Design Guidelines and that additional review will be undertaken.

The Unified Development Ordinance does state that “no RP-6 District shall be located in areas designated as Low-Density Residential on the Future Development Plan. Exceptional Circumstances shall be determined at the discretion of the Planning Commission or the Governing Body and shall be supported by findings stated in the record.” Staff is comfortable with this preliminary building design and concept. In staff’s opinion this is a creative urban design with limited impacts on adjacent development. Staff does not object to the RP-6 design or density, but because it is directly tied to the commercial proposal and the objection to the amount of commercial, staff can not support the RP-6 zoning at this time.

PRN DEVELOPMENT PLAN: The Planned Residential Neighborhood is located to the south of the stream corridor along 167<sup>th</sup> Street and Antioch Road. There are a total of **296** units proposed in the 72 acres for a density of **4.1** units per acre. Access to this residential development will be provided from a boulevard entrance off of 167<sup>th</sup> Street. No homes will actually front this street but a frontage road will be located on both sides of this boulevard, for access to the homes. This boulevard into the development will have substantial landscaping to provide for a unique entryway. The other access is located from the southern drive off of Antioch Road just south of office Pod D. All streets in the PRN are proposed to be public with alleys being private.

The plan proposes a combination of carriage homes, villa lots and cottage homes. The cottage homes (**66** units) will front onto a green. Some of these cottages will face the front doors of other cottages across the green. Alleys are proposed to serve the garages and are a total of 20 feet in width, composed of 14 feet of asphalt with three feet of concrete on each side. The garage doors will be a minimum of 50 feet apart to allow for a fifteen-foot pad

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behind the garage doors to allow for guest parking. Cottage pods are proposed at the northern edge of the PRN at the entrance, at the corner of 167<sup>th</sup> Street and Antioch Road and in the southeast corner of the development. The owner will own the house footprint with common maintenance provided around the home. The cottages are proposed to be Craftsman, European or Prairie style and will be two-story.

At the entry way from 167<sup>th</sup> Street the applicant is proposing a total of 109 carriage homes on the east and west sides of the main entry way. These are smaller lots (31 feet by 81 feet) and will have alleys serving the garages. These alleys are designed similarly to those in the cottage areas. The carriage homes will have a zero lot line with a twelve-foot side yard on one side and have a maintenance easement on the other side.

Finally, a total of 121 villa lots are proposed. These homes are located to the west of the carriage homes and are smaller (50 feet by 100 feet) than the majority of southern Overland Park lots currently being developed. No alleys will serve these lots.

A clubhouse and pool is also being provided along the northern edge of the PRN development. The PRN district requires developments to have a civic building to allow for persons to gather. This clubhouse is 2,800 square feet in size and would probably meet this requirement, but staff will review this further at the time of final development plan approval. A ten car parking lot is proposed to be provided. Elevations will be submitted at the time of the preliminary development plan application.

Additional requirements in the PRN Design Guidelines require three different housing types in a PRN development. In order to meet this requirement each housing type must be equal to 10 percent of the overall total units. This request does meet this 10 percent requirement with the cottage homes, carriage homes with alleys and the villa lots without alleys. Also as required by the PRN district, sidewalks are provided on both sides of all streets. The applicant will be required to provide a written criteria explaining the type of style of homes proposed in the PRN district. A stipulation has been added.

Finally, the design guidelines require all homes to be within 1,500 feet of open space. In order to accomplish this, the applicant has provided some pocket parks and large landscaped islands in the streets. These large landscaped islands are also shown as detention areas but the applicant has stated they will be usable. This will be reviewed further when construction details are submitted.

- b. **TRAFFIC IMPACTS: Since the first Planning Commission hearing on this project on March 24, 2008, the applicant has reduced the retail building area and changed some of the office buildings from medical offices to general office space. Those two changes have reduced the trip totals from the site and also improved the intersection capacity analyses results. These comments include revised trip totals in Table I and capacity analyses results in Tables II and III.**

This proposed development contains a large amount of non-residential development and therefore warranted an extensive traffic impact study to analyze the expected traffic impacts. The Study recommends a list of interim and permanent street improvements needed to handle the expected traffic. The consultant who prepared the study followed a scope of work established by staff and used the Overland Park Traffic Model to analyze 2030 traffic conditions.

**Table I** includes a comparison between the trips that are expected to be generated by the proposed development and the trips that the Master Planned land uses would produce. It should be noted that, in conformance with past practice in the city, the p.m. peak hour trip totals for the proposed development were reduced to take into consideration the impact of internal trips (trips between the retail area and the portion of the residential development located close to the retail area). In addition, pass-by trips (those vehicles that already would be on the street network and which would stop at the retail portion of the project on their way to another destination) also were accounted for and reduced the final trip totals.

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**TABLE I**  
**Trip Generation Estimates**

Land Use	Intensity	ADT <sup>1</sup>	A.M. Peak Hour			P.M. Peak Hour		
			In	Out	Total	In	Out	Total
<b><i>Proposed Development</i></b>								
Retail	1,030,121 s.f.	30,925	387	247	634	1,401	1,517	2,918
General Office	299,905 s.f.	3,587	451	61	512	84	410	494
Hospital	400 beds	4,701	298	128	426	185	329	514
Medical Office (Hospital)	240,000 s.f.	9,599	470	125	595	192	519	711
Medical Office	117,425	4,372	230	61	291	104	279	383
Multi-Family Residential	600 units	3,756	60	238	298	226	122	348
Single-Family Residential	303 units	2,883	55	167	222	183	108	291
<b>Subtotal</b>		<b>59,823</b>	<b>1,951</b>	<b>1,027</b>	<b>2,978</b>	<b>2,375</b>	<b>3,284</b>	<b>5,659</b>
<b>Internal trips</b>		--	--	--	--	<b>186</b>	<b>186</b>	<b>372</b>
<b>Pass-by reduction (retail only)</b>		--	--	--	--	<b>195</b>	<b>195</b>	<b>390</b>
<b>Total</b>		<b>59,823</b>	<b>1,951</b>	<b>1,027</b>	<b>2,978</b>	<b>1,994</b>	<b>2,903</b>	<b>4,897</b>
<b><i>Master Planned Land Uses</i></b>								
Retail	300,000 s.f.	13,870	185	118	303	621	672	1,293
General Office	200,000 s.f.	2,275	288	39	327	52	251	303
Multi-Family Residential	1,093 units	6,870	108	435	543	414	222	636
Single-Family Residential	418 units	4,096	78	233	311	262	154	416
<b>Subtotal</b>		<b>27,111</b>	<b>659</b>	<b>825</b>	<b>1,484</b>	<b>1,349</b>	<b>1,299</b>	<b>2,648</b>
<b>Internal Trips</b>		--	--	--	--	<b>166</b>	<b>166</b>	<b>332</b>
<b>Pass-by reduction (retail only)</b>		--	--	--	--	<b>79</b>	<b>79</b>	<b>158</b>
<b>Total</b>		<b>27,111</b>	<b>659</b>	<b>825</b>	<b>1,484</b>	<b>1,104</b>	<b>1,054</b>	<b>2,158</b>
<b>Difference</b>		<b>32,712</b>	<b>1,292</b>	<b>202</b>	<b>1,494</b>	<b>890</b>	<b>1,849</b>	<b>2,739</b>
<sup>1</sup> Weekday Average Daily Traffic (two-way)								

A review of **Table I** shows that the proposed change in the land use mix on the site will result in extremely large increases in trip generation from the site on a daily basis (32,712 trips), in the a.m. peak hour (a 1,494 trip increase) and in the p.m. peak hour time period (a 2,739 trip increase) as compared to the existing Master Plan land uses on this large site. Historically the city has focused on the p.m. peak hour as the critical time period in analyzing traffic impacts because that is when the public street network carries its highest load.

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**Tables II and III** contain the expected intersection Level of Service (LOS) for the intersections that were analyzed for the project under four development scenarios - existing conditions, existing plus development conditions, 2030 conditions with the currently Master Planned use on the site, and 2030 conditions with the development of the proposed project. **Table IV** lists the various levels of delays used to analyze intersection operations.

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**TABLE II**  
**Capacity Analyses Summary**  
**Existing Conditions**  
**Weekday P.M. Peak Hour**

Intersection	Existing Conditions		Existing Conditions + Proposed Project	
	LOS (Level of Service)	Delay (Sec./Veh.)	LOS (Level of Service)	Delay (Sec./Veh.)
151 <sup>st</sup> & Antioch	C	24.6	D	35.2
159 <sup>th</sup> & Switzer	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>
159 <sup>th</sup> & Antioch	-- <sup>1</sup>	-- <sup>1</sup>	C	31.5
159 <sup>th</sup> & Lowell	-- <sup>1</sup>	-- <sup>1</sup>	C	21.9
159 <sup>th</sup> & East Site Driveway	--	--	C	23.3
159 <sup>th</sup> & U.S. 69 SB Ramps	--	--	C	33.0
159 <sup>th</sup> & U.S. 69 NB Ramps	--	--	C	29.6
159 <sup>th</sup> & Foster	-- <sup>1</sup>	-- <sup>1</sup>	C	23.2
159 <sup>th</sup> & Marty	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>
159 <sup>th</sup> & Metcalf	C	28.0	C	37.4
North BV School Drive & Antioch	-- <sup>1</sup>	-- <sup>1</sup>	C	25.7
South BV School Drive & Antioch	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>
165 <sup>th</sup> & Antioch	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>
167 <sup>th</sup> & Antioch	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>
167 <sup>th</sup> & Lowell	--	--	B	14.1
167 <sup>th</sup> & SB U.S. 69 Ramps	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>
167 <sup>th</sup> & NB U.S. 69 Ramps	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>
167 <sup>th</sup> & Metcalf	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>	-- <sup>1</sup>

<sup>1</sup> Unsignalized Intersection – Analysis results cannot be compared to signalized intersection results. See comments for notes on locations with selected movements with longer delays.  
<sup>2</sup> Antioch Road, 151<sup>st</sup> to 167<sup>th</sup> Improvement Project includes the installation of a traffic signal.

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It is important to note that all of the Existing Plus Development Analysis results are based on the assumption that the new interchange at 159<sup>th</sup> Street and U.S. 69 Highway will be constructed concurrent with the development of this project and will be open to traffic when this development project is substantially developed. The Current Capital Improvements Program for the city does not include that interchange project. The interchange is an essential element in assuring that the surrounding street network will be able to accommodate the very high traffic volumes that will result from the development of this project. If the retail component were to be fully developed without the interchange being constructed, the street network in the surrounding area would be overloaded and nearby intersections would be subject to very long delays.

The results in **Table II** show that under the existing plus development conditions scenario, this proposed project will have not have a major impact on the signalized intersections that were studied. All of those intersections are projected to operate at or better than the desirable LOS D. The only areas where longer than desirable delays will occur will be at some of the unsignalized intersections that were analyzed.

Two of those locations involve thoroughfare/thoroughfare intersections. The intersection of 159<sup>th</sup> Street and Switzer Road (which now has four-way stop control) is projected to experience lengthy delays for the northbound and southbound left-turn movements. Staff assumes that a traffic signal is a potential option at that location when 159<sup>th</sup> Street is widened to a four-lane roadway, now scheduled for 2010, if traffic signal warrants would be met at that time. If the signal were to be installed, the turning movement delays no longer would be an issue. The intersection of 167<sup>th</sup> Street and Metcalf Avenue, where the delays for the east-west movements are expected to become very long, has the potential to be converted to a four-way stop or be signalized in the future, even before Metcalf Avenue or 167<sup>th</sup> Street are widened.

In other cases, the most significant impacts will be for movements from the minor street onto the major street. The existing intersections and the movements that will be most impacted are:

159<sup>th</sup> Street & Marty– northbound left-turns and all southbound movements

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South BV School Drive & Antioch Road – eastbound and westbound left-turns  
165<sup>th</sup> Street & Antioch Road – eastbound and westbound left-turns

As noted below, staff believes that those delays are not major concerns.

Even though the intersection of 159<sup>th</sup> Street & Marty is projected to have long delays for vehicles on Marty, it is bracketed by the intersections of 159<sup>th</sup> Street & Metcalf Avenue (currently signalized) and 159<sup>th</sup> Street & Foster (expected to receive a signal because of the 159<sup>th</sup> Street volumes added by this project. Those nearby traffic signal should produce gaps in traffic to make those turns easier to accomplish.

The left-turn movements from the side streets at the intersections of the South BV School Drive and 165<sup>th</sup> Street at Antioch Road are projected to have relatively long delays during the afternoon peak hour. The heaviest afternoon school traffic occurs quite a bit earlier than that, so the volumes making those left-turns will be lower than during the after school peak. It is possible that traffic conditions at other times may warrant traffic signals at those locations after this project is developed, but the likelihood of that outcome cannot be determined until that time. The proposed traffic signal at the North BV School Drive and Antioch Road intersection also could provide gaps in traffic to make it easier to turn from the side streets onto Antioch Road.

The last unsignalized intersection with long projected delays, 167<sup>th</sup> Street & Metcalf Avenue, has the potential to be converted to a four-way stop or be signalized if the volumes were to so warrant.

REZONING NO. 2007-25 - Vicinity of the southeast corner of 159<sup>th</sup> Street and Antioch Road - continued

**TABLE III**  
**Capacity Analyses Summary**  
**2030 Conditions**  
**Weekday P.M. Peak Hour**

Intersection	Current Master Plan Land Use		Proposed Project	
	LOS (Level of Service)	Delay (Sec./Veh.)	LOS (Level of Service)	Delay (Sec./Veh.)
151 <sup>st</sup> & Antioch	<b>E</b>	<b>64.0</b>	<b>E</b>	<b>67.1</b>
159 <sup>th</sup> & Switzer	D	43.8	D	52.1
159 <sup>th</sup> & Antioch	D	39.7	<b>E</b>	<b>61.1</b>
159 <sup>th</sup> & Lowell	B	19.1	C	20.3
159 <sup>th</sup> & East Site Driveway	B	19.8	C	24.5
159 <sup>th</sup> & U.S. 69 SB Ramps	C	30.7	C	34.3
159 <sup>th</sup> & U.S. 69 NB Ramps	C	20.2	C	31.6
159 <sup>th</sup> & Foster	C	24.3	D	41.4
159 <sup>th</sup> & Marty	C	22.6	C	27.0
159 <sup>th</sup> & Metcalf	<b>E</b>	<b>77.4</b>	<b>E</b>	<b>79.5</b>
North BV School Drive & Antioch	B	18.0	C	29.9
South BV School Drive & Antioch	B	14.1	B	15.7
165 <sup>th</sup> & Antioch	B	10.0	B	15.5
167 <sup>th</sup> & Antioch	D	35.1	D	45.3
167 <sup>th</sup> & Lowell	B	18.9	C	33.8
167 <sup>th</sup> & SB U.S. 69 Ramps	C	27.9	C	28.7
167 <sup>th</sup> & NB U.S. 69 Ramps	C	20.2	C	24.9
167 <sup>th</sup> & Metcalf	C	24.8	C	33.3

<sup>1</sup> Unsignalized Intersection – Analysis results cannot be compared to signalized intersection results. See comments for notes on locations with selected movements with longer delays.

**TABLE IV**  
**Level of Service Criteria**  
**For Signalized Intersections**

<b>Level of Service</b>	<b>Total Delay Per Vehicle (Seconds)</b>
A	<10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	>80.0

Under the projected 2030 conditions, significant street improvements are assumed to be in place. In addition to the 159<sup>th</sup> Street and U.S. 69 Highway Interchange mentioned earlier, other improvements include:

1. Six through-traffic lanes on 159<sup>th</sup> Street, Antioch Road and Metcalf Avenue
2. The completion of the southern portion of the 167<sup>th</sup> Street & U.S. 69 Highway Interchange

The information in **Table III** shows that under 2030 conditions two of the studied signalized intersections (151<sup>st</sup> Street & Antioch Road and 159<sup>th</sup> Street & Metcalf Avenue) would operate with delay times in the undesirable LOS E range both with and without the added trips from this project. At those locations the average delays would increase only slightly, compared to the Master Plan development scenario. Because of that relatively minor impact, staff is not concerned about the increased delays at those intersections.

**The changes that the applicant has made since the March 24, 2008, Planning Commission meeting have reduced the traffic impacts of this project. Previously, three intersections were projected to be negatively impacted to a significant extent if the project were to be developed. Now only one intersection, 159<sup>th</sup> Street and Antioch Road, would be impacted to the extent that the LOS would drop into an undesirable delay level**

**if this project were to be developed, as compared to the Master Plan uses currently shown for this property. The average projected delay would increase dramatically from 39.7 seconds (barely into LOS D) to 61.1 seconds (about five seconds past the threshold for the undesirable LOS E range). Considering its location near the most intense development on the site, that result is not surprising.**

It is important to point out that the expected intersection delays in the future are not as long as might be expected considering the extremely large increases in trip generation on this site, compared to the existing Master Plan land uses. That less than anticipated impact likely is due to two factors: 1) substantial street capacity will be available in this area with the expected street and highway improvements, and 2) existing and projected development intensities are relatively low in the area to the west of this site.

**Typically, the transportation staff does not support projects with traffic impacts that cause intersections to operate with delays worse than LOS E. But in this case, because a significant negative impact is evident at only one location and that increased delay is only slightly beyond the LOS D range, the transportation staff supports the current application.**

**While the site plan is generally acceptable to the transportation staff, many of the design elements of the site plan are shown in a very general fashion. Stipulations have been attached to this application addressing the need to further refinement prior to final development plan approval.**

**One area where staff has worked with the applicant to consider a change from the normal city design standards is in the portion of the PRN District near the intersection of 167<sup>th</sup> Street and Lowell Avenue (the north-south street connecting to 167<sup>th</sup> Street). Two streets immediately east and west of that intersection are designed with curve radii of 100 feet, which is less than the current minimum radius of 200 feet. City staff members have informally discussed the possibility of reducing the minimum radius requirements for very low volume streets in the PRN Zoning District, but no changes have been formally pursued. The two streets where the smaller radii are shown will serve a small number of lots and will not carry through-**

**traffic, so meet the intent of some of the internal discussions. Staff is comfortable with the current design and recommends that the smaller radii be permitted.**

- c. ENVIRONMENTAL IMPACTS: A Preliminary Stormwater Management Study has been submitted, reviewed and accepted for this project. There are no FEMA floodplains on this site; however, the Blue River Watershed Study modeled the main tributary through the site (designated Tributary 40 or Trib 40) from the southeast corner of the site up to its junction with Antioch Road. There are stream corridors, detention, and Corps of Engineers permitting issues to address on this site. In the future, stormwater treatment will also impact this site.

#### **Stream Corridors**

##### ***Changes from Previous Plan:***

***Significant changes to stream corridors from the plan denied by the Planning Commission at the February 25, 2008, meeting include:***

***Tributary A: Tributary A was previously shown as being eliminated. The revised plan eliminates the northerly 750+/- feet of stream in a pipe system, but preserves and enhances the southerly 750+/- feet of stream. The portion of stream preserved is being enhanced and portions of it are somewhat wider than the minimum 60-foot width. In some locations, nearly double the minimum width.***

***Tributary F: Tributary F was previously shown as being eliminated. The revised plan preserves all of Tributary F (approximately 345 feet of stream).***

There is one main stream corridor, designated as Trib 40, that runs from a point on the west side of the site about 1,300 feet south of 159<sup>th</sup> Street to the southeast corner of the site near the junction of 167<sup>th</sup> Street and U.S. 69 Highway. This stream corridor has a required minimum width of 100 feet on each side of the ordinary high water mark and an approximate length of 4,900 feet. There are six smaller stream corridors with required minimum width of 60 feet each side of the ordinary high water marks with one 600-foot

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length of corridor having a 100-foot width. They are shown on Attachment A. Attachment B shows the proposed development overlaid on the stream corridors.

The following table provides information on each of the stream corridors:

Stream Corridor Information				
Name	Length Feet	Proposed Rezoning	Corridor Preserved	Corridor Width
Trib 40	4900	CP-2, CP-O, PRN	Yes	100
Trib A	1500	CP-2	Partially (50%+/-)	60
Trib B	2000	CP-2	No	60
Trib C	700	CP-O	Yes	60
Trib D	200	PRN	No	60
Trib E	1150	CP-O	Yes	100 & 60
Trib F	500	PRN	Yes	60

The above table indicates the proposed development has a significant impact on the existing stream corridors. Of a total of 48.6 acres of stream corridor, 12.0 acres (4.3 percent of the site) or 3,200 feet of stream corridor will be lost including the 2.4 acres of allowable transportation crossings of the corridors. The applicant has proposed to enhance much of the remaining 36.6 acres (13 percent of the site) or 7,860 feet of stream corridor including the lower half of Trib A, virtually all of Trib 40, Trib C, Trib E, and Trib F with “planting shrubs and trees better suited for stream corridors.” No details have been furnished about the enhancement plans. Attachment B shows all the stream corridor encroachments identified on this project.

With the adjustments made to the plan to preserve the lower half of Trib A, and all of Trib F, staff does not oppose granting of a stream corridor deviation to eliminate part of Trib A and all of Trib B and D.

**Detention**

Due to flooding in excess of eight feet over 167<sup>th</sup> Street, detention is required on this site. The applicant has proposed a combination of above ground and under ground detention facilities. Some of the

above ground facilities are proposed at the northwest corner of the site parallel to Antioch Road, on the west side of the hospital (the largest above ground facility), one on the east edge of the Trib 40 stream corridor and southwest of the hospital, and two in the proposed PRN area at the southern edge of the site. Underground facilities are scattered throughout the site. Since no details other than the proposed total volume of the facilities have been furnished, each final development plan considered will require a Preliminary Stormwater Management Study to provide the sizing calculations and a preliminary plan of the detention facilities associated with the final development plan.

The city just recently suggested that the developer may want to do a downstream improvement instead of on site detention. When a soccer park was proposed for this site, that option was investigated on a limited basis and the indications were that a downstream improvement would be more cost effective than on site detention. With over 1.02 million cubic feet of underground detention proposed in 14 different locations, and an additional 1.67 million cubic feet of above ground detention, the cost of on site detention is likely to be multiples of the cost of doing the downstream improvement to eliminate the detention requirement. The downstream improvement would involve an additional box culvert under U.S. 69 Highway south of 167<sup>th</sup> Street and possibly some culverts at 167<sup>th</sup> Street and the U.S. 69 Highway southbound exit ramp. If the downstream improvement option is pursued, that would free up some of the ground surface for other uses. The developer was considering the idea at the time these comments were prepared.

### **Corps of Engineers**

This project requires an Individual 404 Permit from the Corps of Engineers. The developer has submitted an application to the Corps of Engineers. A 30-day public comment permit on the permit has been completed. As a result, the Corps has identified four issues to be addressed by the applicant. One is a cultural survey; one is a survey for the presence of a threatened plant called Mead's Milkweed; one is a neighbor's concern about impacts on his well; and the last one is the mitigation plan for the impacts on the streams and wetlands on site.

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On January 11, 2008, staff met with the applicant's representatives and the Corps of Engineers to review the status of the permit and how it might affect this application before the Planning Commission. The cultural survey will require time, but is unlikely to require a change to the plan. The threatened plant is not likely to be found as it is associated with "unbroken tallgrass prairie." Since the property has been grazed and cultivated in the past, the conditions that favor the existence of the plant are not present.

The impacts on the neighbor's well also are unlikely. A portion of the northwest corner of the site is higher than the neighbor's property. However, Antioch Road is the dividing ridge line. The neighbor is on the west side of the ridge and the applicant's property is on the east side of the ridge. Surface water flows west on the west side of the ridge and flows east on the east side of the ridge. Unless the underground strata are sloping in an unusual direction, it does not appear that the proposed development would have any impact on the neighbor's well

The applicant's representatives indicated they expect to achieve most of the mitigation in and adjacent to the preserved Trib 40 stream corridor. If necessary, they would consider an "in lieu fee" paid to another entity for mitigation at another location such as the Johnson County Wetland Mitigation Bank, the Watershed Institute or the Sunflower Land Trust. Neither course of action should have any material impact on the proposed plan.

In summary, nothing was identified through the Corps public comment process that would require substantial change to the proposed plan. The Corps feels the main resource on the site is the Trib 40 channel which is preserved except for allowed transportation crossings. The mitigation plan will enhance this corridor beyond its present condition. Staff is comfortable with proceeding with this application and has prepared stipulations to address Corps of Engineers 404 Permit requirements.

- d. SITE PLAN REVIEW COMMITTEE: The Site Plan Review Committee (SPRC) reviewed this request at several times and worked with the applicant to improve the site plan. The SPRC did not review the rezoning or overall square-footage for the proposed commercial area. The SPRC did request additional landscaping in the parking areas of the commercial development, improved

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definition of the 15-foot building line along 159<sup>th</sup> Street, better screening of the loading docks, pad sites at the corner of 159<sup>th</sup> Street and Antioch Road, other improvements in the street/drive configuration on the site, and other details for the commercial development. The applicant is still providing additional information to the SPRC and will be reviewed further at the time of final development plan.

The SPRC did review and approve (3 to 0) a request for the 29.4 percent density bonus on the RP-6 zoning area. The applicant requested the following density bonuses:

Useable common open space	6.1 percent
Attached garages	20 percent
Transom on front doors	2 percent
Chimneys with masonry	<u>2 percent</u>
Totals	30.1 percent

The SPRC did review the PRN and asked for some changes to the street/alley layout, pocket parks, and other details. The SPRC was generally comfortable with this plan with additional review occurring at the time of final development plan approval.

The SPRC and staff did agree to review the following items further at the time of final development plan approval:

1. The architecture of all buildings in the commercial, office and multi-family residential development in accordance with the appropriate Design Guidelines.
2. The parking lot screening, wall/hedge along 159<sup>th</sup> Street and Antioch Road, and entry way signage for the CP-2 development.
3. The sidewalk system to ensure pedestrian connections throughout the development.
4. Internal street/sidewalk design for the CP-2 portion.
5. Parking lot blocks broken up by landscaping in the CP-2 areas.
6. Written criteria from the developer for the PRN housing style/characteristics.
7. The thoroughfare intersection corner feature at 159<sup>th</sup> Street and Antioch Road.
8. The location of the bus stop on the commercial property.

7. CONFORMANCE WITH THE MASTER PLAN:

- a. FUTURE DEVELOPMENT PLAN MAP: The Master Plan Committee through a Planning Commission request studied this area in 2004 and identified this area as appropriate for a combination of Mixed Use, Medium-Density Residential and Low-Density Residential uses. The 2004 study limited the area of Mixed Use Development to “45 acres to potentially reduce the amount of higher-intensity development that could occur on the site.” This request is for over 100 acres of commercial zoning. The remainder of the site was classified as appropriate for Medium-Density Residential uses to the area between the ridge and the highway and then Low-Density Residential uses for that area between the ridge and Antioch Road. A traffic report from 2004 concluded this property might be developed as follows in a mixed use development:

Mixed Use Retail	300,000 Sq. Ft.
Mixed Use General Office	200,000 Sq. Ft.
Multi-Family Residential	1,093 units
Single-Family Residential	418 units

Therefore, this plan increases the amount of non-residential square-footage by over a million square feet but reduces the amount of multi-family residential by 493 units and the single family by 115 units. However, the 2004 study did not contemplate the 42-acre hospital site, which would have reduced the potential amount of residential units if it was studied in the 2004 plan. The Traffic Impact section discusses the traffic impacts of these changes in much more detail.

- b. ADJACENT DEVELOPMENT: The 159<sup>th</sup> Street Corridor between Antioch Road and just east of Metcalf Avenue presently have large areas of commercial zoned or master planned properties. This request to approve 1.5 million square feet of non-residential would significantly increase this amount of square-footage. For reference staff is providing the other commercial developments along this corridor and the approved or master planned commercial square-footage. At the northeast corner of 159<sup>th</sup> Street and Metcalf Avenue there is 178,390 square feet of retail approved with 152,985 square feet not built. The Wal-Mart at the northwest corner is 201,820 square feet.

Additional commercial master planned land is located at the southwest corner of 159<sup>th</sup> Street and Metcalf Avenue. This is approximately 17.78 acres of commercially zoned land which could potentially allow for about 150,000 square feet of retail development (Neighborhood Center). Therefore at the intersection of 159<sup>th</sup> Street and Metcalf Avenue, 530,210 square feet of commercial land is developed or master planned. A proposal to approve 417,997 square feet (staff proposes limiting this property to 150,000 square feet) of retail at the southeast corner of 159<sup>th</sup> Street and Metcalf Avenue was recently recommend for denial by the Planning Commission and is being heard by the City Council on March 3, 2008.

8. **STAFF CONCERNS: The applicant has made changes to address the traffic concerns and environmental issues. Staff does feel the plan has been improved by the proposed changes. However, staff can not support this violation of the Master Plan and the amount of square-footage proposed on-site.**

**As stated previously, this plan is requesting 1,000,000 square feet more than what was proposed with the 2004 Master Plan Study. In staff's opinion this amount of square-footage is not appropriate for this location with the residential uses and schools around the property. The applicant has not provided to staff an explanation on why an additional million square feet is needed in this area when there is over 500,000 square feet of approved or master planned commercial development proposed just to the east of this application area.**

Another concern of staff is the visual appearance as persons drive along 159<sup>th</sup> Street and Antioch Road. There is a 100-foot setback proposed along Antioch Road across from the existing single-family homes, **and the applicant is now proposing to maintain a stream corridor along the southern half of the Antioch frontage. Therefore, staff is not as concerned about the proposed design along Antioch Road because of the separation and the ability to do landscaping and berming in this area.**

Along 159<sup>th</sup> Street there is approximately 2,464 lineal feet of frontage and only **402** lineal feet of frontage is defined at the setback with an actual building wall. There are additional walls/hedges that the site plan identifies that meet the required 60 percent of a developments

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thoroughfare frontage being defined by a building wall, hedge, wall, landscaping or site amenities. Staff has consistently requested the applicant provide additional pad sites, entry buildings from 159<sup>th</sup> Street, arched entry way signage along 159<sup>th</sup> Street, or other substantial features at the 15-foot setback. Currently, the applicant is proposing a three-foot wall/hedge to be located along the 159<sup>th</sup> Street frontage. The guidelines already require parking lots to be screened by hedge/wall and therefore, staff is uncomfortable allowing the hedge/wall meet both the Site Layout and Building Orientation requirement and the Parking Lot Screening Requirement. The revised plan better addresses this but staff will review it further with the final development plans.

The perimeter parking lots and the amount of landscaped islands has not been fully addressed in staff's opinion. Staff has worked with the applicant to provide additional landscaped islands and 15-foot sidewalk connections between the parking lots and the main commercial center. The Commercial Design Guidelines do require parking blocks to be broken into 40 spaces or fewer by landscaped islands. There are several areas along the perimeter parking lots where this has not been sufficiently completed at this time. Staff is willing to work with the applicant to address this issue at the time of final development plan. Possibilities include increasing the amount of islands in the parking lots adjacent to Antioch Road, 159<sup>th</sup> Street and on the east side; increase the perimeter parking lot landscaping; or offsetting loss in landscaped islands with additional green areas at other locations on-site. **Staff does find improvements in the plan relating to the appearance along 159<sup>th</sup> Street and the parking lot landscaping but do request further review at the time of final development plan because of the uncertainty of users and the possibility of significant changes.**

9. **STAFF RECOMMENDATION:** Based upon the **Master Plan identifying this area as appropriate for Mixed Use, and the** large increase of square-footage over a Master Plan Study Area that was recently completed, staff can not support this request and would recommend denial of Rezoning No. 2007-25.

However, if the Planning Commission feels this request is appropriate staff would provide the following stipulations:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Building Elevations), which are filed in the office of the Planning Commission Secretary at City Hall and which are

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incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.

- b. Development of the tract shall be limited to the following:  
CP-2 1,030,121 square feet;  
CP-O 417,330 square feet;  
RP-6 600 units;  
PRN 303 units
- c. Prior to the issuance of a Building Permit, the property shall be preliminary and final platted.
- d. A density bonus of 29.4 percent is approved for the RP-6 portion of the development.
- e. Prior to construction plan submittal for any building, a final development plan shall be approved by the Planning Commission.
- f. At the time of the first final development plan for the commercial portion, a written handbook shall be provided documenting streetscape, pedestrian features, building materials, signage, landscaping, lighting, other information to insure a unified shopping center development and compliance with design requirements of all Design Guidelines.
- g. Prior to any construction plan approval for properties zoned PRN, a written architectural criteria (which can include drawings or pictures) describing each residential area or building type shall be submitted and approved by staff. Items to be included are residential type (Colonial, Prairie, etc.), colors, materials and any other information that will help explain the permitted housing styles.
- h. At the time of construction plan approval, the developer shall submit a letter confirming that the each single-family dwelling unit in PRN zoned property conforms to the single-family architectural criteria approved at the time of final development plan.
- i. At the time of final development plan, additional architectural review will occur for all buildings in the CP-2, CP-0 and RP-6 districts.

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- j. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department. The detailed design of the private drives, pedestrian circulation areas, and parking areas in the retail and multi-family areas will be subject to further review by the staff of the Planning and Development Services Department and the Site Plan Review Committee prior to final development plan approval for any of those buildings.
- k. The public street network within the site, including the proposed roundabouts, is subject to further design review and approval by the Planning and Development Services Department prior to any final development plan or subdivision plan approval.
- l. Concurrent with construction of any site improvements that are served by the following turn lanes and prior to the issuance of any form of certificate of occupancy for those site improvements, the developer shall construct the following turn lanes, subject to review and approval by the Planning and Development Services Department. Prior to issuance of a Footings and Foundation or higher-level permit, the Public Street and Storm Sewer Plans must be approved by the Engineering Services Division of the Planning and Development Services Department.
  - 1. Eastbound right-turn lanes and westbound dual left-turn lanes on 159<sup>th</sup> Street at Lowell and the Eastern Driveway.
  - 2. Northbound right-turn lanes and southbound left-turn lanes on Antioch Road at the North BV School Drive, the South BV School Drive, and 165<sup>th</sup> Street.
  - 3. Interim westbound right-turn and eastbound left-turn lanes on 167<sup>th</sup> Street at Lowell Avenue.
- m. The owner and/or developer shall dedicate, when requested by, and without cost to, the city, any additional public right-of-way, permanent easements and temporary easements needed for the initial construction of future street, highway and ramp improvements along the 159<sup>th</sup> Street, Antioch Road, 167<sup>th</sup> Street and U.S. 69 Highway frontages. The amount of easements and public right-of-way dedicated for the 159<sup>th</sup> Street and U.S. 69 Highway

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Interchange Project shall be substantially in accordance with the design shown on the Field Check Plans, dated August 24, 2007.

- n. The owner and/or developer shall be responsible for the cost of constructing a permanent westbound right-turn lane on 167<sup>th</sup> Street at Lowell Avenue, including the associated deceleration taper. Once the 167<sup>th</sup> Street construction is complete and all costs are known, the owner and/or developer shall pay the city the cost of designing and constructing the turn lane.
- o. If permanent traffic signals are completed at the intersections of 159<sup>th</sup> Street & Lowell Avenue, 159<sup>th</sup> Street and the Eastern Driveway, the North BV School Drive & Antioch Road, and/or 167<sup>th</sup> Street & Lowell after the issuance of building permits for any portion of the site zoned CP-2 or CP-O (excluding any buildings in the area included in SUP No. 2007-33), the owner and/or developer shall be responsible for all of the costs of designing and constructing those traffic signals and any required interconnections. The signalizations will be considered by the city when and if a warrant is met in accordance with the "Manual on Uniform Traffic Control Devices." When requested by the city, the owner and/or developer shall make a cash payment to the city for the total cost of each of the traffic signals.
- p. Prior to the approval of a final development plan for any structure on the CP-2 or CP-O portions of this site, the owner and/or developer shall submit either \$410,000 cash or an Irrevocable Letter of Credit meeting the requirements of city policy in effect at the time of payment, for a term of one year. Irrevocable Letters of Credit are not renewable and may be redeemed by the city at any time prior to the end of the one-year term. Said cash or Irrevocable Letter of Credit shall be deposited with the Chief Financial Officer for the City of Overland Park. The funds collected shall be placed in separate escrow accounts set aside for the design and construction of traffic signals and any required interconnections at the following intersections:

1.	159 <sup>th</sup> & U.S. 69 Southbound Ramps	\$36,000
2.	159 <sup>th</sup> & U.S. 69 Northbound Ramps	\$52,000
3.	South BV School Drive & Antioch	\$78,000
4.	165 <sup>th</sup> & Antioch	\$82,000
5.	167 <sup>th</sup> & Antioch	\$38,000

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- 6. 167<sup>th</sup> & U.S. 69 Southbound Ramps \$68,000
- 7. 167<sup>th</sup> & U.S. 69 Northbound Ramps \$56,000

The signalizations will be considered by the city when and if a warrant is met in accordance with the "Manual on Uniform Traffic Control Devices." In the event the actual total signalization costs are less than the funds available from the escrow account at the time of contract closing out, the difference shall be refunded to the owner or developer or the successors in interest.

- q. Prior to publication of the rezoning ordinance, the owner and/or developer shall submit either \$1,327,313 cash or an Irrevocable Letter of Credit meeting the requirements of city policy in effect at the time of payment, for a term of one year. Irrevocable Letters of Credit are not renewable and may be redeemed at any time prior to the end of the one-year term. Said cash or Irrevocable Letter of Credit shall be deposited with the Chief Financial Officer for the City of Overland Park. The funds collected shall be placed in an escrow account set aside for future unspecified transportation planning, design, construction or implementation, and operations in the corridor defined as containing 159<sup>th</sup> Street and extending north to 151<sup>st</sup> Street, east to Metcalf Avenue, south to 175<sup>th</sup> Street, and west to Switzer Road. Said work shall be above and beyond that listed in other stipulations to this rezoning.

In lieu of submission of the total amount of payment for unspecified transportation improvements, the owner or developer may submit partial payments, in cash, prior to the issuance of building permits for each phase of the CP-2 and CP-O portion of the development (excluding the floor area in the bounds of SUP No. 2007-33), according to the following schedule:

<u>Year of Application for Building Permit</u>	<u>Contribution/ Square-Foot of Gross Floor Area</u>
2008	1.009
2009	1.110
2010	1.221
2011	1.343
2012	1.477
2013	1.625

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2014	1.788
2015	1.966
2016	2.163

NOTE: Any construction commencing after 2016 will be subject to the same 10 percent per year increase.

- r. A stream corridor deviation is granted to allow the encroachments identified in Figure 4 of the approved Preliminary Stormwater Management Study dated November 29, 2007, and shown in Attachment B of staff comments. The deviation includes elimination of stream corridors identified as the upper one-half of Trib A, Trib B, and Trib D, on Attachment A.
- s. Concurrent with submittal of an application for final development plan approval or preliminary plat for the PRN zoning district, the applicant's engineer shall submit a Preliminary Stormwater Management Study that includes a preliminary plan and calculations for detention facilities. The study, plan and calculations shall be approved by the Engineering Services Division staff prior to the Planning Commission consideration of the final development plan or preliminary plat.
- t. Two or more weeks prior to final development plan approval, or final plat approval in the PRN zoning district for any portion of the site containing "Waters of the U.S." or under Corps of Engineers jurisdiction, provide a copy of the Corps of Engineers Permit, including Special Conditions, issued under Section 404 of the Clean Water Act for all proposed encroachments into Jurisdictional Waters of the U.S.
- u. Prior to any final development plan approval in the CP-2, RP-6, or CP-O zoning districts or final plat approval in the PRN zoning district, and if the detention facility will serve more than one property owner, a draft agreement regarding division of responsibilities between multiple owners for the cost, maintenance, repair and certification of the detention facility shall be submitted to, reviewed and approved by city staff.
- v. Prior to or concurrent with submittal of any final plat including stream corridor, submit a Stream Corridor Maintenance Agreement.

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Staff must approve the maintenance plan prior to recording of the final plat.

- w. Delineate the designated stream corridor area on the final plat and include the required language as indicated in Section 18.365.090 of the Municipal Code.
- x. Prior to final plat approval in the CP-2, RP-6, or CP-O zoning districts, all detention facilities located on the plat shall be made part of a much larger common area or part of a lot that also contains an occupied structure and not located on a separate tract. Detention facilities in the PRN zoning district shall be located on a tract owned by the homeowners association.
- y. Prior to recording the first final plat for any portion of the project that contains a detention facility that will be the responsibility of a homeowners association or business association; the declarations of the association shall be reviewed and approved by city staff. The declarations shall include language describing the cost, maintenance, repair, reconstruction and certification responsibilities that the homeowners or business association has for the detention facility.
- z. Prior to or concurrent with the submittal of construction plans for a Site Development or Building Permit, whichever comes first, in the CP-2, RP-6 or CP-O zoning districts, a separate set of final detention plans and calculations shall be submitted for the review and approval of the Engineering Services Division. Staff approval shall be obtained prior to issuance of a Site Development or Building Permit.
- aa. Prior to, or concurrent with, submittal of construction plans for a Public Improvement Permit in the PRN zoning district, the developer shall submit separate construction plans for the detention facilities for the review and approval of the Engineering Services Division. Staff approval of the detention facility construction plans shall be obtained prior to issuance of a Public Improvement Permit.
- bb. Concurrent with the submittal of construction plans for a Public Improvement, Site Development or Building Permit, or for a detention facility, whichever comes first, the developer shall provide a Final Stormwater Management Study that includes final detention

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- calculations, addresses any outstanding items from the Preliminary Stormwater Management Study, and includes any design changes. If subsequent phases of development alter the storm drainage system, additional revisions to the Final Stormwater Management Study may be necessary.
- cc. Prior to issuance of a Public Improvement Permit, all necessary easements for access, construction and maintenance of public storm sewer facilities shall be dedicated and the recording fee paid by the owner/developer.
  - dd. Prior to issuance of a Public Improvement Permit, the applicant shall submit a flood study that supplements the Blue River Watershed Study and determines the 100-year flood boundary and energy grade line throughout the length of Trib 40 within this site.
  - ee. Prior to issuance of a Public Improvement or Site Development Permit, and if determined to be necessary by the city's engineering staff, the owner/developer shall submit a flood study that determines the 100-year flood elevations for development that abuts the stream corridors.
  - ff. Prior to issuance of a Site Development or Building Permit, obtain applicable permits from the Kansas Department of Agriculture, Division of Water Resources for any construction activity in streams under their jurisdiction. Grading, filling, or other construction activities are not permitted within the stream corridors until all necessary federal, state, and/or city permits have been obtained.
  - gg. Prior to issuance of a Site Development or Building Permit, whichever comes first, the finalized agreement regarding the division of responsibilities between multiple owners for the cost, maintenance, repair and certification of the detention facility shall be recorded by the developer with a copy of the recorded agreement furnished to the city's Engineering Services Division.
  - hh. Grading must match the proposed future grading of 159<sup>th</sup> and 167<sup>th</sup> Streets, Antioch Road, and U.S 69 Highway at the property line. Additional grading in the right-of-way shall be accomplished to move the existing ditches away from any unimproved thoroughfare and provide shoulder room on the frontage abutting this rezoning boundary. The shoulder and ditch improvements shall include

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extending the existing box culverts under the respective streets as necessary to meet clear zone requirements.

- ii. Prior to any grading or other construction on any lot adjacent to a stream corridor, the stream corridor boundary shall be delineated and be readily visible in the field.
- jj. Prior to issuance of a Temporary Certificate of Occupancy for any structures or issuance of a Certificate of Completion for parking lots in the CP-2, RP-6, or CP-O zoned portions of the site, the detention facility serving the structure(s) or parking lots shall be constructed and in service.
- kk. Proposed detention facilities require certification by the design engineer, a professional engineer, licensed in the State of Kansas, in accordance with Section 15.10.500 of the O.P.M.C. and as follows:
  - 1. In the PRN zoned portion of the site, certification is required prior to issuance of any Building Permits, unless the detention facility is also serving as an erosion control sediment basin. In this case, the certification is required before closure of the Land Disturbance Permit (LDP) and the scope of the surety for the LDP shall be increased to also cover sodding of the basin, topographic survey of the basin, reconstruction of the basin inlet or outlet works as shown on the approved construction plans and additional earthwork within the basin as needed to provide the designed detention volume.
  - 2. In the CP-2, RP-6, and CP-O zoned portions of the site, certification is required prior to issuance of a Final Certificate of Occupancy.
  - 3. Prior to certification of any above ground earthen detention basin, regardless of zoning district, the basin shall be sodded or otherwise stabilized as approved by the city's Engineering Services Division.