

7. REZONING NO. 2008-2 - Vicinity of the southeast corner of 135<sup>th</sup> Street and Grandview Street

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**General Comment: This item is directly related to SUP No. 2008-9 and should be discussed together.**

1. APPLICANT: Shughart Thomson & Kilroy is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting a rezoning from BP, Business Park District, to CP-2, Planned General Business District, to allow a commercial development.
3. LOCATION: The 8.6-acre tract is located in the vicinity of the southeast corner of 135<sup>th</sup> Street and Grandview Street.
4. CHARACTER OF THE NEIGHBORHOOD: There is an existing sports facility located to the west of the application area with an event facility located to the south. East of this application area is a nursery. North of 135<sup>th</sup> Street is undeveloped land, which is master planned for industrial uses.
5. LAND USE AND ZONING PATTERNS: The land to the south of the application area is zoned BP and is developed with the Ritz Charles banquet hall. To the east is land zoned R-1, Single-Family Residential District and approved for a special use permit (SUP) to allow a nursery. This property is currently utilized as a nursery. Land across to the north is undeveloped land zoned R-1, Single-Family Residential District. To the west of the proposal is a sports facility and zoned R-1 and approved for a SUP to allow the sports and recreation facility.
6. ANALYSIS OF APPLICATION:
  - a. DEVELOPMENT PLAN: The applicant is requesting rezoning from BP, to CP-2, to allow a 58,950 square-foot commercial development. This property was previously approved for a 100,000 square-foot retail store when it was rezoned with the Ritz Charles development to the south. This rezoning to BP occurred in 1998.

The new proposal shows six buildings proposed as part of this application and a hotel requested as part of SUP No. 2008-9, which is also on this agenda. Two of the buildings are proposed to be two stories (Bank A and Building F) with the remainder of the buildings proposed to be one-story. There are two fast food restaurants located along 135<sup>th</sup> Street, as well as a multi-tenant building. Two

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additional retail buildings are located to the south of the new drive from Grandview Street. The applicant has provided for an open plaza in the center of the commercial development with several sidewalks and colored pavers provided for pedestrian access around the center. As required by the Commercial Design Guidelines, berms and hedging are proposed along 135<sup>th</sup> Street to screen parking and the drive-thru's. A total of 405 parking spaces are provided on-site including the hotel site. Access is being provided to the east at the two east-west drives.

The buildings are proposed to be constructed of stone veneer, two colors of brick and EIFS or stucco. The applicant is proposing awnings over a majority of the windows. The elevations will be reviewed further at the time of final development plan to ensure compliance with the Commercial Design Guidelines. Additional information will be provided at the time of final development plan approval for the proposed building elevations/material, landscaping and photometric plan.

- b. TRAFFIC IMPACTS: Because this project resulted in a substantial increase in trip generation, and therefore potential traffic impacts, the transportation staff required the applicant to submit a traffic impact analysis. The consultant who prepared the study followed a scope of work established by staff and used the Overland Park Traffic Model to produce future year traffic projections.

One unusual feature of this proposed development is the request for a new median break on 135<sup>th</sup> Street at Grandview at the same time as the request for the rezoning of this site. Because that median break location does not conform to current city policy, the traffic study includes analyses of the impacts of the median break in addition to the normal intersection capacity analysis calculations. To provide for a higher level of traffic movement than elsewhere in the city, the 135<sup>th</sup> Street Corridor is subject to more restrictive access controls than other areas of the city, based on the recommendations of the 1986 K-150 Corridor Study and the 1998 135<sup>th</sup> Street Corridor Update.

Since median break requests require approval from the City Council, that item was reviewed by the Public Works Committee at its March meeting. The committee continued the item for one

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month so that city staff could prepare a detailed micro-simulation analysis of the future traffic conditions along 135<sup>th</sup> Street to evaluate the system-wide impacts of the proposed median break and other median break requests that could arise if this request were to be approved. The meeting to review the results of the analysis will be held on Wednesday, April 23, 2008.

Because the City Council is the only body that has the authority to grant median break requests, the Planning Commission can consider the impacts of the median break, but cannot make a determination on the acceptability of that median break. The decision to approve or deny the median break request will be made by the City Council at the time that they act on the rezoning request. Staff has included alternative stipulations that address street improvement requirements with and without the median break.

Table I includes a comparison between the trips that are expected to be generated by the proposed development and the trips that the currently approved plan 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 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).

It should be noted that the land use totals shown in Table I do not match the current site plan. That is because the site plan was revised after the traffic study was completed. The changes are relatively minor – both the retail and office square-footages dropped slightly, indicating that the impacts will be slightly less than shown in the traffic impact study.

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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	48,629 s.f.	4,250	31	19	50	187	202	389
General Office	13,165 s.f.	280	33	4	37	16	78	94
Hotel	100 rooms	522	25	16	41	31	28	59
<b>Subtotal</b>		<b>5,052</b>	<b>89</b>	<b>39</b>	<b>128</b>	<b>234</b>	<b>308</b>	<b>542</b>
<b>Pass-by reduction (retail only)</b>		--	--	--	--	<b>28</b>	<b>30</b>	<b>58</b>
<b>Total</b>		<b>5,052</b>	<b>89</b>	<b>39</b>	<b>128</b>	<b>206</b>	<b>278</b>	<b>484</b>
<b><i>Approved Land Use</i></b>								
Furniture Store	100,000 s.f.	506	12	5	17	21	25	46
<b>Difference</b>		<b>4,546</b>	<b>77</b>	<b>34</b>	<b>111</b>	<b>185</b>	<b>253</b>	<b>438</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 an increase in trip generation from the site on a daily basis (4,546 trips), in the a.m. peak hour (a 111 trip increase) and in the p.m. peak hour time period (a 438 trip increase) as compared to the currently approved land use on this 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.

One additional factor needs to be considered. At the direction of staff, and following standard practice, the comparison in the traffic study looked at the previously approved land use on the site – a furniture store. That type of store is a relatively low traffic generator. If the analysis had been conducted using standard business park trip generation rates (the site currently is zoned BP), the totals in the critical p.m. peak hour would have been about double. But even with that assumption, the differential between the current proposal and previously approved development is very substantial – still more than a three-fold increase in trips generated in the p.m. peak hour.

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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 six development scenarios:

1. Existing Conditions + Nearby Approved Development (the recently completed Blue Valley Recreation Commission ball fields west of Grandview Street, the currently under construction Carrington Square project at the southeast corner of 135<sup>th</sup> Street and Switzer Road, and the city's new soccer complex at the southwest corner of 135<sup>th</sup> Street and Switzer Road).
2. Existing Conditions + Nearby Approved Development + Proposed Development.
3. Existing Conditions + Nearby Approved Development + Proposed Development + Median Break at 135<sup>th</sup> Street & Grandview Street.
4. 2030 Conditions With the Currently Approved Land Use on the site.
5. 2030 Conditions With the Development of the Proposed Project.
6. 2030 Conditions With the Development of the Proposed Project + Median Break at 135<sup>th</sup> Street & Grandview Street.

Table IV lists the various levels of delays used to analyze intersection operations.

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

Intersection	Existing Conditions + Nearby Approved Projects		Existing Conditions + Nearby Approved Projects + Proposed Project		Existing Conditions + Nearby Approved Projects + Proposed Project + Median Break	
	LOS (Level of Service)	Delay (Sec. /Veh.)	LOS (Level of Service)	Delay (Sec. /Veh.)	LOS (Level of Service)	Delay (Sec. /Veh.)
135 <sup>th</sup> & Switzer	D	35.8	D	38.5	D	37.9
135 <sup>th</sup> & Antioch	D	52.1	D	53.7	D	50.3
135 <sup>th</sup> & Grandview	---	---	---	---	C	20.8
137 <sup>th</sup> & Antioch	D	42.9	D	44.0	D	36.8

The capacity analyses results in Table II show that all of the intersections studied currently operate with acceptable delays and in the short term will continue to have acceptable Levels of Service (LOS) with or without the project.

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

Intersection	Current Approved Lands Use		Proposed Project		Proposed Project + Median Break	
	LOS (Level of Service)	Delay (Sec. /Veh.)	LOS (Level of Service)	Delay (Sec. /Veh.)	LOS (Level of Service)	Delay (Sec. /Veh.)
135 <sup>th</sup> & Switzer	E	76.0	F	88.9	E	78.1
135 <sup>th</sup> & Antioch	F	124.2	F	131.3	F	109.8
135 <sup>th</sup> & Grandview	---	---	---	---	D	39.1
137 <sup>th</sup> & Antioch	E	60.4	E	64.4	D	54.7

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

Level of Service	Total Delay Per Vehicle (Seconds)
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

The information in Table III confirms the findings from other studies that the very high traffic volumes projected for the future along 135<sup>th</sup> Street will cause long delays at the most of the intersections that were studied. Those delays are expected to occur even with the assumption the 135<sup>th</sup> Street would be widened to four through-

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traffic lanes in each direction and that Antioch Road would have three through-traffic lanes both northbound and southbound by the year 2030.

When the delays for the currently approved land use on this site are compared to the projected delays with the project with no median break at Grandview Street, the results show that conditions would significantly worsen at the two existing intersections on 135<sup>th</sup> Street. A comparison of the delays for the current approved land use with the delays for the proposed project with the median break at 135<sup>th</sup> Street and Antioch Road shows that traffic conditions would improve at that location under the median break alternative. But when one considers that the new median break which would provide that relief at Antioch Road also would introduce about 39 seconds of new delay at the intersection of 135<sup>th</sup> Street and Grandview for all users of that intersection, it becomes apparent that the impact on the total corridor delay should be taken into consideration when evaluating this proposal.

That is why the Public Works Committee directed staff to prepare a micro-simulation model for the 135<sup>th</sup> Street Corridor. That type of computer model, which models the movement of traffic down to the individual vehicle level, can generate measures to determine overall travel time and delays for an entire corridor. The results of that study will be presented at the April Public Works Committee meeting and will help the committee in deciding how to act on the median break request.

Independent of the action of the Public Works Committee on the median break request, if this property is rezoned to CP-2 it has the potential to act as a precedent for similar requests on other nearby properties. The tract to the east, which currently is zoned R-1 but contains a nursery that is covered by a special use permit, is master planned for Business Park. Likewise, the vacant property on the north side of 135<sup>th</sup> Street west of the Hy-Vee shopping center, currently master planned for Business Park uses, is a potential candidate for a request for commercial zoning. If those intensifications in land use were to occur, they would result in large increases in trip generation which would translate into an even greater traffic impact at nearby intersections.

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Because of the negative traffic impacts mentioned above, the transportation staff does not support this application.

The site plan generally provides for good traffic circulation and adequate connections to the adjoining property to the east. One unresolved design issue is how the applicant proposes to accommodate the need to widen Grandview Street to provide a second southbound lane if the median break is approved by the City Council. That second lane is required because of the demonstrated need for a westbound dual left-turn lane on 135<sup>th</sup> Street at Grandview. The widening will require that additional right-of-way be dedicated on Grandview Street either on the east side (resulting in the need to revise to the existing site plan) or the west side (requiring the cooperation of the Blue Valley Recreation Commission). Staff has included a stipulation addressing that situation.

- c. ENVIRONMENTAL IMPACTS: A Preliminary Stormwater Management Study has been submitted, reviewed and approved for this project.

Currently, the site is contained in one watershed that drains to an existing end section at the southeast corner of the site. With the development of the site, the run-off from the site will be split into two watersheds, the east and the west. Both watersheds will be collected in a series of storm sewer inlets and will be carried to the existing storm sewer systems located at the southwest and southeast corners of the site.

The 10-year storm run-off from the west watershed will be collected in the existing storm sewer system located on the east side of Grandview Street. However, because the site will be graded to follow the natural slope of the site, a portion of the 100-year overflow for the west watershed will be routed to the east. Of the 6.28 acres in the west watershed, 5.52 acres will flow to the existing pond east of the Ritz-Charles site to the south. This matches the current path of the existing 100-year overflow. The remaining 1.26 acres will flow to the overflow system for Grandview Street.

The 100-year overflow for the site will be conveyed within the proposed parking lot, and will not exceed a depth of seven inches

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in the parking lot and nine inches in the drive aisles per city standards. The minimum low opening of any building adjacent to the 100-year overflow path will be set a minimum of one-foot above the 100-year energy grade line.

7. CONFORMANCE WITH THE MASTER PLAN:

- a. FUTURE DEVELOPMENT PLAN MAP: The Master Plan identifies this area as appropriate for Light Industrial/Business Park uses. This request to commercial does not conform to the Master Plan.
- b. GOALS AND POLICIES: The Master Plan identifies several goals and policies for commercial development. These include containing commercial development to boundaries as shown on the Future Development Plan and avoiding street capacity. Staff is concerned that if this property is rezoned to commercial then in all likelihood the properties to the east and north would also be requested to become commercial development. This would further increase the traffic volumes on the streets and the amount of commercial in this general area. The proposed plan could be accomplished as currently zoned except for the two fast food restaurants would have to be removed or changed to sit down restaurants.

8. SITE PLAN REVIEW COMMITTEE: The Site Plan Review Committee (SPRC) did review this request and voted 3 to 0 to recommend approval of the site plan. The SPRC did not vote on the requested rezoning or the building elevations. Through the several meetings the SPRC had with the applicant, the SPRC requested numerous changes to the plan which have been included in the attached drawings.

9. STAFF RECOMMENDATION: Staff is not supportive of rezoning this property to CP-2. This request violates the Master Plan, increases traffic concerns in the area and sets up for potential additional commercial rezoning requests on adjacent land and land on the north side of 135<sup>th</sup> Street (also master planned Light Industrial/Business Park). The city has attempted to avoid expansion of commercial development in those areas not identified as commercial on the Master Plan in the past. Also the site plan is very similar to what would be permitted in a Business Park zoning district except for the fast food restaurants. Staff feels the property could and should be developed as currently zoned with the two fast food restaurants being removed.

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However, if the Planning Commission feels the request is appropriate, staff would recommend 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 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 58,950 square feet.
- c. Prior to the issuance of a Building Permit, the property shall be preliminary and final platted.
- d. The building elevations will be reviewed further at the time of final development plan approval.
- e. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- f. Prior to the issuance of a Building Permit, the applicant shall submit to the staff of the Planning and Development Services Department evidence of a recorded covenant running with the land establishing a common access easement for the benefit of the abutting property owner to the east. That easement shall extend from Grandview Street to the adjoining property to the east. The exact location and extent of the easement and the content of the easement document shall be subject to review and approval by the Planning and Development Services Department.
- g. Prior to publication of the rezoning ordinance, the owner and/or developer shall submit either \$130,111 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,

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design, construction or implementation, and operations in the corridor defined as containing 135<sup>th</sup> Street and extending north to 127<sup>th</sup> Street, east to Metcalf Avenue, south to 143<sup>rd</sup> Street, and west to Nieman 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 development, 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
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.

- h. If a median break is approved at the intersection of 135<sup>th</sup> Street and Grandview Street, the following requirements shall apply:

If the city determines that a traffic signal is warranted and needs to be installed at the intersection of 135<sup>th</sup> Street and Grandview, the owner and/or developer shall be responsible for 100 percent of the design and construction cost of the signal, including any required interconnections with other signals, and shall pay to the city the cost of the signal installation when requested by the city.

Concurrent with construction of any site improvements and prior to the issuance of any form of Certificate of Occupancy for those site improvements, the following improvements shall be constructed,

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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. A median opening on 135<sup>th</sup> Street at Grandview Street, including an eastbound left-turn lane and westbound dual left-turn lanes.
  2. A widening of Grandview Street to provide a second southbound lane from 135<sup>th</sup> Street to the driveway serving the Blue Valley Recreation Commission parking lot.
  3. Relocation of the existing dynamic message sign on 135<sup>th</sup> Street, now located east of Grandview Street, and any street lights impacted by the turn lane construction.
- i. Concurrent with the submittal of construction plans for a Site Development or Building Permit, whichever comes first, the applicant shall provide a Final Stormwater Management Study that addresses any outstanding items from the Preliminary Stormwater Management Study and includes any design changes.
  - j. All buildings adjacent to the 100-year overflow path shall be elevated such that the minimum low opening is at least one-foot above the energy grade line of the fully developed condition 100-year flood water surface elevation.
  - k. Prior to issuance of any form of Certificate of Occupancy for any adjacent building, a five-foot wide public city sidewalk shall be constructed in the standard location along the 135<sup>th</sup> Street frontage for this development.