

14. REVISED PRELIMINARY PLAN APPROVAL – COMPASS CORPORATE CENTER – 11225 College Boulevard

GENERAL COMMENT: Staff recommends that this applicant and Rezoning 2008-7 be presented concurrently to the Planning Commission. The projects are integrally related. The Planning Commission will act on each project individually.

1. APPLICANT: Polsinelli Shalton Flanigan Suelthaus, PC is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting revised preliminary plan approval to allow modifications to the site plan of an office building development. This request includes significant or substantial changes, therefore does require a public hearing.
3. LOCATION: The subject property is located at 11225 College Boulevard
4. EXISTING ZONING: This property is currently zoned CP-O, Planned Office Building District (Rezoning No. 1981-47).
5. ANALYSIS:
 - a. SITE PLAN: The applicant is requesting revised preliminary plan approval to allow revisions to an office building development. The office park has been revised three times from the time of the initial rezoning. The latest plan shows four buildings; one building and the associated parking has been constructed. This building is just under 85,000 square feet in size. The constructed building parking are on the easterly half of the site. The undeveloped portion of the site includes two and three-story buildings and the remainder of the parking.

The applicant is proposing to increase the density of the development to 201,296 square feet. The applicant is proposing to consolidate the three buildings into one four-story building and increase the floor area by approximately 31,000 square feet. In addition to the increased office floor area, the applicant is proposing to add a 7,000 square-foot restaurant, which is the request for rezoning to CP-1, Rezoning No. 2008-7.

Staff's concern with the proposal is the increase in the intensity to the development. The project has been granted a density bonus to allow the correctly approved square-footage of 170,000. Staff will discuss the density concerns later in the staff report.

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The changes in the site from what is currently approved are that the building is closer to the residential development to the south. This subdivision is College Meadows and is zoned R-2, Two-Family Residential District. Staff has suggested to the applicant that the building be adjusted to move as far north, away from the residential development, as possible. The building is set askew from the neighboring subdivision and the short side of the building faces to the south, but the building is now closer than the latest two versions of the approved development plan has shown.

The plan shows that a plaza space is proposed between the existing building and the proposed building. A smaller plaza space is currently on the west side of the existing building with a statue in the center of a parking court. Exceptional site design and building architecture are the criteria for considering an increase in the developable intensity of a project. The staff is of the opinion that the larger plaza area is an improvement to the existing plaza.

The building architecture of the proposed building is similar in style to the existing building. Much of the building façades will be glazing. There are inset areas in the footprint of the building at the main entrances. Long horizontal lines are part of the architectural character of the building. The applicant has not indicated the materials of the building. Staff will recommend that the building use similar materials as the existing building. These items will be reviewed further at the time of final development plan approval.

- b. TRAFFIC ISSUES: This site has a long zoning history that involves various requests to increase the intensity of development higher than that permitted under the city's long-standing Land Use Intensity (LUI) System. The LUI was established over 30 years ago to assign maximum development intensities to each section of the city in order to provide for a desired level of building mass on a site and traffic impact on the city's major street network. Each quarter-mile section of the city south of 103rd Street and north of approximately 159th Street was assigned a number designation from one to seven that indicated what maximum level of intensity was permitted. While the original traffic studies supporting the LUI System are out of date, the concept of a cap on density in the city is integral to the preservation of street capacity and the projection of future development potential on undeveloped sites.

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When this property was rezoned to office in 1981, it was approved for 156,000 square feet of development. In 1998 the developer received approval for an expansion to 170,000 square feet of office development. The current request is for 201,296 square feet of office and 7,000 square feet of commercial development.

The LUI rating on this site is a “4,” which results in a standard floor area ratio (FAR – the ratio of total building floor area to gross site area, including one-half of abutting streets) of .172. The standard density level for each range is .6 (e.g. 4.6, 5.6 etc.). The LUI System does allow for a “bonus” provision, which permits increases in intensity of up to an additional .4 if a project shows “exceptional merit.” The LUI System does not provide a specific description of what constitutes exceptional merit, but typically it involves buildings with special designs or incorporating very high quality materials. The following table lists the LUI rating, FAR and building area for the current LUI designation on this site, the two previous rezonings approved for this site, and the current request (total office space and proposed retail).

	Land Use Intensity	Floor Area Ratio	Total Floor Area
LUI Recommendation	4.6	.172	115,157 square feet
Approved in 1981	5.4	.230	156,000 square feet
Approved in 1998	5.6	.254	170,000 square feet
Current Proposal	6.3	.311	208,296 square feet

When the 1998 plan was approved, it was pointed out that at the time of the 1981 rezoning the site had been designated as a “5,” and that the rating had been changed to a “4” in 1983. The argument was made that the site should have retained that “5” rating and that the proposal for the 170,000 square feet of building area fell within the “5” range. It is important to note that the current proposal is well beyond the “5” range and therefore even using the argument from 1998, this plan’s density exceeds the bonus amount permitted by the LUI.

The transportation staff’s concern is that if one project is approved with additional square-footage without good cause, other owners of undeveloped and developed property will request similar densities. The end result would be higher densities across the city, especially in the College Boulevard Corridor. A series of seemingly minor

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increases in development intensities (and the resulting increases in traffic volumes) can aggregate into a very significant increase in total square-footage (and trip generation) that will have serious impacts on the operation of the street network.

The site plan is well designed and provides for a clear flow of traffic within the site and good connections to the existing office development to the east.

- c. ENVIRONMENTAL IMPACTS: A Revised Preliminary Stormwater Management Study for Phase II has been submitted, reviewed and accepted by staff.

A previous Preliminary Stormwater Management Study done by Olsson Associates was approved in 2006. The revision to the preliminary development plan does not significantly affect the drainage patterns for the site. The amount of impervious surface shown on this plan is lower than the amount of impervious surface proposed in the previously approved study.

The original submittal of the Preliminary Stormwater Management Study documented that the downstream storm sewer system was improved when Phase I of Compass Corporate Center was constructed and that the improvements eliminated the need for detention. Storm sewers located in the west half of the development built with Phase I will have to be relocated to accommodate the revised plan. Because there is no increase in impervious surface with this plan, the downstream storm sewer system is adequate and will not require additional improvements.

As a result of the previous public notification process, staff was contacted by a resident located just south of the southwest corner of the project site. The resident's main concern is that any increase in run-off flowing toward his home is likely to cause flooding. After looking at aerial photos and topographic maps of the site, this appears to be a valid concern. There is a berm along the south property line that redirects most of the run-off toward the west and away from the property of concern, but the situation is such that even increasing the berm height for screening purposes may increase run-off toward the drainage problem area and could potentially cause flooding.

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Staff believes that the appropriate stage in the process to address this issue is at the final development plan approval stage when grading plans are available. Addressing this issue may require relocating/rebuilding the existing berm or adding additional storm sewers.

6. STAFF RECOMMENDATION: Staff recommends a continuance of Revised Preliminary Plan, Compass Corporate Center, to resolve the issue of rezoning a portion of the site to CP-1 or pursuing a text amendment. The staff is also not recommending approval of an increase in the overall density of the development.

Should the Planning Commission find the proposed development plan acceptable, staff recommends 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 follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
- b. Development of the site shall be limited to 201,296 square feet of building floor area.
- c. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- d. Prior to the approval of the revised preliminary plan, the owner and/or developer shall submit either \$117,690 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 Director of Finance, Budget and Administration 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 College Boulevard and extending north to 103rd Street,

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east to Nieman Road, south to 119th Street, and west to Pflumm 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 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.

- e. If the developer is able to acquire the necessary public street right-of-way along College Boulevard from the property owner to the west, an eastbound right-turn lane and new driveway may be constructed on College Boulevard near the western property line.

If the turn lane construction is proposed concurrent with the approval of the construction plans for the site expansion, the following requirements shall apply:

Concurrent with construction of any site improvements and prior to the issuance of any form of Certificate of Occupancy for those site improvements, the eastbound right-turn lane shall be constructed, 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

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approved by the Engineering Services Division of the
Planning and Development Services Department.

If the developer constructs the right-turn lane at a later date, the
following requirements shall apply:

Prior to the construction of the turn lane, the Public Street
and Storm Sewer Plans must be approved by the
Engineering Services Division of the Planning and
Development Services Department.

- f. 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.
- g. Prior to the first final development plan approval for any parking lot
or building in Phase II, a grading and storm drainage plan shall be
developed that assures that the overland drainage leaving the site
along the western 450 feet of the south property line and southwest
corner in the fully-developed condition is equal to or lesser than the
existing overland drainage leaving the site.