

22. REVISED PRELIMINARY PLAN APPROVAL - METCALF 103 - Vicinity of the southeast corner of 103rd Street and Metcalf Avenue

1. APPLICANT: DDRS is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting revised preliminary plan approval to allow the addition of a new pad site to an existing commercial center. A public hearing is required as part of the consideration of this application.
3. LOCATION: The subject property is located in the vicinity of the southeast corner of 103rd Street and Metcalf Avenue.
4. EXISTING ZONING: This property is currently zoned CP-2, Planned General Business District.
5. ANALYSIS: The applicant is requesting revised preliminary plan approval to allow a new 3,000 square-foot restaurant pad site along Metcalf Avenue in an existing shopping center. The pad site is proposed to be located in the Metcalf 103 commercial center, which is located in one of the development nodes identified as part of Vision Metcalf for mixed-use developments. The pad site would be sited directly south of the existing Winstead's restaurant and west in front of the existing multi-tenant building south of the Wal-Mart Neighborhood Market. No other changes are proposed to the center. The applicant has indicated that they will be marketing this site to a drive-thru coffee user; however, there is the possibility that any drive-thru establishment could locate at this new pad site. Since an actual tenant has not been identified, the applicant did not provide conceptual elevations. The applicant has agreed to a stipulation that the building materials and architectural style of the pad site would be compatible with the existing Wal-Mart Neighborhood Market.

Staff has concerns with the pad site as proposed. The Infill Design Guidelines discourage the even dispersal of pad sites in a widely-spaced pattern, even if they are located along the street edge. Instead, the pad sites should be clustered to define street edges and to create interesting places between buildings. Staff would consider the proposed pad site to be evenly spaced down the Metcalf Avenue frontage with Winstead's and the bank. This application also requires two deviations, discussed below, which staff does not support.

The first deviation needed for the pad site as proposed is the requirement of the design guidelines that 30 percent of the thoroughfare frontage of a commercial project be occupied by a building wall. In the case of drive-

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thru establishments, a three-foot wall of compatible building materials may satisfy this requirement. The proposed site plan provides neither building wall nor site wall. To minimize the amount of parking lost on-site, the applicant felt that the proposed location was best for the new pad site. The proposed location also maintains the access on site to the pad sites north of the proposed pad site and visibility of those sites. The applicant has also indicated that a site wall along Metcalf Avenue would look out of place in front of the new pad site since none of the other pad sites in the development have a similar feature. A landscape hedge is being provided to help screen the parking area, however.

The second deviation required is for the amount of parking provided for the center. Currently, there are 981 spaces on-site, with 944 required at a rate of four spaces for each 1,000 square feet of floor area. With the pad site addition, 68 parking spaces would be lost and only 16 gained. An additional 3,000 square feet of building area is also added, bringing the required parking for the center to 956 and provided parking to 941, a shortage of 15 spaces. The number of required parking spaces provided on the plans is based solely on square-footage, however, and does not enumerate the restaurant seats and parking spaces provided for those restaurant uses. The Infill Design Guidelines allow parking to be calculated on square-footage only without the separate calculation of one space for every three restaurant seats. In staff's opinion, though, the applicant should not be allowed to take advantage of the infill parking requirements if the other aspects of the Infill Guidelines are not being observed. Staff would anticipate that the parking shortage would be even greater if restaurant seating were included in the parking analysis.

TRAFFIC IMPACTS: The site plan proposed by the applicant does not include sufficient stacking area in the drive-thru lane. Typically, staff recommends that the drive-thru lane be long enough to provide storage for at least eight cars behind the drive-thru window without disrupting drive aisles or parking spaces. That requirement stems from numerous counts that have been taken through the years, past experience where stacking has impeded traffic flow on existing properties, and personal observations of the operation of many drive-thru lanes.

The current site plan show a lane that would provide only a six-car stack behind the menu board. Staff has been told that the applicant does not know what tenant would eventually occupy the building. Because the potential demand for the drive-thru lane could be higher than the available stacking area if a high-volume burger restaurant were to locate on this

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site, staff recommends that the plan be modified to provide the necessary stacking distance.

ENVIRONMENTAL IMPACTS: The proposed development will be located in an existing parking area so the amount of impervious surface will not increase, and this improvement will not impact drainage patterns on the site. There is an existing storm sewer system located along Metcalf Avenue that has the capacity to handle the run-off from this redevelopment.

DEVIATIONS: This application requires two deviations for the parking shortage and lack of wall frontage along Metcalf Avenue.

The Planning Commission or City Council may grant a deviation if they find that all the following requirements can be met:

Uniqueness: In staff's opinion, this property is not unique in size, shape, or location. In regard to the shortage of parking caused by the proposed pad site, it is possible that this addition to the commercial center is too great to be supported by available parking. The loss of existing parking and the addition of new square-footage are too much for the remaining parking spaces. While staff understands the applicant's position on the placement of the pad site to maintain access to existing pad sites, it would still be possible for a three-foot wall to be provided along Metcalf Avenue to meet this requirement. Additional screening around the shopping center could be incorporated so that the wall would not seem out of place with the existing frontage treatment.

Impact on adjacent property owners: The staff does not anticipate any adverse impact on adjacent property owners from the granting of the requested deviations.

Hardship: Should the parking deviation not be granted as requested, the proposed pad site would not be possible without rework of the site plan. It may be that the center does not have enough excess parking to the point that losing existing parking in order to add additional building square-footage is not possible. However, the previously approved development plans for this center have never shown a pad site in this location, so there should be no expectation regarding this proposed project. In regard to the building wall along the thoroughfare frontage, staff understands the applicant's desire to maintain the existing circulation of the center by not

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placing the pad site along Metcalf Avenue, but staff does not see why a three-foot site wall could not be provided along the street frontage.

Public Safety and Welfare: The staff does not anticipate any impact on public safety and welfare should the deviations be granted.

Intent of the Ordinance: The intent of the parking regulations is to ensure adequate parking in commercial centers. The revised plan shows a shortage of 15 parking spaces, and that shortage is based on a flat calculation of four parking spaces per 1,000 square feet of floor area. Restaurant square-footages and seat counts are not evaluated. Regarding the building frontage requirement, the intent of the design guidelines in requiring building frontage along the street edge is to promote a more comfortable pedestrian environment. A landscape hedge is being provided to help screen the parking area, but the guidelines specifically require that either building wall or three-foot site wall comprise 30 percent of the frontage. In staff's opinion, neither the requested parking deviation nor the lack of building frontage along the thoroughfare meets the intent of the ordinance.

In summary, staff does not feel that the proposed plan meets the level of uniqueness or hardship for the deviations to be granted and the pad site to be built as proposed.

6. **STAFF RECOMMENDATION:** Staff recommends denial of Revised Preliminary Plan, Metcalf 103, based on the parking shortage created for the shopping center with the addition of the new pad site and failure to comply with the design guideline requirements of the percentage of building frontage along the thoroughfare and the orientation of pad sites.

Should the Planning Commission find the application acceptable, 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 follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.

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- b. Prior to the issuance of a Building Permit, the Planning Commission shall approve final development plans.
- c. Building elevations submitted for final development plan approval for the proposed 3,000 square-foot restaurant pad site shall incorporate compatible building materials and architectural style as that of the Wal-Mart Neighborhood Market in this center. The building design must meet the requirements of the design guidelines.
- d. A deviation is granted to reduce the required parking spaces for the center from 956 to 941 spaces.
- e. A deviation is granted to waive the design guideline requirement that 30 percent of the thoroughfare frontage shall be occupied by a building wall.
- f. The proposed shrubs along Metcalf Avenue shall be planted in a triangular pattern so as to achieve full screening at maturity.
- g. The location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- h. Prior to publication of the rezoning ordinance, the owner and/or developer shall submit \$3,027 cash. Said cash 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 103rd Street and extending north to 95th Street, east to Nall Avenue, south to College Boulevard, and west to Antioch 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:

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<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.