

6. SPECIAL USE PERMIT NO. 2007-33 - Vicinity of the southeast corner of 159th Street and Antioch Road
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GENERAL COMMENT: This request is directly related to Rezoning No. 2007-25 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 159th 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 not changed the vehicular access or site plan for the hospital so this report has not changed.

- 1. APPLICANT: Price Brothers Development is the applicant for this request.**
- 2. REQUESTED ACTION: The applicant is requesting approval of a special use permit, for an indefinite period of time, to allow a hospital.**
- 3. LOCATION: The subject property is located in the vicinity of the southeast corner of 159th Street and Antioch Road.**
- 4. EXISTING ZONING: This property is currently zoned RUR-J, Rural District, Johnson County.**
- 5. NEIGHBORHOOD CHARACTERISTICS: This property is surrounded by property associated with Rezoning No. 2007-25, which is requesting CP-2, Planned General Business District, and RP-6, Planned Garden Apartment District, to the north, PRN, Planned Residential Neighborhood District, to the south, and CP-O, Planned Office Building District, to the west. U.S. 69 Highway is located to the east of the request.**

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6. ANALYSIS: The applicant is requesting special use permit approval to allow the construction of a 400-room hospital. This site is surrounded on the north, south and west by undeveloped land proposed to be rezoned as part of Rezoning No. 2007-25, which is on today's agenda.

The site plan identifies the access for this hospital would be from the north through the commercial development but without a direct connection, access from the west through an office development, or from the south through a PRN residential development. The access from the west and south is on public streets except for the parts east of the roundabout, which are private.

The hospital is proposed to be 940,000 square feet in size. As part of this square-footage there is a 240,000 square-foot medical office component located in the hospital. A total of 2,395 parking spaces are provided for the hospital, with 1,205 spaces being provided in a parking garage. The garage is located at the northwest corner of the hospital. The emergency room drop-off would be located at the southeast corner of the hospital, with the main access being located at the central circular drive. The entrance into the medical office portion of the hospital is located at the northeast corner. A detention facility would be located to the west of the hospital, and as required by the fire department, a 20-foot asphalt drive is located between the detention facility and the hospital for fire access around the building.

The building elevations have only been preliminarily completed and therefore, additional review will occur at the time of final development plan approval. Additional lighting and landscaping information will also be provided at the time of final development plan approval. Staff is not aware of any helipad proposed for the hospital. This detail can be addressed at the time of final development plan.

TRANSPORTATION IMPACTS: The traffic impacts of this project were included in the extensive traffic impact study prepared for the companion project to this request, Rezoning No. 2007-25. Therefore, no additional traffic impact comments are needed for this project.

The layout of the drives and parking areas generally is acceptable, but some details will need to be refined prior to final development plan approval. Since it is unclear in what phases and at what time this project will develop, staff has included a stipulation addressing phased construction requirements. The extent of required street improvements

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will be determined at the time of final development plan approval for each phase of the project.

ENVIRONMENTAL IMPACTS: This special use permit is closely related to the previous agenda item, Rezoning No. 2007-25. The Preliminary Stormwater Management Study for the rezoning request also included the area of this special use request. The boundaries of the special use permit request are outside the stream corridors, so issues regarding the stream corridors do not apply to this application. Corps of Engineers permitting does apply to this application as an isolated wetland is located within the special use permit boundaries. Also detention is applicable to this portion of the development.

7. CONFORMANCE WITH THE MASTER PLAN: This property is master planned Medium-Density Residential District. However, the Land Use Goals do have locational criteria for hospitals as follows:
- a. Locate at or near the intersection of two thoroughfares or thoroughfare with a highway.
 - b. Locate helipads towards the interior of the development to minimize the impact on nearby residences.
 - c. Evaluate locations on a case-by-case basis with special consideration given to buffering between hospitals and residential land uses. (See Office Land Use Goal 1, Policy 1.1: Use Appropriate Transitional Methods).

Staff has raised the concern about this hospital being located in the middle of a square mile with the only access through commercial, office or a residential development. It does seem more appropriate that the hospital would be located along one of the thoroughfares instead of internally. The applicant has stated the hospital has looked at this layout and feels the hospital is best located as shown.

8. STAFF RECOMMENDATION: In the current layout, the hospital plan is integrally tied to the plan for the rest of the development. Staff is not opposed to a hospital at this location, but if the Planning Commission were to recommend denial of the associated Rezoning No. 2007-25, or recommend continuance for substantial changes, then the staff would recommend a similar action for the SUP. This SUP could ultimately be approved even if Rezoning No. 2007-25, is denied but will require revision

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to make it a stand-alone development with access being a key component of the revision.

However, if the Planning Commission finds Special Use Permit No. 2007-33 acceptable, staff has provided 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. The hospital shall be limited to 400 beds and a total of 940,000 square feet including the associated medical office.
- c. Prior to the issuance of a Building Permit, the property shall be preliminary and final platted.
- d. Prior to construction plan submittal for any building, a final development plan shall be approved by the Planning Commission.
- 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. The extent and phasing of required on-site and off-site street improvements will be determined by city staff at the time of review of each final development plan, based on the general range of street improvements identified in the stipulations for Rezoning No. 2007-25.
- f. Prior to publication of the special use permit ordinance, the owner and/or developer shall submit either \$861,980 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 159th Street and extending north

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to 151st Street, east to Metcalf Avenue, south to 175th Street, and west to Switzer Road. Said work shall be above and beyond that listed in other stipulations to this special use permit.

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.

- g. Two or more weeks prior to final development plan approval 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.
- h. Concurrent with submittal of an application for final development plan Approval, 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.

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- i. Prior to any final development plan approval, 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.
- j. Prior to final plat approval, 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.
- k. 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 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 Business Association has for the detention facility.
- l. Prior to, or concurrent with, the submittal of construction plans for a Site Development or Building Permit, whichever comes first, a separate set of final detention plans and calculations shall be submitted 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 Site Development or Building Permit.
- m. 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 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.
- n. 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 recording fee paid by the owner/developer.

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- o. 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.
- p. 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.
- q. 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 Engineering Services Division.
- r. Grading must match the proposed future grading of U.S Highway 69 at the property line.
- s. Prior to issuance of a Temporary Certificate of Occupancy for any structure(s) or issuance of a Certificate of Completion for parking lots, the detention facility serving the structure(s) or parking lots shall be constructed and in service.
- t. 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. Certification is required prior to issuance of a Final Certificate of Occupancy.
 - 2. Prior to certification of any above ground earthen detention basin, the basin shall be sodded or otherwise stabilized as approved by the city's Engineering Services Division.