

2. REZONING NO. 2008-7– 11225 College Boulevard

GENERAL COMMENT: Staff recommends that this applicant and the preliminary development plan for Compass Corporate Center 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 a rezoning from CP-O, Planned Office Building District, to CP-1, Planned Restricted Business District, to allow a new commercial building.
3. LOCATION: The 1.4-acre tract is located at 11225 College Boulevard, which is part of the Compass Corporate Office Park.
4. CHARACTER OF THE NEIGHBORHOOD: The character of the neighborhood is mixed with various uses including commercial, office, multi-family residential uses and single-family residential uses. The section of College Boulevard from U.S. 69 Highway to Quivira Road is primarily office uses.
5. LAND USE AND ZONING PATTERNS: The proposed rezoning is at the southwest corner of College Boulevard and King Street, west of U.S. 69 Highway. The property to the east, south, and southwest are zoned CP-O, and are developed with office buildings. The property to the north, across College Boulevard, is zoned CP-1, and has an indefinite special use permit for an extended stay hotel. The property to the west is zoned CP-1, and is part of a development that transitions from CP-2, Planned General Business District, to CP-1, then to CP-O.
6. ANALYSIS OF APPLICATION:

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- a. DEVELOPMENT PLAN: The applicant is requesting approval of a 7,000 square-foot commercial building at the northwest corner of the Compass Corporate Center office park. The applicant is proposing that a new stand alone, sit-down restaurant be developed. The applicant is proposing to rezone a portion of the site that will include the building and the required amount of parking.

The rezoning request is required to meet the Commercial Design Guidelines. The area of the rezoning includes frontage on College Boulevard. The guidelines encourage buildings to be located at the setbacks from the public street creating an urban streetscape. Public street frontage that is not occupied by building façade shall be a landscape hedge, decorative screen wall, fence or a combination of these features.

The applicant has provided a conceptual landscape plan that shows rows of shrubs and trees planted in an orchard pattern. Staff has encouraged developers of commercial projects to incorporate a combination of masonry columns, decorative screen walls, and decorative fencing along the public street frontage between parking areas and the public street. These details are items that can be resolved prior to the approval of final development plans.

The applicant has located the building so that the 30-foot setback required for office development is maintained. Locating a commercial building in a partially developed office park has its own challenges. The setback for office development is 30 feet from the public street and the setback for commercial development is 15 feet.

The building design includes offsets in the footprint and the conceptual architecture shows details that are requirements of the Commercial Design Guidelines. The specific calculations for providing minimum spaced bays of elements in the building facades and using masonry materials, wall articulation, and details will be reviewed at the time final development plan approval. Staff is comfortable with the conceptual architecture as proposed.

- b. TRAFFIC IMPACTS: This site plan is well designed and provides for good traffic flow within the site.

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The transportation staff's issue with this project is how it's intensity, in combination with the associated office building expansion on the adjoining parcel, impacts the Land Use Intensity (LUI) System. Refer to the staff comments for the adjoining revised preliminary development plan for more details.

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

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.

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

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relocating/rebuilding the existing berm or adding additional storm sewers.

7. CONFORMANCE WITH THE MASTER PLAN:

- a. FUTURE DEVELOPMENT PLAN MAP: The Future Development Plan identifies this property for office development; therefore, the applicant's request is not in conformance with the Master Plan.

The Unified Development Ordinance (UDO) allows for restaurants and other specific uses to operate in office zoned developments. The UDO requires that a restaurant be physically attached to the office building and that the office building exceeds 100,000 square feet in building floor area. Office buildings that are 100,000 square feet in area or greater are likely to have a large employee base that will use food service establishments. This also benefits the nearby public street system by reducing the potential trips of office workers traveling to commercial developments for lunch.

The UDO specifically restricts the type of commercial uses and requires that they be located in the office building. Staff proposes that the Planning Commission authorize the staff to publish for an ordinance text amendment to consider revisions to the UDO for alternative standards.

Staff is of the opinion that standards for specific uses and performance standards are a better solution than rezoning portions of office parks to the CP-1 zoning district. An ordinance text amendment would provide for greater control of the types of commercial development and activities that could be allowed.

- b. GOALS AND POLICIES: The goals and policies of the Master Plan state that stripping out commercial development along the thoroughfare street network is discouraged. The staff recommends that a text amendment to the UDO is preferable to zoning the property to a commercial zoning district.

8. STAFF RECOMMENDATION: The staff recommends a continuance of Rezoning No. 2008-7 and that the Planning Commission authorize the staff to publish for a text amendment to the UDO. Should the Planning Commission find the application acceptable, staff recommends the following stipulations:

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- 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 on the site shall be limited to 7,000 square feet of building floor area.
- c. A sign criteria shall be submitted for review and approval for the entire development prior to the issuance of a sign permit for the commercial building.
- d. The number, location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.
- e. Prior to publication of the rezoning ordinance, the owner and/or developer shall submit either \$7,063 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, east to Nieman Road, south to 119th Street, and west to Rosehill 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>
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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.

- 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.