

3. REVISED PRELIMINARY PLAN APPROVAL - HY-VEE SHOPPING CENTER - Vicinity of the northwest corner of 135<sup>th</sup> Street and Antioch Road

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1. APPLICANT: Tad Gellender is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting revised preliminary plan approval to allow a new kiosk in the existing shopping center parking area. 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 northwest corner of 135<sup>th</sup> Street and Antioch Road.
4. EXISTING ZONING: This property is currently zoned CP-2, Planned General Business District.
5. ANALYSIS: The applicant is requesting approval of a revised preliminary plan to allow a 288 square-foot kiosk building for Tad's Tropical Sno to be located in the southwest corner of the existing Hy-Vee parking lot. Since the approved plans for the shopping center do not show a building in this portion of the site, a public hearing is required as part of the consideration of the revised preliminary plan application. No other changes are proposed to the shopping center.

The kiosk building is already constructed, having been used at a location in another city previously. However, the kiosk is not intended to be mobile, and the applicant is making permanent site improvements for its installation in the Hy-Vee Shopping Center. The kiosk will be installed on a curbed concrete pad with bollards defining the pedestrian area under the building overhang. The concrete pad will replace five parking spaces in the southwest corner of the existing parking lot. A pedestrian area is provided to the south of the kiosk on the concrete pad, and a new sidewalk will be provided along the edge of the existing parking area out to the public sidewalk along 135<sup>th</sup> Street.

Since the kiosk building is already constructed, the applicant is proposing to clad the structure with brick in two colors and blue standing seam metal roofing to coordinate with the buildings in the Hy-Vee Shopping Center. Because the building already exists, downspouts will be installed on the exterior of the building to handle stormwater run-off from the roof of the building.

In reviewing the revised preliminary plan, staff observed that the original zoning plan from 1994 has never been updated, and several of the

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buildings built in the center are somewhat different than what was originally approved. With the 1994 rezoning, a stipulation limited the square-footage in the center to 117,500 square feet, but the subsequent final development plan for Hy-Vee and its future expansion/shops increased the total beyond that cap. Staff has revised the square-footage cap in the stipulations below to reflect what has actually been approved previously with the various final development plans in the center.

TRAFFIC IMPACTS: The plan shows the existing parking lot being modified to accommodate the proposed new structure in a way that does not adversely impact the traffic flow around this site.

ENVIRONMENTAL IMPACTS: The existing development generally drains from north to south in the subject area. No additional grading will be necessary for the addition of the proposed building.

6. STAFF RECOMMENDATION: Staff recommended approval of Revised Preliminary Plan, Hy-Vee Shopping Center, subject to the stipulations approved by the Planning Commission.
7. PLANNING COMMISSION RECOMMENDATION: The Planning Commission considered this application at a public hearing on March 22, 2010. No one spoke at the public hearing, and the Planning Commission voted 11 to 0 to recommend approval of Revised Preliminary Plan, Hy-Vee Shopping Center, subject to 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 127,802 square feet.
  - c. Prior to the issuance of a Building Permit, the Planning Commission shall approve final development plans.
  - d. The location and geometrics of all driveways and parking areas are subject to review and approval by the Planning and Development Services Department.

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- e. Prior to the issuance of a Building Permit, the developer shall submit a payment for unspecified transportation improvements, as detailed in stipulation "i" of Rezoning No. 1994-6.
- f. Prior to the issuance of a Certificate of Occupancy, any existing public sidewalk adjacent to this property that does not substantially meet current city standards (sidewalk is damaged, broken, or is a tripping hazard) shall be reconstructed to current city standards. The limits of the repair shall be approved by Engineering Services staff prior to the issuance of a Building or Site Development Permit.
- g. All private sidewalks shall comply with the city's standard details for public sidewalks and sidewalk ramps, unless waived by the Director of Planning and Development Services. Accessible routes leading to accessible structures and amenities within the public way shall be clearly identified on the plans and comply with the building code.