

STAFF REPORT
Planning Commission Meeting January 22, 2018

AGENDA ITEM NO.: 3
PROJECT NUMBER / TITLE: Application # 17-13

REQUEST: Special Use Permit (SUP) for satellite/off-site parking lot

LOCATION: Address To Be Assigned
Immediately north of the Broadmoor Park entrance on Broadmoor Street- Parcel KF251208-1033

APPLICANT: Mike Osbourn
Kaw Valley Engineering, Inc
14700 W 114th Ter
Lenexa, KS 66215

PROPERTY OWNER: CAPROCQ KC Mission LLC
1 Allied Dr, Ste 1500
Little Rock, AR, 72202

STAFF CONTACT: Danielle Sitzman
ADVERTISEMENT: 1/2/2018 - The Legal Record Newspaper
PUBLIC HEARING: 1/22/18 - Planning Commission



Property Information:

The subject property is located in the West Gateway District and is adjacent to several office buildings. The property is currently developed as a surface parking lot with approximately 117 stalls. It has been a paved parking lot for many years, showing on Johnson County Land Records since the early 1990's. Neither it nor the surrounding properties have ever been platted. Prior to its development it was located in an area of undeveloped farm/ranch lands adjacent to the Missouri and Kansas Interurban Railway otherwise known as the Strang Line. The Strange Line was an interurban trolley line running from Kansas City, Missouri through Downtown Overland Park, to Olathe, Kansas.



The Comprehensive Plan indicates this area is appropriate for medium density residential and parks or trails. The West Gateway Form Based Code also designates this area as an extension of Broadmoor Park to serve as a greenway for future residents and visitors.

Surrounding properties are zoned and developed as follows:

- North: "C-0" Office Building District, 1-story office building
- East: "R-1" Single-family Residential District, detached single-family homes
- West: "MP" Industrial Park District, unoccupied former warehouse/office building
- South: "CP-0" Planned Office, a public park

Background:

The subject property was purchased in November of 2015 by CAPROCQ KC Mission LLC at the same time that they purchased the Mission Towers building at 5700 Broadmoor Street. Mission Towers is a 10-story, 245,000 square foot office building with multiple tenants. It was built in 1971. The current zoning standard requires approximately 695 parking stalls for this use. A review of aerial imagery for the site indicates approximately 595 parking stalls are currently provided on site in both a 2-level parking structure and a surface parking lot. It is not known what the parking standard was at the time of the development of the property. Over the last five years, occupancy of the building has increased with new tenants on multiple floors.

Purchase of the off-site parking lot came to staff's attention in the fall of 2016 when the property manager for the new property owner made inquiries about making improvements to the site lighting. Staff determined that a Special Use Permit would first need to be approved before a building permit could be issued. Off-site parking is not an allowable use in the zoning district where this property is located and is specifically called out in Section 445.180 of the Municipal Code as a designated use for a Special Use Permit. At this time, the property owner wishes to obtain a Special Use Permit to continue to use the parking lot for employee parking and to make improvements to the

site for its safe operation. A site plan showing these improvement has been submitted. As stated, this would qualify as off-site or satellite parking, and a Special Use Permit is required.

The submitted site plan shows restriping of the parking lot to accommodate 86 parking stalls. Other improvements include installation of a sidewalk and crosswalk to accommodate pedestrians accessing the satellite lot from the Mission Towers building, street trees, landscaping and screening, and bollard-style lights. The property owner is proposing only to use 42" tall bollards for lighting. The basketball hoop would be removed. There is an existing City maintained wood privacy fence installed along the east side of the parking field. The fence would remain.

Staff has reviewed the proposed site plan for compliance with current zoning standards and future Form Based code compliant public improvements. The design of the parking lot and stormwater controls have also been reviewed by the City's on-call engineers at Olsson Associates. The exact location of the crosswalk is yet to be determined. The applicant has complied with all staff comments on the safety and design of the proposed use.

Code review:

Under Municipal Code Section 445.180.C The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

According to Section 445.190 special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:

1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
2. The installation of landscaping and maintenance.
3. Provisions for erosion control.
4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
5. Limitation on signage.
6. Limitation on hours of operation and other characteristics of operation.
7. Conditions specifically listed under the individual special use.
8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

In addition, Section 445.220 of the Municipal Code states that special use permits generally run with the use of the property. Conditions placed must be clearly spelled out in the motion for approval. Section 445.230 of the City Code allows for the termination of a SUP at any time for several reasons. This includes non-compliance with any special conditions placed or if conditions in the neighborhood have changed to

the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.

Special Use Permit:

Section 440.140.E, Criteria for Considering (SUP) applications, lists the criteria to be used by the Planning Commission and City Council in the consideration of this application. An evaluation of these criteria is as follows:

1. The character of the neighborhood.

The subject property is located in the West Gateway District on Broadmoor Street directly north of Broadmoor Park. It is adjacent to several high-rise offices with large surface parking lots, small offices, a vacant industrial building, and a single-family residential neighborhood. There is no direct connection to the existing residential neighborhood and an existing privacy fence runs the length of the boundary between these uses. The property is located in Block E of the Form Based Code and intended to support the surrounding uses either as a greenway or medium density residential. The Form Based Code intends for adjacent properties to front onto Broadmoor Street and for future commercial and residential development. The property has been used as a small surface parking lot for many years.

The proposed use is an existing use and would not be out of character with the existing neighborhood. Future redevelopment would discourage new surface parking lots in favor of structured parking.

2. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.

Nearby properties are zoned for office or industrial use similarly to the subject property. The residential uses are separated by a fence. The proposed use would be an extension of an existing use and only involves minor improvements to the site. It does not preempt a future compliant use.

The proposed use is an extension of an existing use to a different owner. It would not generate substantial additional activity in the area.

3. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The property is suitable for the uses to which it has been restricted under the applicable zoning district regulations and changes to its zoning regulations are not appropriate at this time.

4. The extent to which approval of the application would detrimentally affect nearby properties.

An established pattern of traffic and foot traffic already exists in the neighborhood. Allowing the use would help ensure adequate parking for office tenants does not otherwise impact the surrounding neighborhood in the short term. The proposed

use would add 86 parking stalls to the approximate 595 parking stalls on site at Mission Towers.

Approval of the application is not expected to detrimentally affect nearby properties.

5. The length of time the property has remained vacant as zoned.
The property is not vacant and future redevelopment is still possible.
6. The relative benefit to the public health, safety and welfare by retaining applicable restrictions on the property as compared to the destruction of the value of the property or hardship to the owner association with denying its request.
Retaining the existing restrictions on the property would limit its use to a parking lot for office tenants at the office to the north or force development of the parcel. Continued use of the property as parking does not undermine the Form Based Code until such time as other parcels in the vicinity are available to assemble for redevelopment. Furthermore, the proposed improvements to the property are not so substantial that they could not be removed for future redevelopment. Also, stipulations proposed by staff include the dedication of right-of-way to ensure future plans for public improvements can proceed.

There is less relative benefit to the public in retaining the applicable restrictions on the property than allowing for the granting of the Special Use Permit.

7. The master plan or comprehensive plan.
The proposed use does not conform with the long term vision of the Future Land Use section of the Comprehensive Plan or the Sector Plan of the Form Based Code. However, the use requires only minor improvements to be made which in the long-term does not compromise the ability of the property to become compliant in the future.
8. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.
The proposed use will not generate substantially more traffic than the existing use already does as the number of parking stalls will be reduced from 117 to 86 and will serve the same or similar tenants.
9. The recommendation of the professional staff.
The site plan has been reviewed by staff and the City's on-call engineer for compliance with zoning, design, and engineering standards.

Staff recommends approval of the requested use with the stipulations listed below.

10. The extent to which utilities and services, including but not limited to, sewers, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use.

All utilities and services are in place and are adequate to serve the proposed use. Public improvements to sidewalks, crosswalks and street trees will be made by the applicant as a condition of approval.

11. The extent to which the proposed use would create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm.
Improvements will reduce the amount of impervious surface.

The proposed use will not result in any additional or excessive stormwater runoff or any form of pollution as the site is already developed.

12. The extent to which there is a need for the use in the community.
Over the past five years, occupancy rates in the surrounding office buildings have generally increased. In addition, illegal off-site parking on vacant properties has been enforced as those properties prepare for redevelopment. The applicant is not interested in making significant improvements to their existing on-site parking to accommodate additional vehicles.

The property owner has indicated that their tenants need additional employee parking.

13. The economic impact of the proposed use on the community.
There proposed use will make the leasing of tenant spaces in the adjacent Mission Towers building more desirable to tenants with employees who require parking thus potentially improving rents and property values. No city incentives are being requested by the applicant.

14. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations.
Staff expects the applicant will be able to satisfy any applicable requirements.

Staff Recommendation

Staff recommends the Planning Commission recommend approval of Case #17-13 to the City Council for a Special Use Permit for the use of the subject property as an off-site parking lot for tenants of 5700 Broadmoor Street. The permission would run with the use of the property with the following conditions:

1. Limit the use of the subject property to the parking of vehicles to support the daily employee parking needs of 5700 Broadmoor Street.
2. Require that the on-site and off-site improvements as detailed in the submitted site plans to be substantially completed no later than November 1, 2018.
3. Require the platting the property for the dedication of right-of-way be completed prior to the issuance of any permits for improvements.