

**Regular Meeting****THE LEAWOOD CITY COUNCIL**

October 4, 2021

**Minutes**

**Councilmembers Present:** Andrew Osman, Debra Filla, Chuck Sipple, James Azeltine, Mary Larson, Jim Rawlings, Lisa Harrison, and Julie Cain

<b>Staff Present:</b> Scott Lambers, City Administrator	Patty Bennett, City Attorney
Capt. Brad Robbins, Police Dept.	Fire Chief Colin Fitzgerald, Fire Dept.
Dawn Long, Finance Director	David Ley, Public Works Director
Mark Klein, Planning Services Director	Travis Torrez, Bldg/Code Enforcmnt Dir.
Nic Sanders, HR Director	Brian Anderson, Parks & Rec Supervisor
Ross Kurz, Info. Services Director	Mark Tepesch, Info. Services Specialist
Kelly Varner, City Clerk	Stacie Stromberg, Assistant City Clerk
Holly York, Cultural Arts Supervisor	Fire Capt. Aaron Kline
Fire Lt. Jason Parker	MFFIII Jason Webb
FF Julian Rhodes	

**Others Present:** Rick Oddo, Oddo Development; Bob Regnier, Land Owner; Fred Logan, Logan, Logan & Watson, LC; Curtis Holland, Polsinelli PC; Henry Klover, Klover Architects; and Jeff Wilke, TranSystems

The meeting was called to order at 7:03 p.m. by Mayor Peggy Dunn.

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**

Mayor Dunn stated that the agenda has been amended with an item added under Special Business.

**A motion to approve the amended agenda was made by Councilmember Rawlings, seconded by Councilmember Filla. Motion was approved with a unanimous vote of 8-0.**

- 4. CITIZEN COMMENTS**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES. A TOTAL OF 30 MINUTES WILL BE ALLOCATED PER MEETING FOR CITIZEN COMMENTS.**

- 5. PROCLAMATIONS**

National Arts and Humanities Month

Mayor Dunn read the proclamation into the record. Holly York, Cultural Arts Supervisor, accepted on behalf of the Parks, Recreation and Cultural Arts Department. Ms. York stated that she is happy to work for a city that supports the arts and that she is happy to be able to bring it to Leawood.

Double Ten Day, October 10, 2021

Mayor Dunn read the proclamation into record and stated that she presented it last evening at a National Day celebration. She stated that the proclamation will be sent to Director General Jerry Chang of the Taipei Economic and Cultural Office in Denver, CO.

## 6. PRESENTATIONS/RECOGNITIONS

Fire Chief Fitzgerald, introduction of Hurricane Ida Relief Firefighter Deployment Crew

Fire Chief Colin Fitzgerald addressed the Governing Body. He stated that a team of firefighters recently returned from Louisiana after assisting with the Hurricane Ida relief efforts. Capt. Aaron Kline, Lt. Jason Parker, Master Fire Fighter III Jason Webb, and Fire Fighter Julian Rhodes were introduced to the Governing Body. He explained the process in which the call for assistance and deployment took place. Chief Fitzgerald stated that they were gone for a total of 16 days. He presented photos to the Governing Body that the crew sent during their deployment and statistics from their mission. He pointed out that in addition to hurricane aid, the team fought 2 fires, conducted public outreach and supply assistance.

Mayor Dunn read aloud a letter that Chief Fitzgerald received from Volunteer Fire Chief Quint J. Liner in DuLarge, Louisiana, thanking the team and giving his sincere appreciation. Volunteer Fire Chief Liner sent a memento of a small alligator head to the team as a gift.

Mayor Dunn thanked Chief Fitzgerald and stated how proud everyone was of the team.

## 7. SPECIAL BUSINESS

Resolution calling for a Public Hearing to be held on Monday, October 18, 2021 at 7:00 P.M., or as soon thereafter as may be heard, to consider the 2022 Fiscal Budget for the City of Leawood, Kansas (F)

Scott Lambers, City Administrator, addressed the Governing Body. He stated that due to a technical omission, the City's budget could not be certified by the County. He explained that the process will need to begin again to establish a different mill levy rate and a request to have Council approve it two weeks.

**A motion to approve Item 7 was made by Councilmember Rawlings, seconded by Councilmember Filla. Motion was approved with a unanimous vote of 8-0.**

## 8. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2021-38, 2021-39
- B. Accept minutes of the September 20, 2021 Governing Body Work Session
- C. Accept minutes of the April 7, 2021 Bike/Walk Committee Meeting
- D. Resolution approving and authorizing the Mayor to execute 2022 Employee Benefit Plan documents (HR)

- E. Resolution approving and authorizing the Mayor to execute an Interlocal Agreement between the City and the Board of County Commissioners of Johnson County, in the amount of \$936,668.00 pertaining to the Stormwater System Renewal Project-Leawood South Phase I (PW)
- F. Resolution approving and authorizing the Mayor to execute an Engineering Services Agreement between the City and Olsson, Inc. in the amount of \$537,503.00 pertaining to the Tomahawk Creek Road Improvement Project (PW)
- G. Resolution approving and authorizing the Mayor to execute a Professional Services Agreement between the City and Kruger Technologies, Inc. in the amount of \$21,970.00 pertaining to Special Inspections for the Leawood Aquatic Center Project (PR)

Councilmember Harrison pulled Item 8B.

**A motion to approve the remainder of the consent agenda was made by Councilmember Larson, seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 8-0.**

Discussion of Item 8B:

Councilmember Harrison pointed out that the address John Petersen gave when addressing the Governing Body was neither his home nor office and needed to be corrected in the minutes.

**A motion to approve Item 8B upon correction was made by Councilmember Harrison, seconded by Councilmember Filla. Motion was approved with a unanimous vote of 8-0.**

## **9. MAYOR'S REPORT**

- A. I would like to offer my sincere sympathies to the family and friends of Leawood resident William Ramsey, who passed away on September 23, 2021. Mr. Ramsey served his country for 30 years in the Army and retired honorably as a Colonel. He had a career in public service for 35 years serving as a city manager, public works and utilities director for multiple cities. He was active in the Leawood Rotary Club, as well as a Leawood Planning Commissioner for many years. At the time of his passing, he was serving on the Leawood Stormwater Management Committee. Mr. Ramsey will be laid to rest at Arlington National Cemetery with full honors. I ask that we take a moment of silence.
- B. Councilmembers Mary Larson and Jim Rawlings joined me at the Leawood Chamber ribbon cutting celebrating Pro Partners Healthcare's 20<sup>th</sup> anniversary, providing Direct Primary Care in our broad community. They are located at College and Roe Boulevard. We wish them much continued success.
- C. Councilmembers Lisa Harrison and Chuck Sipple joined me at Vista 154 for the 110<sup>th</sup> National Day Celebration sponsored by the Taiwan-America Friendship Association and arranged by President Vivian Swafford. Honored guests included Missouri Congresswoman Vicky Hartzler, Kansas House Majority Leader Daniel Hawkins, and Vice Consul Leanne Kao from the Taipei Economic and Cultural Office in Denver.
- D. Congratulations are in order for the City of Leawood's recent recognition by Safewise.com as being the sixth safest city in Kansas based on crimes reported to the FBI in 2019.

**10. COUNCILMEMBERS' REPORT** – None

**11. CITY ADMINISTRATOR REPORT** – None

**12. STAFF REPORT** – None

### 13. COMMITTEE RECOMMENDATIONS

*[From the September 14, 2021 Planning Commission Meeting – after remand by the Governing Body]*

Ordinance approving a rezoning from AG (Agricultural) and SD-O (Planned Office) to MXD (Mixed Use Development District), Preliminary Plan and Preliminary Plat for Cameron’s Court, located south of 133rd Street and west of State Line Road (PC 49-20)

*Staff Comment: The City Administrator concurs with the Planning Staff and Planning Commission recommendation for approval, but strongly believes that the single-family housing should be extended further east along 133rd Street and that the number of apartments should be reduced.*

Mayor Dunn mentioned that there have been ten meetings on this project, going back and forth with remands, modifications, and continuances. She stated that there have been numerous communications from the residents. She explained that there will be a one-hour presentation from the applicant, then a Q&A from the Council, followed by comments from the residents who signed up to speak. Citizens were asked to keep their comments to 3 minutes to allow everyone an opportunity to speak. Mayor Dunn stated that the applicant will have a chance to respond for 15 minutes after the comments, then there will be a Council discussion.

Bob Regnier, 3400 W 119<sup>th</sup> St., Leawood, addressed the Governing Body. He thanked the Council, Planning Commission, and City staff for their assistance in trying to make a better plan, and noted the number of Interact, Planning Commission, and Council meetings in which they have participated. He said they have received approval for the plan from the Planning Commission and reminded the Council that the property has been for sale for almost 50 years. He stated that the Oddo team is the first group to design the entire acreage into a complete integrative plan.

Fred Logan with Logan, Logan and Watson Law Firm, Prairie Village, KS, addressed the Governing Body. He stated that he is counsel for Mr. Regnier. He thanked the Planning staff, Planning Commission, and Mr. Oddo for working together at great lengths. Mr. Logan stated that it is important to note that the plan has received a favorable recommendation from staff as well as recommended for approval by the Planning Commission under the Golden Criteria. He affirmed two Golden Criteria points: the length of time of vacancy of the property and the relative gain to the public health and welfare. He explained that this developer has a proven track record of excellence, and having one developer over a very large tract of property is a benefit to the City. Mr. Logan stated that not only does the applicant have a favorable recommendation from the staff, but he has conformance with the Leawood Development Ordinance (LDO) and many elements of the 135<sup>th</sup> St. Community Plan.

Curtis Holland, Polsinelli PC, addressed the Governing Body. He stated that they have worked very hard with staff, and he wanted to point out some of the stipulations of which they had concerns. He stated that Stipulation No. 37 concerns maintenance of the common areas and provides for a funding mechanism that the team has no issue with but the language that calls out for “joint and several liability.” He stated that joint liability is common and accepted in these arrangements, but several means the City could come after one single property owner. He stated that they do not feel this is fair or possible to enforce this stipulation on a single property owner.

Mr. Holland stated that in the Public Works memo, Stipulation No. 2(d)(vi) regarding the obligation to construct a 3<sup>rd</sup> lane westbound on 135<sup>th</sup> St., the applicant felt it was unfair to lump that burden onto the development because of the required amount of impact fees they must pay when the project will be

conducted in phases. Mr. Holland stated that they are willing to contribute to half the costs, according to information reported in the traffic impact study.

Rick Oddo, Oddo Development, located at 15200 W. 105<sup>th</sup> Terr, Lenexa, addressed the Governing Body. Mr. Oddo presented a video presentation of the slides that were included in the meeting packet and pointed out the buildings and features of Cameron's Court and outlined the changes that had been done since the last Council meeting. He stated that they added single-family homes along 133<sup>rd</sup> St. and retained some twin villas, as requested by Council; pointed out main fill streets from State Line Rd. and 135<sup>th</sup> St.; and pointed out the brownstone buildings throughout the community. He stated that they are at a low density of 8.05 units per acre with a minimum of office and retail. They have 935 total units spread out over 114 acres, which is 47% below allowable density. Mr. Oddo stated that they moved the senior living and work/live buildings to the east and was able to save 4.5 acres of trees to increase the amount of parks and natural space to 17.4 acres. He stated that they changed some parking in compliance with parking ranges, they widened sidewalks along main street areas, and they agreed with staff on the placement of buildings along the east side.

Mr. Oddo stated that they adjusted Kenneth Loop to allow for setback distance. He noted that because of the slope upwards vehicle headlights will be blocked, but added that they would start planting material immediately to act as additional screens. Mr. Oddo indicated that a Quik Trip will be built directly across the street (State Line Rd., Kansas City, MO) so they changed the convenience store plan in the northeast corner of Tract 5 to a quick serve restaurant. He stated that this will decrease traffic by 25%. He stated that they extended the bike lanes through the intersections.

Mr. Oddo stated that their development falls within the transitions as outlined in the City's 135<sup>th</sup> St. Community Plan for unit size, density and building scale. He showed other examples of transitions between mixed-use development (MXD) and single family homes, such as at Park Place and Mission Farms. He stated that the distance between the existing MXD and single family homes are much less in other areas of the City than in his project.

Mr. Oddo outlined features and potential events that are planned for Chadwick Park (inside Cameron's Court) and stated that there will be plenty of parking. He quoted an excerpt from the City's 135<sup>th</sup> St. Community Plan's development plan that addresses the future need for row homes, townhomes, villa homes and apartments to be located near shopping, entertainment, open space, recreation and other features. He stated that they have planned their design for multi-family homes, as well as the addition of single family homes.

Mr. Oddo gave a brief explanation of the types of buildings within the development. He pointed out that the parking garages are hidden behind the apartment homes and that there will be office and restaurants on the ground level of the apartments to meet the MXD requirements. He stated there will be an amenity courtyard on top of the parking garage for the residents, and that there is a grocery store concept included in the plan on the southeast side of the property.

He stated that Phase 1 (single family) and Phase 2 (villas) will be done first and at the same time. Mr. Oddo stated that they plan to do Phase 3 (brownstones) and 4 (apartments) next and at the same time. He explained that more residential supports retail and office space, so as soon as they get approval, the development team will start marketing Phases 5 and 6. Mr. Oddo pointed out what the development tax summary to be paid to the school district and City of Leawood per year is over a 20-year span. He stated that they will pay impact and permit fees of more than \$5.1M to the City before any construction begins. Mr. Oddo addressed the neighbors' concerns of property value, density, and impact on the schools. He stated that the County appraisers have stated there is no impact on the value of the homes at Park Place,

Mission Farms, and Villa Milano, and it is uncertainty that is a detriment to property values. He stated that they are at the minimum amounts for the density allowed by the LDO. He stated that Erik Pollom, Assistant Director of Planning and Operations, stated in an email that the Blue Valley schools in the area will be able to maintain student populations within their capacity guidelines.

He stated that neighbors are concerned with traffic and acknowledged that any time there is development there is an increase in traffic, but he thanked the City for the street design at 133<sup>rd</sup> and 137<sup>th</sup> St. to be able to handle future needs. He stated that the traffic impact study shows 133<sup>rd</sup> St. is designed to handle up to 18,000 cars and the current usage is 7,000. Mr. Oddo stated that with the total anticipated usage of 9,500 cars, it will be 5,500 cars below acceptable designed capacity. He stated that a third-party traffic consultant and City staff confirmed the findings in the traffic report.

Mr. Oddo explained that single family homes are planned along 133<sup>rd</sup> St. to High Dr. as suggested by the City. He stated that twin villas are also along 133<sup>rd</sup> St. for a mix of different housing options and price point are reasonable and important. He added that if the City wanted all single family homes along 133<sup>rd</sup> St., he would not refuse the request. He stated that they have 766 apartments and the remainder are for sale condos, single family, twin villas, townhomes, and work/live homes.

Mr. Oddo stated that to cover all the costs of the streets, he would need to have more density, but he stayed well below the requirements under the 135<sup>th</sup> St. Community Plan. He stated that he added a greater variety of homes, parkways and main streets, parks and bike trails, and community areas for all of Leawood to enjoy. He stated that staff and Planning Commission asked them to add a grid street design and remove the twin villas between Pawnee and High Dr. He explained that to placate the residents he reduced the number of apartments by 46 units and has lowered the density to an acceptable level. Mr. Oddo summarized that his development team has worked hard with the City staff over several months.

Mayor Dunn stated that all the modifications are appreciated. Councilmember Azeltine asked about the price points on the units. Mr. Oddo stated that the brownstones will start in the \$400,000's; the work/live condos will start around \$350,000; and the single family homes will start in the \$750,000 because of the square footage, 3-car garages, and customizations. He stated that the average 1-bedroom rental will start around \$1,700/month including a garage, and there will also be penthouses available.

Councilmember Sipple asked to clarify where the locations are for all the rentals. Mr. Oddo showed on a map where each of the buildings were located. Councilmember Sipple asked to see renderings of the elevations of the buildings along 135<sup>th</sup> and Pawnee. Mr. Oddo pointed out the 2-story mansion style homes from his presentation.

Councilmember Rawlings mentioned the criticism at the onset of the project from the neighbors. Mr. Oddo replied that he has had multiple meetings with HOAs and Interact meetings. He stated that not everyone attends the meetings but that he has been unjustly maligned and called names, yet he answers every phone call he receives and responds to every email. He stated that he was asked by the neighbors to offset High Dr., keep the apartments as far away as possible, screen 133<sup>rd</sup> St. as much as possible, and not have Kenneth Rd. go through, all of which he accommodated. He stated that he added bike lane and parks that he will have to maintain because of requests from the neighbors, but he remarked that he could not do everything all the neighbors asked for due to not being fair and reasonable requests. Councilmember Rawlings asked if there was a request that he was not able to do. Mr. Oddo replied that he cannot do one 15-acre park or remove the apartments from the design.

Mayor Dunn asked about the Cornerstone Church area and how much the developer controls. Mr. Oddo showed the bike trail that runs within the development property. Mayor Dunn asked if the green shaded

area on the map is owned by him. Henry Klover, Klover Architects, 8813 Penrose Lane, Lenexa, KS, addressed the Governing Body. He stated that the green shaded area on the map represents the trees as they are today. On another map, Mr. Klover shows the church's property lines and stated that the natural habitat is a combination of the two properties. Mr. Oddo showed the area of the flood zone. Councilmember Filla asked how many miles of bike path are on the map. Mr. Oddo replied that it is approximately 1,800 ft. He showed that the total of green areas is 17.4 acres.

Councilmember Larson asked if they are still requesting the 50% discount as a deviation regarding the Floor Area Ratio (FAR) of .22, and expressed her concern with density. Mark Klein, Director of Planning, stated that the residential discount does increase the density. He explained, per the LDO, that 25% is an automatic discount and he is requesting 50% so there is a difference that allows more square footage as far as density. Mr. Klein confirmed that the LDO regarding the 15 units/acre for MXD was met.

Mr. Holland stated that the 8.05 density is based on units. Mr. Klein stated that the FAR is the amount of square footage, so Mr. Oddo is making the request for the discount. He stated that the residential discount is strictly for the residential and is not applied to the commercial. Councilmember Larson stated that she is mostly concerned with the deviation that has been requested for the square footage. Mr. Oddo responded that they have many large apartment units.

Councilmember Larson expressed concern with traffic in regards to the future gas station and convenient store that will be located on the Missouri side of State Line Rd. Jeff Wilke, TranSystems, 2400 Pershing Rd., Suite 400, Kansas City, MO, addressed the Governing Body. He stated that in his report he referred to the traffic generated by the QuikTrip in terms of pass-by trips (vehicles already on the street network) and destination trips (the gas station.) He stated the industry standard is considered to be up to 76% of traffic to a gas station as pass-by trips and that is why the report states QuikTrip will not generate new traffic. Mr. Wilke stated that only 24% of the trips are considered new trips. He stated that the site of the QuikTrip was a former Applebee's Restaurant and was designed for a fairly significant amount of traffic already.

Councilmember Filla asked to clarify the location of Kenneth Rd. Mr. Oddo stated that Kenneth Rd. originally was designed to go along the property line of the church but once it became a private drive, it cannot be within 25' of the property line, so they moved it to the east. He explained that the drive into the church is a private drive and runs along the tree line on their property. Councilmember Filla asked if anyone can use the street. Mr. Oddo confirmed that it is a private driveway, not for public traffic. Councilmember Harrison confirmed that it is not an easy drive for the public to use.

Councilmember Filla thanked Mr. Klein and Mr. Oddo for the many improvements that have been done to the project, especially with the work/live and sustainability trends. Councilmember Filla asked about the phasing timeline. Mr. Oddo replied that Phase 1 (single family) and Phase 2 (apartments and the twin villas) will be built first and at the same time. He stated that the brownstones would be next.

Councilmember Filla asked if Mr. Oddo ever researched the church's deed and the flood plain so that area could be like Meadowbrook (Prairie Village.) Mr. Oddo stated that the church is not for sale, and the bottom third of the church's property is in a flood zone. He stated that the church stated that they needed land for future growth and desired green space. Councilmember Filla asked if anyone did a creative analysis for something similar to Meadowbrook. Mr. Oddo explained that he did have a conversation with the church president and he indicated that they want to be secluded and requested that Kenneth Rd. be a loop so that they did not lose their private drive. He said the south end on the church's property can only be open or park area, which it is currently. Mr. Klover responded that Mr. Regnier

indicated that decades prior, they did an overall plan for the same area that was called Blue Valley Promenade, and they negotiated with the church over an extensive period of time. He stated that the church had a large expansion plan, and at that time they were not able to come to an agreement. Councilmember Filla stated that things change, many churches struggle, and they may not want to maintain a private street. Mr. Oddo stated that a year ago he did approach the church, but they were not willing to make changes.

Mayor Dunn thanked Mr. Oddo for adjusting the plan for more single family homes, as requested by neighbors. She asked if the 4-story apartment buildings could be made to be 3-story. Mr. Oddo stated that he is unable to feasibly build them with a parking garage, rooftop deck and elevators, if they are 3-story structures and that 4-story is the minimum. He pointed out that the ground rises from south to north, so the neighbors would not see the entire 4-stories.

Councilmember Cain appreciated all the changes to the plan, but opined she has fundamental issues with it. She pointed out that there is an increase in the number of units and an increase in the objections from the neighbors. She stated that although the 135<sup>th</sup> St. Corridor Study allows 6-story buildings, she is glad there are none in this project, but stated that the tallest buildings should be along 135<sup>th</sup> St. and State Line Rd. She thanked the design team for extending the single family and twin villa homes. She stated that the collaboration with the staff is working, but it is lacking with the residents. Councilmember Cain stated that she is not in support of the plan.

Mr. Oddo responded that when working with staff, they were able to meet the requirements for the LDO and the 135<sup>th</sup> St. Community Plan but are being told that it is too tall and too dense. He remarked that moving all the tallest buildings to the front of the development creates an ugly plan and is not aesthetically pleasing, in his opinion. He stated that moving the taller buildings along 135<sup>th</sup> St. or State Line Rd. destroys the grid system that the City requested. Mr. Oddo stated that they designed the plan to flow and asked the Council to consider the transects of the buildings in other parts of the City, such as Mission Farms. Councilmember Cain stated that there is not a mixed-use development of this size and density anywhere in the City and stated that there is a lack of cooperation with the residents.

Councilmember Harrison appreciated that Mr. Oddo is trying to create a “sense of place” but she expressed concern for parking, especially for special events within the development. Mr. Oddo replied that food trucks will be parked on Chadwick, and indicated the parking lots and double streets throughout the west side of the property. She asked about no parking signs during community events on the weekends or evenings. Mr. Oddo stated that they would post that vehicles should be moved by 7 a.m. and that they will work with the City staff. He pointed out this community will not be gated.

Councilmember Harrison referenced Villa Milano and asked if Cameron’s Court homes will be 2-story. Mr. Oddo stated that they will be 2-story on the front and 3-story in the back for basement walk-outs. She replied that she would like all of Cameron’s Court be that look. Mr. Oddo stated that he is required to develop an area with a diversity of looks and styles. He mentioned that RP-2 zoning was removed in the first revision of the plan because it did not meet MXD requirements. Councilmember Harrison stated that she prefers 100% of villas, mansion style homes, brownstones and single family homes and asked why that could not be built. Mr. Oddo stated that he is unable to do that because there would not be enough density to pay for all the streets. Mr. Klover stated that the question violates the 135<sup>th</sup> St. Community Plan and that it calls for the development to go up in height. He stated that the Plan outlines that the location of the commercial and retail needs to be negotiated and viable between the City and the developers.

Mr. Klover pointed out that the 135<sup>th</sup> St. Community Plan was never codified, so the streets they are building are private, yet designed to meet the City’s criteria. He mentioned that one of their challenges



was trying to meet both the LDO and the Community Plan. Mr. Oddo stated that the MXD requires density with 4, 5 and 6-story buildings. Councilmember Harrison asked if density could be gained with the twin villas, attached homes, brownstones, etc. Mr. Oddo stated that RP-1 is designed for density, but MXD is designed to have more density which is why the requirement for 15 units/acre is to help pay for that level. He stated that they are trying to be cognizant of how to keep the density low while being financially feasible. Councilmember Harrison stated that she believes more single family and twin villas are needed in the City. Mr. Oddo replied that condos have not sold well in recent years, but brownstones are new to the area.

Councilmember Filla commented that it may be easier to review if the Council had the numbers of home ownerships versus rentals, the topography view of the residential area, and a breakdown of the residential development into three sections. Mayor Dunn asked if the dog park and community gardens are still part of the plan. Mr. Oddo stated that the dog park will be for residents, but it is not yet defined in the plan. He stated that there will be 3-4 different gardens whose locations are not yet defined.

Mayor Dunn explained that citizens will be called in the order in which they requested to speak.

Imran Malik was recognized to speak but did not respond or appear in person or on Zoom.

Marc Casey, 2204 Condolea Terr., addressed the Governing Body. He stated that he agreed there is a need for smaller-sized, owner occupied homes but is concerned with the MXD zoning and employment opportunities in the commercial and retail area.

Jeff Logan, 13220 High Dr., addressed the Governing Body. He spoke in opposition of the project not being mixed-use, too dense on the west side, does not believe the east side will ever be developed, and the lack of green space.

Gareth Matthews, 13241 High Dr., addressed the Governing Body. He stated he is concerned with the design of integrated mixed-use, no parks, and opposed the decision of the Planning Commission because there are no benefits to the existing residents.

Dan Goldberg, 3089 W. 132<sup>nd</sup> Place, addressed the Governing Body via Zoom. He stated that the development is in stark difference to what the City should have because the residents want something like Meadowbrook or Mission Farms, and they believe Mr. Oddo can provide that type of development.

Larry Gunja, 13288 High Dr., addressed the Governing Body. He spoke in opposition of the project because of high density and over-populated apartments. He stated that he wants something similar to how Gezer Park was created and requested that the Council remand the plan back to the Planning Commission.

Duane Opfer, 13205 Canterbury Rd., addressed the Governing Body. He stated his opposition with density, the height of the 4-story buildings on a slope, and concerns with communication between the developer and neighbors.

Kay Shirley and Mike Perry, 3210 W. 138<sup>th</sup> St., addressed the Governing Body. Ms. Shirley explained that she was under the weather and that Mr. Perry would speak on their behalf. Mr. Perry stated that they have concerns with a lack of commercial demand in the future, a high-density apartment complex, and a lack of Leawood's standards and affluence.

Skip Quimby, 13287 High Dr., addressed the Governing Body. He stated he has concerns with density and a lack of identity, and that it only provides the City with a larger tax base.

Tom Switzer, 13209 High Dr., addressed the Governing Body. He stated that the neighbors should have input on the Golden Rule and the Interact meetings. There have not been any guarantees if the single family homes will be sold or rented, and he would like the 135<sup>th</sup> St. Community Plan updated.

Rachel Rubin, 3105 W. 132<sup>nd</sup> St., addressed the Governing Body. She requested that the Council deny the application because of the manner in which the developer has communicated with residents. She mentioned she was told that their protest petition was not valid but it proves how much opposition there is for the project. She questioned why there is a for sale sign on the east side of the property and that they want parks that will be maintained by the City so everyone can use them.

Rick Robinson, 2216 W. 131<sup>st</sup> St., addressed the Governing Body. He stated his concerns are for the fast food restaurant to be located at 133<sup>rd</sup> St. and State Line Rd. and the number of accidents already reported at that intersection.

Adam Brahl, 13213 High Dr., addressed the Governing Body. He acknowledged some of the changes to the original plan, but stated that he would like the development team to do better and to work with neighbors.

William Johansen, 13294 Fairway St., addressed the Governing Body. He stated that he is the Vice President of the Wilshire Place Homes Association and is speaking on their behalf. He acknowledged the changes to the plan, and stated that their greatest concerns are infrastructure, traffic, property values, and community amenities. He stated that Leawood Parks and Rec should speak on the impact of the project because of the rise in population and lack of trails.

Ryan Brunton, 3144 W. 132<sup>nd</sup> Terr., addressed the Governing Body via Zoom. He spoke in opposition of the plan because of density and an inadequate buffer in the northwest corner of the project.

Steve Durr, 2211 W. 132<sup>nd</sup> St., addressed the Governing Body. Mr. Durr appreciated the bike/hike trail within the development, but stated that there are no road bike lanes designated and expressed concern for the added traffic on a popular cycling route.

Yelena Shmidova and Benjamin Khayet, 13249 High Dr., addressed the Governing Body. Mr. Khayet spoke in opposition of the traffic analysis and explained the current traffic issues and their fears of added traffic on 133<sup>rd</sup> St. and through their subdivision.

Sudy Hurst was recognized to speak but did not appear in person or via Zoom.

Ginny Moore, 2212 W. 131<sup>st</sup> St., addressed the Governing Body. She spoke in opposition of the project due to neighbors' concerns, lack of support, and traffic. She asked that the Council remand the project to the Planning Commission with direction to engage all the stakeholders in the process.

Max Gallaway, 12729 Overbrook Rd., addressed the Governing Body. He expressed concerned with over-populated apartments, density, the traffic study, infrastructure, and the over-whelming opposition.

Chad Summers, 2608 W. 131<sup>st</sup> St., addressed the Governing Body. He requested that the Council permanently restrict the use of land in the eastern portion of the development with the current ratios, collect every penny of fees, taxes and assessments from the developer, force the developer to widen 137<sup>th</sup>

St. at his expense, protect the neighbors, and make the developer connect the South Leawood bike trail to 133<sup>rd</sup> St.

Matthew Winston, 3289 W. 132<sup>nd</sup> Pl., addressed the Governing Body via Zoom. He stated the many residents do not respect the process or understand market feasibility, commissioning land for public parks, land owner's rights, the LDO and Community Plan, and tax benefits for the City. He pointed out the tone of hostility toward the developer and Mr. Regnier, and stated that some neighbors are misleading the Council in that the developer has not met with residents or they are asking for impractical development. He stated that he trusts the City will address the traffic concerns of the public, and explained in early 2021 he attended a meeting of a group of neighbors from Wilshire Place who gathered without the developer present and decided there would not be an effort to meet with Mr. Oddo but to allow the outcome to be determined by the Governing Body. Mr. Winston stated he has a personal relationship with Mr. Oddo and encouraged neighbors to work with the developer.

John Kelley, 12800 Ohio Dr., addressed the Governing Body via Zoom. He stated that he serves as the President of the Waterford Homes Association but that his comments are not the views of the HOA. He stated his concerns for what the market needs will be in 10-20 years, especially for the commercial and retail portion, the risk to the City as to who the developer will be for the east side of the property, and the density. He spoke in opposition to widen 133<sup>rd</sup> St., as this will only serve to increase speed and traffic.

**A motion to extend the meeting by 30 minutes was made by Councilmember Larson, seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 8-0.**

Rick Brock, 13212 High Dr., addressed the Governing Body. He requested the Council deny the project because of too much density and location of the apartment buildings, too few home ownership opportunities, and traffic issues throughout the area.

Bob Pollock, 12300 Mohawk Lane, addressed the Governing Body. He stated that he lives on the corner of a very busy neighborhood and golf course and sees no traffic issues. He stated that there is a lot of misinformation and emotion conveyed via the Nextdoor social media app and that he trusts the Council will evaluate what the Planning Commission has provided. Mr. Pollock pointed out the tax revenue benefit for the City and cautioned what other options there will be if this project is denied.

Kathy Kelley, 12800 Howe Dr., addressed the Governing Body. She stated that she is the past President of the Waterford HOA. She requests a denial of the project because it will diminish the quality of life for those living in the area, safety concerns with traffic, and that it is not a thoughtful design.

Mayor Dunn allowed the applicant to respond to the citizen comments. Mr. Holland replied that he appreciated the comments and heard the opposition. He stated that they did follow the rules of the Interact meetings and answered residents' questions. He stated that Mr. Oddo attended several other meetings in addition to the Interact meetings and invited the public to attend. Mr. Holland stated that the neighbors have not formed a consensus on what they want, and that the development team is doing their best to follow the 135<sup>th</sup> St. Community Plan. He stated that in the end, it must be acceptable to the Governing Body, even if it is not acceptable to all the neighbors. Mr. Holland reiterated that the project does meet the LDO, the 135<sup>th</sup> St. Community Plan, and has the staff and Planning Commission's approval and recommendation. He agreed that there has been some misinformation referred to, such as the number of apartments and the level of density. He stated the traffic study has been vetted by the City staff and Olsson Associates.

Mr. Regnier stated that he wants to do something with the property and has a right to do so. He gave credit and was appreciative to Mr. Klein for working hard with the development team to set the numbers, goals and direction. He stated that some of the comments given tonight were not constructive and seemed to reflect a desire for no development at all. Mr. Regnier stated that he spoke to several large development companies in the area who do not want the property and acknowledge that it is a difficult piece of land to develop. He remarked that Mr. Oddo builds great developments and spoke highly of his character.

Mr. Regnier stated that if this is not the right development for this property, then Council will need to provide help for something that is feasible, buildable and makes the City proud. He stated that he is at a loss and is unsure what direction to take but that the Governing Body has the ultimate decision.

Mr. Oddo summarized that they have met the conditions of the LDO and Community Plan, as well as have staff and Planning Commission approvals. He stated that they have worked well with staff and incorporated the reasonable requests of the neighbors. He requested an approval from the Council and thanked them for their time.

Councilmember Azeltine acknowledged the concerns that it is not a well-blended, mixed-use area, but cautioned if the Council does not pass the proposed plan it is unsure what will go in its place and for how long it will be undeveloped. He stated that there is a reason not many applications have been made for this property and this proposal has already been remanded three times in a year and a half. He stated that in the 15 years on Council and prior years on Planning Commission, he heard many complaints about traffic and lower property values next to big projects, yet neither have ever been a problem. Councilmember Azeltine stated that Mr. Oddo has a good reputation in Johnson County.

**A motion to extend the meeting by 30 minutes was made by Councilmember Larson, seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 8-0.**

Councilmember Harrison respectfully disagreed with Councilmember Azeltine. She stated that the project needs tweaked, although she is pleased with the changes that have been made since the original plan. She stated that clarification needs to be made for the residents regarding the for sale sign on the east side of the property. Councilmember Osman replied that JCM (Johnson County Management) is Mr. Regnier's ownership. Mr. Regnier clarified that it is his company and that if the plan is not approved, it is still for sale, but the sign advertises possibilities of other development. Councilmember Harrison asked about the assisted living center. Mayor Dunn stated that it is a proposal but will require a Special Use Permit when the time comes in the final phases, or will come before the Council as an amended plan.

Councilmember Cain reiterated that the process should be respected. She expressed concern about the number of apartment building units and the rise in opposition to the project. She stated that fundamental problems are that the transition and buffer of single family homes has decreased and the 4-story buildings are all on the west side of the property. She appreciated the increase of ownership products. Councilmember Cain expressed concern about increased traffic. She stated that the Council needs to review and change the 135<sup>th</sup> St. Corridor Study because it is only a study, not codified, and originally created in 2008. She stated that she appreciated the developer working with the staff but feels that they are trying to force a plan into the last bastion of Leawood based on a plan that started in 2008 and that everyone agrees should be changed. Councilmember Cain stated that everything needs to slow down and communication should continue.

Councilmember Filla thanked the development team and staff for bringing the revised plan forward. She appreciated the neighbors for attending, and mentioned that the developer has the right to develop the

land, but she expressed concern for the cut-through traffic on High Dr. to 133<sup>rd</sup> St. and the Wilshire neighborhood. She suggested dividing the project into three parts, and stated that the reason no other developer has come forward on this property is the time might not have been right. She stated that there are no low-income homes or apartments in the project and does not feel that there is a good mixture of residential. Councilmember Filla summarized that she would like to have a better ratio of green space, bike lanes, and traffic concerns on High Dr. addressed.

Councilmember Larson thanked the staff, developer, and the residents who have stayed engaged in the process. She pointed out that some of the changes since January were for the better and some not. She mentioned losing the double row of single family homes and that the density increased. She stated that it is an important decision since it is the second largest development in Leawood, and she does not feel that the parties are at the right place yet. She stated her concerns are with density and traffic and that she would like to have more buffers and green space. Councilmember Larson stated that it is important that the neighbor's concerns be heard and disagreed that a consensus cannot be reached. She noted that the comparisons with Mission Farms and Park Place are not apples to apples because this project is much larger and more special.

Councilmember Osman pointed out that he is a developer himself, although not on par with Mr. Oddo, but sees two problems. He stated that the residents' decided early on to refuse to listen to Mr. Oddo and to think what they wanted. Secondly, the Oddo development team decided on what the residents wanted but did not listen to them. He shared his experience with developing land much smaller than this project and how much time it can take to communicate and tweak a project so everyone is happy. He stated that a lot of work has been done to revise the original plan but more is needed, such as larger park areas. He opined that there are few people who can take 120 acres and develop it in phases. He suggested remanding it but pointed out that development teams make certain decisions based on the market needs and feasibility.

**A motion to extend the meeting by 30 minutes was made by Councilmember Osman, seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 8-0.**

Councilmember Osman stated that the residents may or may not have their concerns addressed and that the developer needs to hear if they are valid or not. He summarized that both parties are right and both parties are wrong and more work needs to be done.

Councilmember Rawlings stated that the Council needs to give the development team direction. He stated that he is concerned about the neighbors' "not in my backyard" negative emails. He asked who the development team can talk to, that can be reasonable and level-headed, as a representative of the residents.

Mayor Dunn suggested that this item either be remanded or continued, based on the comments from the Council. She agreed that the plan has come a long way since its original and she thanked Mr. Klein for his work. She disagreed with the criticism of the City's 135<sup>th</sup> St. Corridor Plan and thought that no more than 4-stories should be the norm in Leawood. She stated that she would like more meaningful green space in the development, fewer apartments and more ownership opportunities, and perhaps offer more twin villas options.

Scott Lambers, City Administrator, recommended that the Council not remand the item to the Planning Commission because the staff can meet with the developer to achieve changes in the direction of the Council. He suggested it be continued to the first meeting in November.

Councilmember Cain agreed with the continuation but stated concern that there was no mention to include the residents. Mayor Dunn replied that the residents' concerns would be taken into account for the modifications.

Councilmember Osman mentioned that the first Monday in November is Monday Night Football in which the Kansas City Chiefs are playing and cautioned that residents or the developer may have plans to attend the game. He suggested modifying the motion to state either November 1<sup>st</sup> or a date thereafter as selected by staff and the developer. Mr. Lambers stated that there needs to be a date certain for the planning process and that he would take Councilmember Osman's comments into consideration. Councilmember Osman stated that he wants it to be fair to the developer and residents. Mayor Dunn suggested amending the motion to the second meeting in November. Mr. Oddo stated that he is out of town on the second Monday in November. Mayor Dunn suggested moving it to the first meeting in December. Mr. Oddo would like to move forward and stated he could be available the first meeting in November. Councilmember Osman warned that residents may not be available if they plan to attend the football game or a party.

**A motion to continue Item 13 to the November 1, 2021, Governing Body meeting was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a vote of 5-3. Councilmembers Osman, Larson and Cain voted nay.**

Councilmembers Rawlings and Sipple requested a Special Call meeting on Tuesday, November 2<sup>nd</sup> so the residents can attend. Mayor Dunn stated that she does not have her calendar with her and is unsure if she is available. Councilmember Azeltine mentioned that the first Tuesday in November is an election day. Councilmember Filla was in favor of moving the item forward and meeting on November 1<sup>st</sup> at 6:00 p.m. instead. Mayor Dunn stated that the motion was approved for 7:00 p.m. Mr. Holland stated that their team would be willing able to meet on the first Monday in December, if the Council chose to move it.

**A motion to rescind the motion to continue to November 1, 2021, Governing Body meeting was made by Councilmember Filla, seconded by Councilmember Azeltine. Motion was approved with a unanimous vote of 8-0.**

**A motion to continue Item 13 to the December 6, 2021, Governing Body meeting was made by Councilmember Filla, seconded by Councilmember Rawlings. Motion was approved with a unanimous vote of 8-0.**

Councilmember Cain asked if there will be an opportunity for the residents to see the plan prior to the December 6<sup>th</sup> meeting. Mr. Lambers stated that the Council is typically the first to see it because it is a staff project, but he suggested the packet for this item be made available online to the public at the same time as it is for the Governing Body.

**14. OLD BUSINESS** – None

**15. NEW BUSINESS**

Schedule Governing Body meeting for Monday, October 18, 2021 at 7:00 P.M.

**A motion to approve Item 15 was made by Councilmember Filla, seconded by Councilmember Larson. Motion was approved with a unanimous vote of 8-0.**

*Meeting was adjourned on Tuesday, October 5, 2021, at 12:21 a.m.*