CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, December 3, 2018
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

DECEMBER 2018								JANUARY 2019						
S	M	T	W	T	F	S		S	M	T	W	T	F	S
						1	7			1	2	3	4	5
2	3	4	5	6	7	8		6	7	8	9	10	11	12
9	10	11	12	13	14	15		13	14	15	16	17	18	19
16	17	18	19	20	21	22		20	21	22	23	24	25	26
23	24	25	26	27	28	29		27	28	29	30	31		
30	31													

AGENDA

(This agenda is subject to changes, additions or deletions at the discretion of the City Council)

Mayor Peggy Dunn

Councilmembers

Ward One	Ward Two	Ward Three	Ward Four
Debra Filla	Jim Rawlings	Chuck Sipple	Julie Cain
Andrew Osman	Mary Larson	Lisa Harrison	James Azeltine

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. 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.

4. PROCLAMATIONS

5. PRESENTATIONS/RECOGNITIONS **Presentation of donation from the Cocherl Family Foundation to First Responders**

6. SPECIAL BUSINESS

A. **Ordinance No. 2915**, authorizing and providing for the acquisition of lands or interests therein by condemnation for the 143rd Street Improvement Project between Windsor Lane and Kenneth Road [Project # 80129] **[ROLL CALL VOTE]** ***–CONTINUED FROM THE NOVEMBER 19, 2018 GOVERNING BODY MEETING***

B. **Public Hearing** Consider Budget Amendments to 2018 Fiscal Budget

C. Resolution adopting amendments to the 2018 Fiscal Budget for the City of Leawood, Kansas

If you require any accommodation (i.e. qualified interpreter, hearing assistance, etc.) in order to attend this meeting, please notify this office at 913.339.6700 or at www.leawood.org no later than 96 hours prior to the scheduled commencement of the meeting.

D. Ordinance granting to Southwestern Bell Telephone Company, d/b/a AT&T Kansas, a contract franchise for the provision of Telecommunications Services in the City of Leawood, Kansas and prescribing the terms of said contract franchise and repealing Ordinance No. 2806C **[ROLL CALL VOTE]**

E. Ordinance granting to Teleport Communications America, LLC, a contract franchise for the provision of telecommunications services in the City of Leawood, Kansas and prescribing the terms of said contract franchise **[ROLL CALL VOTE]**

7. 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. 2018-46 and 2018-47
B. Accept minutes of the November 12, 2018 Special Call Governing Body Meeting
C. Accept minutes of the November 19, 2018 Governing Body meeting
D. Accept minutes of the September 11, 2018 Historic Commission meeting
E. Accept minutes of the August 28, 2018 Leawood Arts Council meeting
F. Approve Appointment of Presiding Officers for 2019
G. Approve Mayoral Appointment of Truss Tyson to Sustainability Advisory Board for a 2-year term, expiring in 2021
H. Approve Change Order No. 1, in the amount of $43,400.00, to Bruner Contracting, pertaining to the Public Works Maintenance Facility Expansion Project, located at 14303 Overbrook Road [Project # 76050]
I. Resolution approving a proposal from Travelers Insurance Company for the 2019 Property/Liability Insurance and additional coverages and authorizing the Mayor to execute an addendum to the Insurance Broker Agreement Between Arthur J. Gallagher Risk Management Services, Inc. and the City of Leawood, Kansas
J. Resolution approving the recommended distribution of alcohol taxes by the Johnson County Drug and Alcoholism Council [DAC] for allocations of the 2019 alcohol tax fund for an amount not to exceed $350,000.00
K. Resolution approving and authorizing the Mayor to execute a Letter of Understanding in the amount of $15,000.00, between the City and Johnson County Human Services pertaining to the 2019 Johnson County Human Service Fund
L. Resolution approving and authorizing the Mayor to execute a Letter of Understanding in the amount of $10,000.00, between the City and Johnson County Human Services pertaining to the 2019 Johnson County Utility Assistance Program
M. Declaration of Surplus Property; [12] PD Units; [2] PW Units; [1] Fire Unit; and [2] Comm. Develop. Units

8. MAYOR'S REPORT

9. COUNCILMEMBERS' REPORT

10. CITY ADMINISTRATOR REPORT

11. STAFF REPORT

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the October 23, 2018 Planning Commission meeting]

A. Ordinance approving a Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit [SUP] for Ranch Mart North Shopping Center – Redevelopment, located north of 95th Street and east of Mission Road [PC Case # 115-18] **[ROLL CALL VOTE]**

[from the November 13, 2018 Planning Commission meeting]

B. Ordinance approving the Planning Commission's recommendation to deny a request for a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit [SUP] for 135th Street and Kenneth Road – Mixed Use and Medium Density Residential, located south of 135th and west of Kenneth Road [PC Case # 71-18] **[ROLL CALL VOTE]**

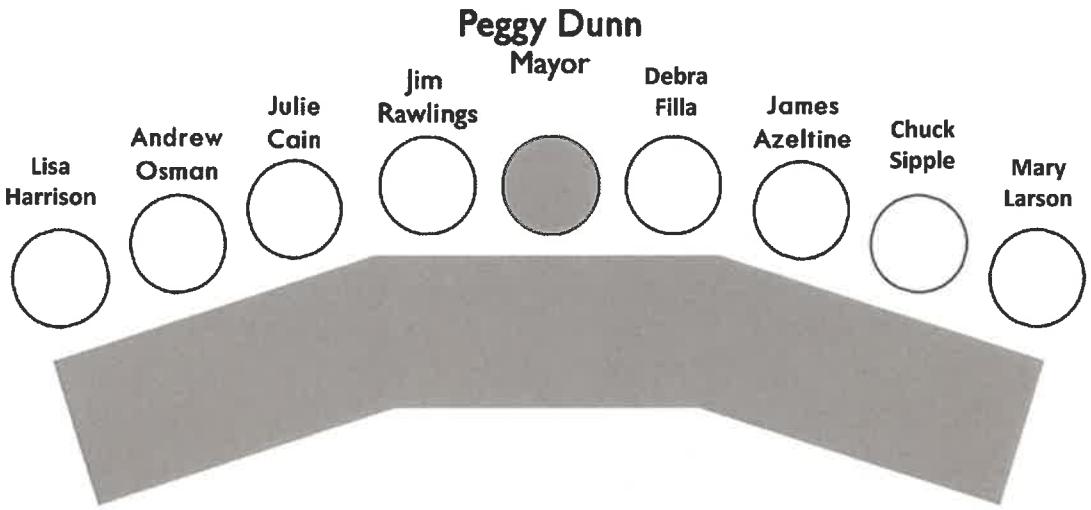
13. OLD BUSINESS

14. OTHER BUSINESS

15. NEW BUSINESS

ADJOURN

Mayor and City Council



Leawood operates under a Council/Mayor form of government, with a separately elected mayor and 8 council persons. Council members are elected on a non-partisan basis from 4 wards. The Council develops policies and provides direction for the professional city administration. Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Number of Votes Required:
Non-zoning Ordinances: Majority of the members-elect of the City Council **[5]**
Charter Ordinances: 2/3 of members-elect of Governing Body **[6]**
Zoning Ordinances and other Planning Commission Recommendations:

- **Passage of Ordinances Subject to Protest Petition**: ¾ majority of members of Governing Body **[7]**
- **Approving Planning Commission Recommendation**: Majority of the members-elect of the City Council **[5]**
- **Remanding to Planning Commission**: Majority of the members-elect of the City Council **[5]**
- **Approving, Overriding, Amending or Revising Recommendation after Remand:** Majority of the members-elect of the City Council **[5]**
- **Overriding, Amending or Revising Recommendation:** 2/3 majority of membership of Governing Body **[6]**

Note: Mayor may cast deciding vote when vote is one less than required.

The next regular meeting of the Leawood Governing Body will be
Monday, December 17, 2018

2018 SCHEDULED WORK SESSIONS			
DATE	**TIME**	**SUBJECT**	**LOCATION**
December 3		**NO WORK SESSION**	
December 17		**NO WORK SESSION**	
2019 SCHEDULED WORK SESSIONS			
January 22		**NO WORK SESSION**	
January 28	**6:00 P.M.**	**Discuss GB Short, Near & Long-term Goals**	**Main Conf. Room**
February 4	**6:00 P.M.**	**Review CID Application for Ranchmart North Shopping Center, located at 95th & Mission Road**	**Main Conf. Room**
April 15	**6:00 P.M.**	**Presentation of CIP; Discuss 2020-2024 Budget Model Assumptions**	**Main Conf. Room**
June 10	**5:30 P.M.**	**Budget & Finance Committee Work Session**	**Main Conf. Room**
June 11	**5:30 P.M.**	**Budget & Finance Committee Work Session** ***[tentative]***	**Main Conf. Room**
August 5		**NO GOVERNING BODY MEETING; NO WORK SESSION**	

The next regular meeting of the Leawood Governing Body will be
Monday, December 17, 2018

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Staff Review

6.A.

Fact Sheet

SUBJECT: **REQUEST TO APPROVE ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS BY CONDEMNATIONFOR THE 143RD STREET IMPROVEMENTS PROJECT**

December 3, 2018

DISCUSSION

This is a request for the Governing Body to approve an Ordinance providing for the acquisition of property through condemnation. This is needed to obtain the necessary right-of-way and construction easements for the improvements to 143rd Street from Windsor to Overbrook.

Staff has worked to obtain as many easements as possible from the owners. Out of twenty-six (26) properties, we have been unable to obtain the easements from two (2) properties:

14204 Canterbury Court – Right-of-Way and Temporary Easement.

3101 W 142nd Street – Storm Sewer Easement and Temporary Construction Easement

We are working on an agreement with one property owner and hope to have that to you for approval soon.

The project is funded partially through the State and in order to keep with the State's schedule for a Spring 2019 bid letting, we need to proceed with condemnation for the right-of-way and easements.

It is the recommendation of the Public Works Department that the Governing Body approve the Ordinance to begin condemnation in order to acquire the necessary property for this project.

David Ley, P.E.
Director of Public Works

COUNCIL ACTION TO BE TAKEN

Approve Ordinance for Condemnation Proceedings

STAFF RECOMMENDATION

- ☑ For
- ☐ Against
- ☐ No position

COMMITTEE RECOMMENDATION

- ☐ For
- ☐ Against
- ☐ No position ☑ No Assignment

POLICY OR PROGRAM CHANGE

- ☑ No
- ☐ Yes

OPERATIONAL IMPACT

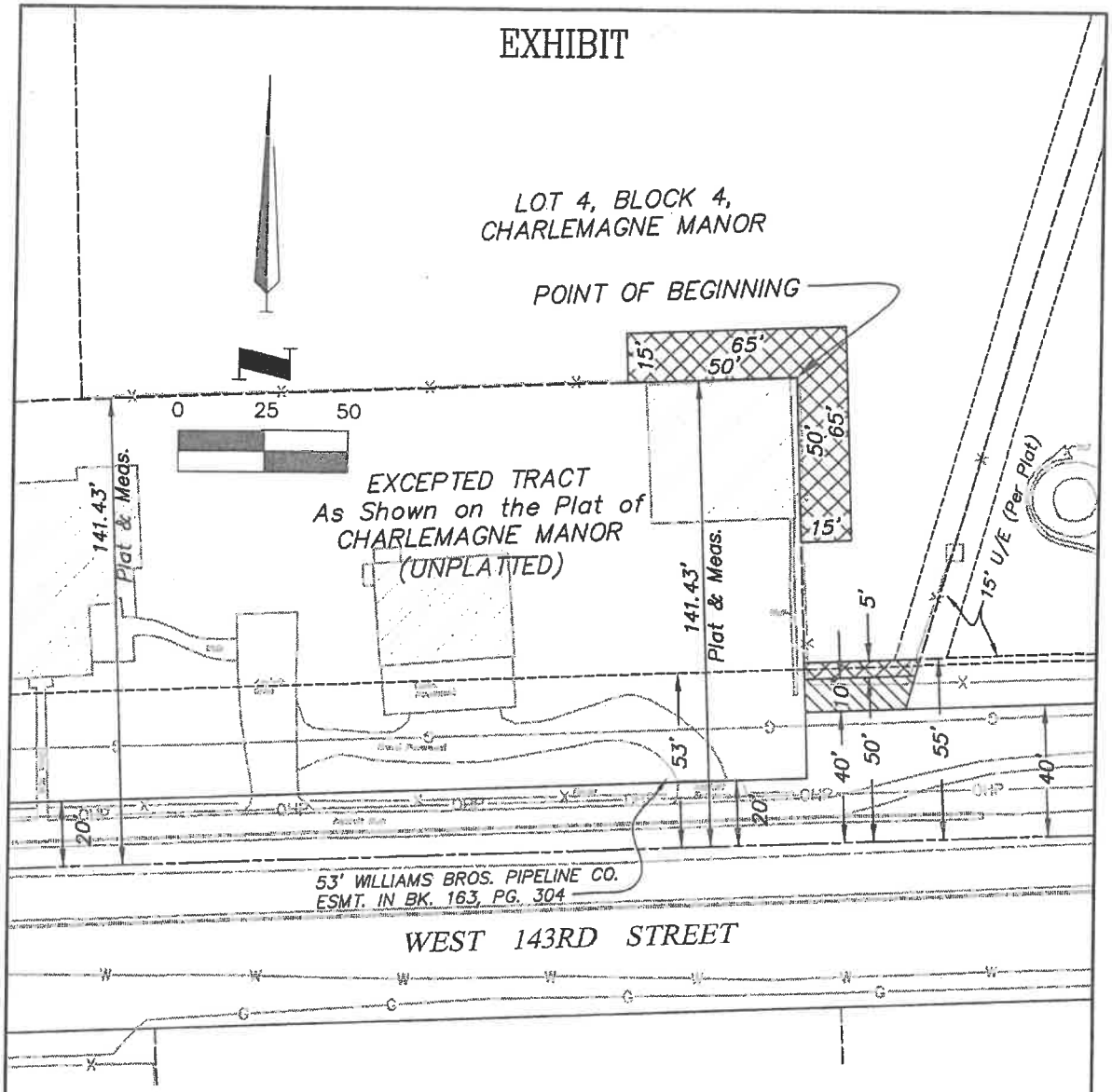
COSTS

Court and easement costs to be determined through court process.

FUND SOURCES

CIP 80129

EXHIBIT



INDICATES PERMANENT RIGHT-OF-WAY

INDICATES TEMPORARY CONSTRUCTION EASEMENT

OWNER: RODRIGUEZ, PEDRO L. AND SUSAN B., HUSBAND AND WIFE

EXHIBIT–Rodriguez.dwg

SCOTT D. CONFER
LICENSED
LS-1249
KANSAS
LAND SURVEYOR
12-28-17

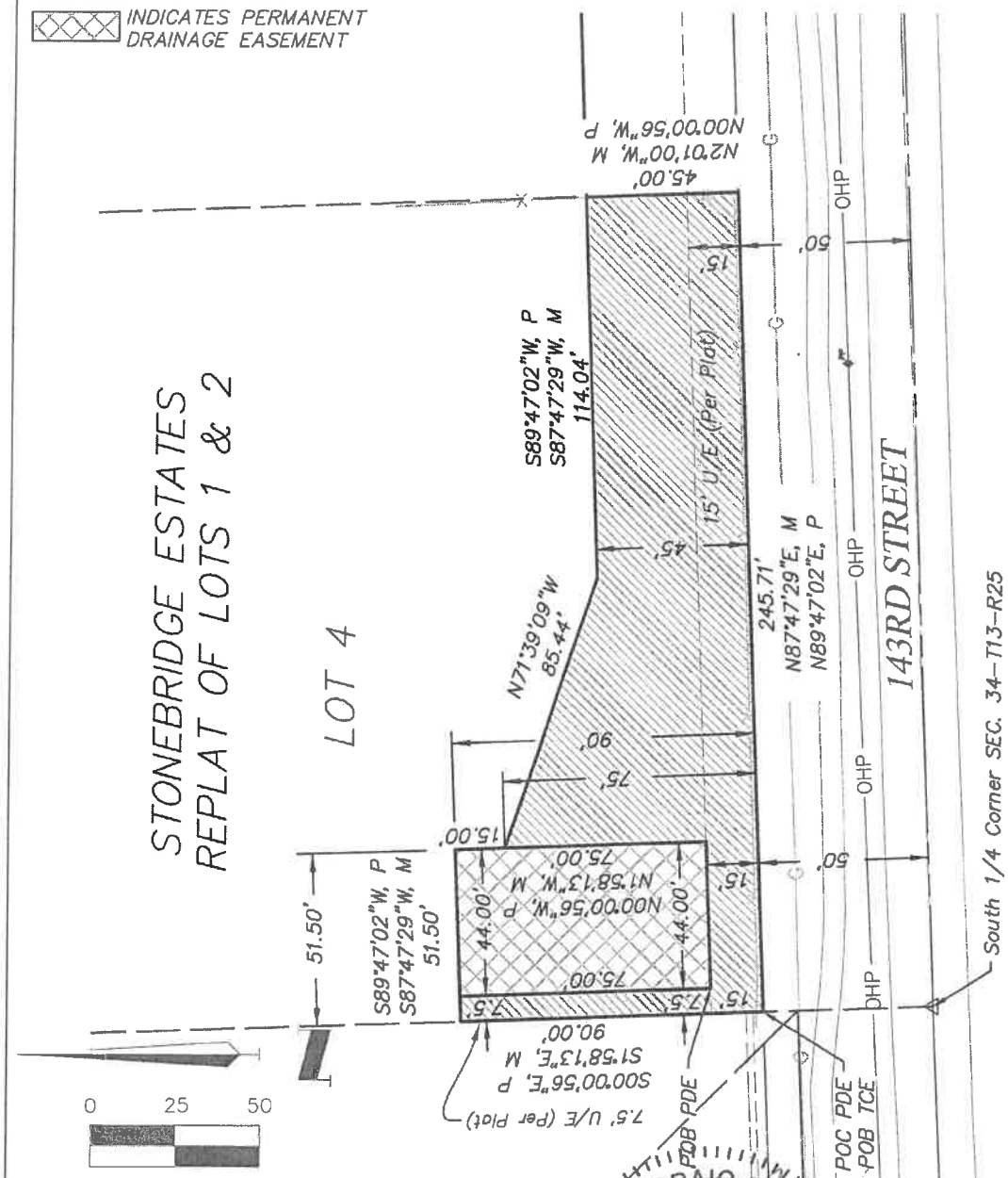
SHAFER, KLINE & WARREN
11250 Corporate Avenue
Lenexa, KS 66219-1392
913.888.7800 FAX: 913.888.7868
SURVEYING | ENGINEERING | CONSTRUCTION

PROJECT NO.140573–010	DATE:12/27/2017	BY:SRW

INDICATES TEMPORARY CONSTRUCTION EASEMENT

INDICATES PERMANENT DRAINAGE EASEMENT

EXHIBIT



OWNER: CHARLES A. LAUE REV TRUST

EXHIBIT-LAUE.DWG

SHAFER, KLINE & WARREN

11250 Corporate Avenue
Lenexa, KS 66219-1392
913.888.7800 FAX: 913.888.7868

SURVEYING | ENGINEERING | CONSTRUCTION

PROJECT NO. 140573-010	DATE: 10/26/2017	BY: JDB

ROBERT CRAIG SANDLIN
LICENSED
LS-1602
KANSAS
LAND SURVEYOR

11/8/17

DRAFT

ORDINANCE NO. _____

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE 143RD STREET IMPROVEMENT PROJECT BETWEEN WINDSOR LANE AND KENNETH ROAD [PROJECT # 80129]

WHEREAS, the Governing Body of the City of Leawood, Kansas did by Resolution No. 5038 declare the necessity for, and authorize a survey and description of lands or interests therein to be condemned by the City for the following:

> The construction and improvement of 143rd Street between Windsor Lane and Kenneth Road, including curbs, gutters, stormwater drainage improvements, sidewalks, bike lanes and all other normal appurtenances.

WHEREAS, said survey and description was prepared and is maintained at the Leawood City Hall.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: It is hereby authorized and provided that the lands or interests therein hereafter described be acquired for the construction and improvement of 143rd Street between Windsor Lane and Kenneth Road, including drainage, curbs and gutters, storm sewers, surfacing, sidewalks, bike lanes and other necessary appurtenances, all within the City of Leawood, Kansas.

Description of the Taking:

Easements

Owner: Charles A. Laue, Trustee of the Third Restated Charles A. Laue Revocable Trust dated January 18, 2008

Situs Address: 3101 W. 142nd Street
Leawood, KS 66224

Mailing Address: Ellen Pantaenius
Husch Blackwell LLP
4801 Main Street, Suite 1000
Kansas City, MO 64114-2551

Permanent Drainage Easement

Legal Description:

A tract of land over a portion of Lot 4, STONEBRIDGE ESTATES REPLAT OF LOTS 1 & 2, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof, said tract of land being more particularly described as follows:

Commencing at the Southwest corner of aforesaid Lot 4; thence North 01 degree 58 minutes 13 seconds West (North 00 degrees 00 minutes 56 seconds West, Plat) along the West line of said Lot 4, a distance of Fifteen (15) feet thence North 87 degrees 47 minutes 29 seconds East (North 89 degrees 47 minutes 02 seconds East, Plat) along a line Fifteen (15) feet North of and parallel with the South line of said Lot 4, a distance of 7.50 feet to an angle point in the platted utility easements as shown and set forth by said plat of STONEBRIDGE ESTATES REPLAT OF LOTS 1 & 2 and the Point of Beginning of the tract of land to be herein described; thence continuing North 87 degrees 47 minutes 29 seconds East (North 89 degrees 47 minutes 02 seconds East, Plat) along a line Fifteen (15) feet North of and parallel with the South line of said Lot 4, being also along the North line of said platted utility easement, a distance of 44.00 feet to a point 51.50 feet East of the West line of said Lot 4 as measured perpendicular to the West line thereof; thence North 01 degree 58 minutes 13 seconds West (North 00 degrees 00 minutes 56 seconds West, Plat) along a line 51.50 feet East of and parallel with the West line of said Lot 4, a distance of 75.00 feet to a point 90.00 feet North of the South line of said Lot 4 as measured perpendicular to the South line thereof; thence South 87 degrees 47 minutes 29 seconds West (South 89 degrees 47 minutes 02 seconds West, Plat) along a line 90.00 feet North of and parallel with the South line of said Lot 4, a distance of 44.00 feet to a point on the East line of said platted utility easement, said point being 7.50 feet East of the West line of said Lot 4 as measured perpendicular to the West line thereof; thence South 01 degree 58 minutes 13 seconds East (South 00 degrees 00 minutes 56 seconds East, Plat) along the a line 7.50 feet East of and parallel with the West line of said Lot 4, being also along the East line of said platted utility easement, a distance of 75.00 feet to the Point of Beginning.

The above described tract of land contains 3,300 square feet, more or less.

Temporary Construction Easement

Legal Description:

A tract of land over a portion of Lot 4, STONEBRIDGE ESTATES REPLAT OF LOTS 1 & 2, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof, said tract of land being more particularly described as follows:

Beginning at the Southwest corner of aforesaid Lot 4, being also a point on the North right-of-way line of West 143rd Street as now established; thence North 87 degrees 47 minutes 29 seconds East (North 89 degrees 47 minutes 02 seconds East, Plat) along the South line of said Lot 4, being also along the North right-of-way line of said West 143rd Street, a distance of 245.71 feet to the Southeast corner of said Lot 4, thence North 02 degree 01 minute 00 seconds

West (North 00 degrees 00 minutes 56 seconds West, Plat) along the East line of said Lot 4, a distance of Forty Five (45) feet; thence South 87 degrees 47 minutes 29 seconds West (South 89 degrees 47 minutes 02 seconds West, Plat) along a line Forty Five (45) feet North of and parallel with the South line of said Lot 4, a distance of 114.04 feet; thence North 71 degrees 39 minutes 09 seconds West, 85.44 feet to a point 51.50 feet East of the West line of said Lot 4 as measured perpendicular to the West line thereof and 75.00 feet North of the South line of said Lot 4 as measured perpendicular to the South line thereof; thence North 01 degree 58 minutes 13 seconds West (North 00 degrees 00 minutes 56 seconds West, Plat) along a line 51.50 feet East of and parallel with the West line of said Lot 4, a distance of 15.00 feet to a point 90.00 feet North of the South line of said Lot 4 as measured perpendicular to the South line thereof; thence South 87 degrees 47 minutes 29 seconds West (South 89 degrees 47 minutes 02 seconds West, Plat) along a line 90.00 feet North of and parallel with the South line of said Lot 4, a distance of 51.50 feet to a point on the West line of said Lot 4; thence South 01 degree 58 minutes 13 seconds East (South 00 degrees 00 minutes 56 seconds East, Plat) along the West line of said Lot 4, a distance of 90.00 feet to the Point of Beginning.

EXCEPT the following described tract of land:

A tract of land over a portion of Lot 4, STONEBRIDGE ESTATES REPLAT OF LOTS 1 & 2, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof, said tract of land being more particularly described as follows:

Commencing at the Southwest corner of aforesaid Lot 4; thence North 01 degree 58 minutes 13 seconds West (North 00 degrees 00 minutes 56 seconds West, Plat) along the West line of said Lot 4, a distance of Fifteen (15) feet thence North 87 degrees 47 minutes 29 seconds East (North 89 degrees 47 minutes 02 seconds East, Plat) along a line Fifteen (15) feet North of and parallel with the South line of said Lot 4, a distance of 7.50 feet to an angle point in the platted utility easements as shown and set forth by said plat of STONEBRIDGE ESTATES REPLAT OF LOTS 1 & 2 and the Point of Beginning of the tract of land to be herein described; thence continuing North 87 degrees 47 minutes 29 seconds East (North 89 degrees 47 minutes 02 seconds East, Plat) along a line Fifteen (15) feet North of and parallel with the South line of said Lot 4, being also along the North line of said platted utility easement, a distance of 44.00 feet to a point 51.50 feet East of the West line of said Lot 4 as measured perpendicular to the West line thereof; thence North 01 degree 58 minutes 13 seconds West (North 00 degrees 00 minutes 56 seconds West, Plat) along a line 51.50 feet East of and parallel with the West line of said Lot 4, a distance of 75.00 feet to a point 90.00 feet North of the South line of said Lot 4 as measured perpendicular to the South line thereof; thence South 87 degrees 47 minutes 29 seconds West (South 89 degrees 47 minutes 02 seconds West, Plat) along a line 90.00 feet North of and parallel with the South line of said Lot 4, a distance of 44.00 feet to a point on the East line of said platted utility easement, said point being 7.50 feet East of the West line of said Lot 4 as measured perpendicular to the West line thereof; thence South 01 degree 58 minutes 13 seconds East (South 00 degrees 00 minutes 56 seconds East, Plat) along the a line 7.50 feet East of and parallel with the West line of said Lot 4, being also along the East line of said platted utility easement, a distance of 75.00 feet to the Point of Beginning.

The NET area of the above described tract of land contains 11,274 square feet, more or less.

Parties in Interest:

Mortgage Holder: NONE

Easement Holders:

Utility Easement	Plat Book 62, Page 13	City of Leawood, Kansas 4800 Town Center Drive Leawood, KS 66211
Right-of-Way Easement	Book 26 Misc., Page 469	Kansas City Power & Light Company 1200 Main Street Kansas City, MO 64105 (Registered Agent) Corporation Service Company 2900 SW Wanamaker Drive, Suite 204 Topeka, KS 66614
Water Line Easement	Book 914, Page 896	WaterOne 10747 Renner Blvd. Lenexa, KS 66219
Easement	Book 169 Misc., Page 412	Williams Companies, Inc. One Williams Center Tulsa, OK 74172

SECTION TWO: It is hereby authorized and provided that the lands or interests therein hereafter described be acquired for the construction and improvement of 143rd Street between Windsor Lane and Kenneth Road, including drainage, curbs and gutters, storm sewers, surfacing, sidewalks, bike lanes and other necessary appurtenances, all within the City of Leawood, Kansas.

Description of the Taking:

Right-of-Way and Easements

Owner: Pedro L. Rodriquez and Susan B. Rodriquez

Address: 14204 Canterbury Court
Leawood, KS 66224

Right-of-Way

Legal Description:

The South Ten (10) feet of a portion of Lot 4, Block 4, CHARLEMAGNE MANOR, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof.

The above described Ten (10) feet wide strip of land contains 317 square feet, more or less.

Temporary Construction Easement

Legal Description:

The North Five (5) feet of the South Fifteen (15) feet of Lot 4, Block 4, CHARLEMAGNE MANOR, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof.

The above described Five (5) feet wide strip of land contains 171 square feet, more or less.

ALSO the following described tract of land:

A Fifteen (15) feet wide strip of land being a portion of Lot 4, Block 4, CHARLEMAGNE MANOR, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof, said Fifteen (15) feet wide strip of land lying North and East of the North and East lines of the EXCEPTED TRACT as shown on said plat of CHARLEMAGNE MANOR and coincident with North and East lines thereof. Said Fifteen (15) feet wide strip of land being now more particularly described as follows:

Beginning at the Northeast corner of the aforesaid EXCEPTED TRACT, being also an angle point in the South line of aforesaid Lot 4 and being situate 141.43 feet North of the South line of the Southwest Quarter of Section 34, Township 13 South, Range 25 East as measured perpendicular to the South line thereof; thence West along the South line of said Lot 4, being also along the North line of said EXCEPTED TRACT, a distance of Fifty (50) feet; thence North, perpendicular to the last described course, a distance of Fifteen (15) feet; thence East along a line Fifteen (15) feet North of and parallel with the South line of said Lot 4, a distance of Sixty Five (65) feet; thence South along a line Fifteen (15) feet East of and parallel with the West line of said Lot 4, a distance of Sixty Five (65) feet; thence West, perpendicular to the West line

of said Lot 4, a distance of Fifteen (15) feet to a point on the West line thereof, being also a point on the East line of said EXCEPTED TRACT; thence North along the West line of said Lot 4, being also along the East line of said EXCEPTED TRACT, a distance of Fifty (50) feet to the Point of Beginning.

The above tract of land contains 1,725 square feet, more or less.

Parties in Interest:

Mortgage Holders: Mortgage Electronic Registration System
P.O. Box 2026
Flint, MI 48501

as Nominee for
Pulaski Bank
12300 Olive Boulevard
St. Louis, MO 63141
Book 201011, Page 000949

UMB Bank, n.a.,
1008 Oak Street
Kansas City, MO 64106
Book 201304, Page 006520

Liens:

State Tax Lien	18TW2633	Kansas Department of Revenue Mills Building 109 SW 9th Street 4th Floor Topeka, KS 66612 (Registered Agent) Derek Schmidt Kansas Attorney General 120 SW 10th Avenue 2nd Floor Topeka, KS 66612

Easement Holders:

Utility Easement	Plat Book 37, Page 45	City of Leawood, Kansas 4800 Town Center Drive

		Leawood, KS 66211
Right of Way Easement	Book 2114, Page 852	Kansas City Power & Light Company 1200 Main Street Kansas City, MO 64105 (Registered Agent) Corporation Service Company 2900 SW Wanamaker Drive, Suite 204 Topeka, KS 66614
Gas Pipeline Easement	Misc. Book 163, Page 304	Williams Companies Inc. One Williams Center Tulsa, OK 74172

SECTION THREE: It is further authorized and provided that, as soon as practicable after the passage of this ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-501 et seq., the Eminent Domain Procedure Act, to condemn all lands and interests therein hereinbefore described.

SECTION FOUR: This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018

_____
Peggy J. Dunn, Mayor

[SEAL]

ATTEST:

_____
Deb Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____

Andrew K. Hall, Assistant City Attorney

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Finance Department

6.B. + 6.C.

Memo

To: Mayor Dunn & Governing Body
Scott Lambers, City Administrator

From: Dawn Long, Finance Director

Date: December 3, 2018

Re: 2018 Budget Amendment

The public hearing on the amendment to the 2018 Budget will occur at the December 3rd Council meeting. The attached resolution authorizes the increase of five funds: the General Fund; the Special Parks & Recreation Fund; the Transient Guest Tax fund; the 1/8-Cent Sales Tax fund; and the 135th Street Corridor Impact Fee Fund.

- The *General Fund* requires an amendment to recognize the $7,000,000 transfer to the Economic Development Fund for future economic development activities. This transfer was not included in the 2018 original budget. The 2018 fund total will not increase, but the reserves and non-appropriated category will be reduced and the transfers category will increase, both by the $7,000,000.

- The *Special Parks and Recreation fund* was established to account for one-third of the alcohol tax funds that are remitted to the City quarterly. These are to be used for the purchase, establishment, maintenance or expansion of services, programs and facilities, all park related. This amendment will allow the 2018 original budget of $663,700 to increase to $770,000. These funds will provide for several park improvements as identified in the Citywide Park Improvements, Year 3 project (#71025). Not all of the 2017 budget for Citywide Park Improvements in the Special Parks/Recreation fund budget was used, and therefore was carried forward to 2018.

- The *Transient Guest Tax fund* collects the monies levied by the City and paid by transient guests for lodging or sleeping accommodations in any hotel or motel. The collections for the past few years have been accumulating, as a specific use had not been identified. As a result, the 2018 beginning balance was $1,307,439. The 2018 revised budget reflects a transfer of this balance along with the current year collections to the Economic Development Fund to be used for future economic development activities. It is projected that this combined total will be $1,910,300 by year-end 2018. To allow for the transfer of this balance, the 2018 Original Budget of $602,800 needs to be amended to $1,910,300.

- The *1/8 Cent Sales Tax fund* was established to fund an accelerated residential and thoroughfare street improvement program, and to fund storm water improvement projects which are not otherwise eligible for funding from other governmental sources. The 2018 original budget of $1,383,200 will increase to $2,938,100 to provide funds for two projects, not originally planned: the 12600 Roe RCB Improvements ($50,000) and the design/engineering of the North of I-435, Mission Farms to Lee SMAC project ($58,400). In addition, the Patrician Woods Stormwater project was not complete in 2017 and the budget was rolled forward to 2018. The City will be responsible for 25%, or $410,025, of this project cost with the County assuming the remaining 75%.

- The *135th Street Impact Fee fund* is a capital fund established to account for impact fees on new development in the 135th street corridor for the purpose of assuring that 135th street transportation improvements are available and provide adequate transportation system capacity to support new development while maintaining levels of transportation service on 135th street deemed adequate by the City. At the time the 2018 Original budget was developed, there was no specific usage identified for these funds. However, during the development of 2019 Original and the 2018 Estimated budgets, it was decided that the current balance of $73,600 could be used for the installation of LED street lights along the 135th street corridor.

Please contact me if you have any questions or need further information.

RESOLUTION NO. _____

DRAFT

RESOLUTION ADOPTING AMENDMENTS TO THE 2018 FISCAL BUDGET FOR THE CITY OF LEAWOOD, KANSAS

WHEREAS, the Fiscal Year 2018 annual budget was presented to the Governing Body at its August 7, 2017, Governing Body meeting and was subsequently adopted at the August 7, 2017, Governing Body meeting; and

WHEREAS, the City has determined that additional monies need to be included and the budgeted amount increased in the General Fund, the Special Parks & Recreation Fund, the Transient Guest Tax Fund, the 1/8-cent Sales Tax Fund, and the 135th Street Corridor Impact Fee Fund; and

WHEREAS, a public hearing was conducted on December 3, 2018, to consider this amendment to the 2018 budget; and

WHEREAS, the Governing Body desires to adopt the amendment to the 2018 fiscal budget.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the City of Leawood, Kansas, a municipal corporation, does hereby adopt the amendment to the 2018 Fiscal Year Budget.

SECTION TWO: This resolution shall become effective upon passage and publication by the Governing Body.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

_____
Peggy J. Dunn, Mayor

[SEAL]

ATTEST:

_____
Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

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Amended
Certificate
For Calendar Year 2018

To the Clerk of Johnson, State of Kansas
We, the undersigned, duly elected, qualified, and acting officers of
City of Leawood, Kansas
certify that: (1) the hearing mentioned in the attached publication was held;(2) after the Budget Hearing this Budget was duly approved and adopted as the maximum expenditure for the various funds for the year.

Table of Contents:		Page No.	Amount of 2017 Tax that was Levied	2018 Amended Budget: Adopted 2018 Expenditures	2018 Amended Budget: Proposed Amended 2018 Expenditures
Fund	**K.S.A.**				
General Fund	12-101a	1	13,885,458	52,196,400	53,711,600
Special Parks & Recreation		2		663,700	770,000
Transient Guest Tax		3		602,800	1,910,300
1/8-Cent Sales Tax		4		1,383,200	2,938,100
135th Street Corridor Impact		5		61,300	73,600
Totals		xxxxxxxxxxx	13,885,458	54,907,400	59,403,600
Summary of Amendments		6			

Attested date:_____

_____
County Clerk

Assisted by:

_____

_____

Address:

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Email:

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_____
Governing Body

CPA Summary

Return to Agenda

Meeting Date: December 3, 2018

City of Leawood

6.D.

Memo

To: Mayor Dunn and Members of the City Council

From: Andrew Hall, Assistant City Attorney

Cc: Scott Lambers, Patty Bennett, Dawn Long

Date: November 12, 2018

Re: Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas contract franchise renewal

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Attached is Contract Franchise ("Franchise") for Southwestern Bell Telephone, L.P. d/b/a AT&T Kansas ("AT&T"). The Franchise will have an initial term of six years and will renew automatically for two successive terms of two years each. As per prior agreements, AT&T will compensate the City at rate of 5% of AT&T's gross receipts on the services it renders. A breakdown of AT&T's recent franchise fees paid to the City is as follows:

Year	2016	2017	2018 YTD
Phone Service Fees	$85,237.14	$73,142.00	$42,112.13
Video Service Fees	$231,040	$223,855.83	$203,495.78

Please contact me with any questions at (913)-663-9182 or ahall@leawood.org.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T KANSAS, A CONTRACT FRANCHISE FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES IN THE CITY OF LEAWOOD, KANSAS AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE AND REPEALING ORDINANCE NO. 2806C.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

SECTION 1. DEFINITIONS.

For the purposes of this Ordinance the following words and phrases shall have the meaning given herein. When not inconsistent within the context, words used in the present tense include the future tense and words in the single number include the plural number. The word "shall" is always mandatory, and not merely directory.

a. "Access line" - shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer's premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, and lines providing only data services without voice services processed by a telecommunications local exchange service provider or private line service arrangements.

b. "Access line count" - means the number of access lines serving consumers within the corporate boundaries of the City on the last day of each month.

c. "Access line fee" - means a fee determined by the City, up to a maximum as set out in K.S.A. 12-2001(c)(2), and amendments thereto, to be used by Grantee in calculating the amount of Access line remittance.

d. "Access line remittance" - means the amount to be paid by Grantee to City, the total of which is calculated by multiplying the Access line fee, as determined in the City, by the number of Access lines served by Grantee within the City for each month in that calendar quarter.

e. "City" - means the City of Leawood.

f. "Contract franchise" - means this Ordinance granting the right, privilege and franchise to Grantee to provide telecommunications services within the City.

g. "Effective date" – means December 3, 2018.

h. "Facilities" - means telephone and telecommunication lines, conduits, manholes, ducts, wires, cables, pipes, poles, towers, vaults, appliances, optic fiber, and all equipment used to provide telecommunication services.

i. "Grantee" - means Southwestern Bell Telephone Company d/b/a AT&T Kansas, an electing carrier under K.S.A. 66-2005(x) and telecommunications service provider providing local exchange service and/or operating Facilities within the City. References to Grantee shall also include, as appropriate, any and all successors and assigns. A copy of Grantee's election as an "electing carrier", pursuant to K.S.A. 66-2005(x), shall be provided to the City.

j. "Gross Receipts" - shall mean only those receipts collected from within the corporate boundaries of the City and that are derived from the following: (1) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (2) Recurring local exchange access line services for pay phone lines provided by Grantee to all pay phone service providers; (3) Local directory assistance revenue; (4) Line status verification/ busy interrupt revenue; (5) Local operator assistance revenue; (6) Nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills; and (7) Revenue received by Grantee from resellers or others which use Grantee's Facilities. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts. If Grantee offers additional services of a wholly local nature which if in existence on or before July 1, 2002 would have been included with the definition of Gross Receipts, such services shall be included from the date of the offering of such services within the City.

k. "Local exchange service" - means local switched telecommunications service within any local exchange service area approved by the state Corporation Commission, regardless of the medium by which the local telecommunications service is provided. The term local exchange service shall not include wireless communication services.

l. "Public right-of-way" - means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

m. "Telecommunication local exchange services provider" – means a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187 and amendments thereto, and/or a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1,187 and amendments thereto, which does, or in good faith intends to, provide local exchange service. The term shall not include an interexchange carrier or competitive access provider that does not provide local exchange service, or any wireless communication services provider.

n. "Telecommunication services" - means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

SECTION 2. GRANT OF CONTRACT FRANCHISE.

a. Subject to the provisions of K.S.A. 12-2001, and amendments thereto, there is hereby granted to Grantee this nonexclusive Contract franchise to provide telecommunication services to the consumers or recipients of such service located within the corporate boundaries of the City, for the term of this Contract franchise, subject to the terms and conditions of this Contract franchise.

b. The grant of this Contract franchise by the City shall not convey title, equitable or legal, in the Public right-of-way., This Contract franchise does not:

(1) Grant the right to use Facilities or any other property, telecommunications related or otherwise, owned or controlled by the City or a third-party, without the consent of such party;

(2) Grant the authority to construct, maintain or operate any Facility or related appurtenance on property owned by the City outside of the Public right-of-way, specifically including, but not limited to, parkland property, City Hall property or public works facility property; or,

(3) Excuse Grantee from obtaining appropriate access or attachment agreements before locating its Facilities on property or facilities owned or controlled by the City or a third-party.

c. As a condition of this grant, Grantee is required to obtain and is responsible for any necessary permit, license, certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the City, the FCC or the Kansas Corporation Commission (KCC). Grantee shall also comply with all applicable laws, statutes and/or city regulations (including, but not limited to those relating to the construction and use of the Public right-of-way or other public property).

d. Grantee shall not provide any additional services for which a franchise is required by the City without first obtaining a separate franchise from the City or amending this Contract franchise, and Grantee shall not knowingly allow the use of its Facilities by any third party in violation of any federal, state or local law. In particular, this Contract franchise does not provide Grantee the right to provide cable service as a cable operator (as defined by 47 U.S.C. § 522 (5)) within the City. Grantee agrees that this franchise does not permit it to operate an open video system without payment of fees permitted by 47 U.S.C. § 573(c)(2)(B) and without complying with FCC regulations promulgated pursuant to 47 U.S.C. § 573.

e. Access to the Public right-of-way shall be granted in a competitively neutral and nondiscriminatory basis and not in conflict with state or federal law.

SECTION 3. USE OF PUBLIC RIGHT-OF-WAY.

a. Pursuant to K.S.A. 17-1902, and amendments thereto, and subject to the provisions of this Contract franchise, Grantee has the right to construct, maintain and operate it Facilities along,

across, upon and under the Public right-of-way. Such Facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such public ways or obstruct the legal use by other utilities.

b. Grantee's use of the Public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the City. The City may exercise its home rule powers in its administration and regulation related to the management of the Public right-of-way; provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory. Grantee shall be subject to all applicable laws and statutes, and/or rules, regulations, policies, resolutions and ordinances adopted by the City, relating to the construction and use of the Public right-of-way, including, but not limited to, the City's Ordinance for Managing the Use and Occupancy of Public Right-of-way, adopted as Ordinance No.1834C, and amendments thereto.

c. When the City requests removal, relocation or adjustment of Grantee's Facilities within the Public right-of-way for construction or maintenance activities related to improvements that are, in whole or in part, for private benefit, such private party or parties shall reimburse Grantee for the cost of removal, relocation or adjustment, in an amount equal to the percentage of the private benefit received. Grantee shall not be obligated to commence the removal, relocation or adjustment until receipt of funds for the costs from such private party or parties. Further, Grantee shall have no liability for delays caused by a private party's failure to reimburse costs. Grantee understands, however, that the City has no obligation to collect such reimbursement.

d. Grantee shall participate in the Kansas One Call utility location program.

SECTION 4. COMPENSATION TO THE CITY.

a. In consideration of this Contract franchise, Grantee agrees to remit to the City a franchise fee of 5% of Gross Receipts. To determine the franchise fee, Grantee shall calculate the Gross Receipts and multiply such receipts by 5%. Thereafter, subject to subsection (b) hereafter, compensation for each calendar year of the remaining term of this Contract franchise shall continue to be based on a sum equal to 5% of Gross Receipts, unless the City notifies Grantee prior to ninety days (90) before the end of the calendar year that it intends to switch to an Access line fee in the following calendar year; provided, such Access line fee shall not exceed $2.00 per Access line per month. In the event the City elects to change its basis of compensation, nothing herein precludes the City from switching its basis of compensation back provided the City notifies Grantee prior to ninety days (90) before the end of the calendar year.

b. Beginning January 1, 2004, and every 36 months thereafter, the City, subject to the public notification procedures set forth in K.S.A. 12-2001 (m), and amendments thereto, may elect to adopt an increased Access line fee or gross receipts fee subject to the provisions and maximum fee limitations contained in K.S.A. 12-2001, and amendments thereto, or may choose to decline all or any portion of any increase in the Access line fee.

c. Grantee shall pay on a monthly basis without requirement for invoice or reminder from the City, and within 45 days of the last day of the month for which the payment applies franchise fees due and payable to the City. If any franchise fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest thereon shall accrue from the due date until received, at the applicable statutory interest rate.

d. Upon written request by the City, but no more than once per quarter, Grantee shall submit to the City either a 9K2 (gross receipts) or 9KN (access lines) statement showing the manner in which the franchise fee was calculated.

e. No acceptance by the City of any franchise fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any franchise fee payment be construed as a release of any claim of the City. Any dispute concerning the amount due under this Section shall be resolved in the manner set forth in K.S.A. 12-2001, and amendments thereto.

f. The City shall have the right to examine, upon written notice to Grantee no more often than once per calendar year, those records necessary to verify the correctness of the franchise fees paid by Grantee.

g. Unless previously paid, within sixty (60) days of the effective date of this Contract franchise, Grantee shall pay to the City a one-time application fee of One Thousand Dollars ($1000.00). The parties agree that such fee reimburses the City for its reasonable, actual and verifiable costs of reviewing and approving this Contract franchise.

h. The franchise fee required herein pursuant to K.S.A. 12-2001(j) as amended shall be in addition to, not in lieu of, all taxes, charges, assessments, licenses, fees and impositions otherwise applicable that are or may be imposed by the City under K.S.A. 12-2001 and K.S.A. 17-1902, and amendments thereto. The franchise fee shall in no way be deemed a tax of any kind.

i. Grantee shall remit an access line (franchise) fee or gross receipts (franchise) fee to the City on those access lines that have been resold to another telecommunication local exchange service provider, but in such case the City shall not collect a franchise fee from the reseller service provider and shall not require the reseller service provider to enter a contract franchise ordinance.

SECTION 5. INDEMNITY AND HOLD HARMLESS.

a. It shall be the responsibility of Grantee to take adequate measures to protect and defend its Facilities in the Public right-of-way from harm or damage. If Grantee fails to accurately or timely locate Facilities when requested, in accordance with the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq., it has no claim for costs or damages against the City and its authorized contractors unless such parties are responsible for the harm or damage caused by their negligence or intentional conduct. The City and its authorized contractors shall be responsible to take reasonable precautionary measures including calling for utility locations and observing marker posts when working near Grantee's Facilities.

b. Grantee shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of Grantee, any agent, officer, director, representative, employee or subcontractor of Grantee, while installing, repairing or maintaining Facilities in the Public right-of-way.

c. The indemnity provided by this section does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors or subcontractors. If Grantee and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned

comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the City under state law and without waiving any defenses of the parties under state or federal law. This section is solely for the benefit of the City and Grantee and does not create or grant any rights, contractual or otherwise, to any other person or entity.

d. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

SECTION 6. INSURANCE REQUIREMENT AND PERFORMANCE BOND

a. During the term of this Contract franchise, Grantee shall obtain and maintain insurance coverage at its sole expense, with insurers rated at least A-VII by AM Best and that are lawfully permitted to do business in the state of Kansas. Grantee shall provide the following insurance:

(1) Statutory workers' compensation as provided for under any workers' compensation or similar law in the jurisdiction where any work is performed and an employers' liability limit for bodily injury of $1,000,000 each accident, by disease policy limits and by disease each employee.

(2) Commercial general liability, written on Insurance Services Office (ISO) policy form CG 00 01 or its equivalent, including coverage for contractual liability and products completed operations liability on an occurrence basis and not a claims made basis, with a limit of Two Million Dollars ($2,000,000) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage liability. The City shall be included as an additional insured as its interests may appear with respect to liability arising from Grantee's operations under this Contract franchise.

b. As an alternative to the requirements of subsection (a), Grantee may self-insure and, as such, Grantee has the ability to provide coverage in an amount not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in aggregate, to protect the City from and against claims by any person for loss or damage from personal injury, bodily injury, death or property damage occasioned by Grantee, or alleged to so have been caused or occurred as respects this Contract franchise. If Grantee elects to self-insure, it shall furnish to the City a certificate of self-insurance listing the City as additionally insured with respect to liability arising from Grantee's operations under this contract franchise. In the event Grantee elects to self-insure its obligation to include City as an additional insured, the following provisions shall apply:

(1) City shall promptly and no later than thirty (30) days after notice thereof provide Grantee with written notice of any claim, demand, lawsuit or the like, for which it seeks coverage pursuant to the section and provide Grantee with copies of any demands, notices, summonses or legal papers received in connection with such claim, demand, lawsuit or the like;

(2) City shall not settle any such claim, demand, lawsuit or the like without the prior written consent of Grantee; and,

(3) City shall fully cooperate with Grantee in the defense of the claim, demand, lawsuit or the like.

c. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a certificate of insurance or evidence of self-insurance, satisfactory in form and content to the City, evidencing that the above insurance is in force. Grantee shall timely notify the City if the insurance is cancelled or non-renewed and not replaced. Upon renewal or replacement of any such insurance policies, the Grantee shall notify the City, in writing, and provide a current Certificate of Insurance.

d. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a construction bond in the amount of Fifty Thousand Dollars ($50,000), payable to the City to ensure the appropriate and timely performance in the construction and maintenance of Facilities located in the Public right-of-way. The required performance bond must be with good and sufficient sureties, issued by a surety company authorized to transact business in the state of Kansas, and satisfactory to the City Attorney in form and substance.

SECTION 7. REVOCATION AND TERMINATION.

a. In case of failure on the part of Grantee to comply with any of the provisions of this Contract franchise, or if Grantee should do or cause to be done any act or thing prohibited by or in violation of the terms of this Contract franchise, Grantee shall forfeit all rights, privileges and franchise granted herein, and all such rights, privileges and franchise hereunder shall cease, terminate and become null and void, and this Contract franchise shall be deemed revoked or terminated, provided that said revocation or termination, shall not take effect until the City has completed the following procedures:

(1) Before the City proceeds to revoke and terminate this Contract franchise, it shall first serve a written notice, pursuant to Section 12 of this Contract franchise, upon Grantee, setting forth in detail the neglect or failure complained of, and Grantee shall have sixty (60) days thereafter in which to comply with the conditions and requirements of this Contract franchise;

(2) If at the end of such sixty (60) day period the City deems that the conditions have not been complied with, the City shall take action to revoke and terminate this Contract franchise by an affirmative vote of the City Council present at the meeting and voting, setting out the grounds upon which this Contract franchise is to be revoked and terminated; provided, to afford Grantee due process, Grantee shall first be provided, pursuant to Section 12 of this Contract franchise, reasonable notice of the date, time and location of the City Council's consideration, and shall have the right to address the City Council regarding such matter.

(3) Upon any determination by the City Council to revoke and terminate this Contract franchise, Grantee shall have thirty (30) days to appeal such decision to the District Court of Johnson County, Kansas. This Contract franchise shall be deemed revoked and terminated at the end of this thirty (30) day period, unless Grantee has instituted such an appeal. If Grantee does timely institute such an appeal, such revocation and termination shall remain pending and subject to the court's final judgment. Provided, however, that the failure of Grantee to comply with any of the provisions of this Contract franchise or the doing or causing to be done by Grantee of anything prohibited by or in violation of the terms of this Contract franchise shall not be a ground for the revocation or termination thereof when such act or omission on the part of Grantee is due to any cause or delay beyond the control of Grantee or to bona fide legal proceedings.

b. Nothing herein shall prevent the City or Grantee from invoking any other remedy that may

otherwise exist at law.

SECTION 8. RESERVATION OF RIGHTS.

a. To the extent permitted by law, the City specifically reserves its right and authority as a public entity with responsibilities towards its citizens, to participate to the full extent allowed by law in proceedings concerning Grantee's rates and services to ensure the rendering of efficient Telecommunications service and any other services at reasonable rates, and the maintenance of Grantee's property in good repair.

b. In granting its consent hereunder, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of: the laws of the State of Kansas as the same may be amended; its Home Rule powers and other authority established pursuant to the Constitution of the State of Kansas; nor, any of its rights and powers under or by virtue of present or future ordinances of the City.

c. In granting its consent hereunder, Grantee does not in any manner waive its regulatory or other rights and powers under and by virtue of: the laws of the State of Kansas or applicable federal laws and regulations as the same may be amended; under the Constitution of the State of Kansas; nor, any of its rights and powers under or by virtue of present or future ordinances of the City.

d. In entering into this Contract franchise, neither the City's nor Grantee's present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By entering into the Contract franchise, neither the City nor Grantee waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or Grantee may have at law or equity, without limitation, to argue, assert, and/or take any position as to the legality or appropriateness of the Contract franchise or any present or future laws, non-franchise ordinances (e.g. the City's right-of-way ordinance referenced in Section 3b of this Contract franchise) and/or rulings that may be the basis for parties entering into this Contract franchise .

SECTION 9. FAILURE TO ENFORCE.

The failure of either the City or the Grantee to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Contract franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by the City or the Grantee unless said waiver or relinquishment is in writing and signed by both the City and the Grantee.

SECTION 10. TERM AND TERMINATION DATE.

a. This Contract franchise shall be effective for a term of six (6) years from the effective date of this Contract franchise. Thereafter, this Contract franchise will renew for two (2) additional two (2) year terms, unless either party notifies the other party of its intent to terminate the Contract franchise at least ninety (90) days before the termination of the then current term. The additional term shall be deemed a continuation of this Contract franchise and not as a new franchise or amendment.

b. Upon written request of either the City or Grantee, this Contract franchise shall be renegotiated at any time in accordance with the requirements of state law upon any of the following events:

changes in federal, state, or local laws, regulations, or orders that materially affect any rights or obligations of either the City or Grantee, including but not limited to the scope of the Contract franchise granted to Grantee or the compensation to be received by the City hereunder.

c. If any clause, sentence, section, or provision of K.S.A. 12-2001, and amendments thereto, shall be held to be invalid by a court or administrative agency of competent jurisdiction, provided such order is not stayed, either the City or Grantee may elect to terminate the entire Contract franchise. In the event of such invalidity, if Grantee is required by law to enter into a Contract franchise with the City, the parties agree to act in good faith in promptly negotiating a new Contract franchise.

d. Amendments under this Section, if any, shall be made by contract franchise ordinance as prescribed by statute. This Contract franchise shall remain in effect according to its terms, pending completion of any review or renegotiation provided by this section.

e. In the event the parties are actively negotiating in good faith a new contract franchise ordinance or an amendment to this Contract franchise upon the termination date of this Contract franchise, the parties by written mutual agreement may extend the termination date of this Contract franchise to allow for further negotiations. Such extension period shall be deemed a continuation of this Contract franchise and not as a new contract franchise ordinance or amendment.

SECTION 11. MOST FAVORED NATION

Pursuant to K.S.A. 12-2001 and K.S.A. 17-1902, and amendments thereto, City represents and warrants that all benefits, terms and conditions in this Contract franchise are and, during the term of this Contract franchise, will continue to be no less favorable to Grantee in the same or similar circumstances than those currently being offered to or that may be offered and agreed to by City and any other local exchange carrier, telecommunications carrier, or video services provider, or Internet Protocol services provider, regardless of the form or nature of the agreement with any such other carrier or provider, and that the City shall treat Grantee in a competitively neutral, non-discriminatory manner.

SECTION 12. POINT OF CONTACT AND NOTICES

Grantee shall at all times maintain with the City a local point of contact who shall be available to act on behalf of Grantee in the event of an emergency. Grantee shall provide the City with said local contact's name, address, telephone number and e-mail address. Emergency notice by Grantee to the City may be made by telephone to the City Clerk or the Public Works Director. All other notices between the parties shall be in writing and shall be made by personal delivery, depositing such notice in the U.S. Mail, Certified Mail, return receipt requested, or overnight delivery by a nationally recognized courier. All written notices shall be deemed delivered upon actual receipt or refusal of delivery.

The City:

The City of Leawood
4800 Town Center Drive
Leawood, Kansas
Attn: City Clerk

Grantee:

Office of the President
Southwestern Bell Telephone Company
d/b/a AT&T Kansas
220 SE 6th St., Room 500
Topeka, Kansas 66603

or to replacement addresses that may be later designed in writing.

SECTION 13. TRANSFER AND ASSIGNMENT.

This Contract franchise is granted solely to the Grantee and shall not be transferred or assigned without the prior written approval of the City; provided that such transfer or assignment may occur without written consent of the City to: a wholly owned parent or subsidiary; between wholly owned subsidiaries; or to an entity with which Grantee is under common ownership or control, upon written notice to the City.

SECTION 14. CONFIDENTIALITY.

Information provided to the City under K.S.A. 12-2001, and amendments thereto, shall be governed by confidentiality procedures in compliance with K.S.A. 45-215 and K.S.A. 66-1220a, et seq., and amendments thereto. Grantee agrees to indemnify and hold the City harmless from any and all penalties or costs, including attorney's fees, arising from the actions of Grantee, or of the City at the written request of Grantee, in seeking to safeguard the confidentiality of information provided by Grantee to the City under this Contract franchise.

SECTION 15. ACCEPTANCE OF TERMS.

Grantee shall have sixty (60) days after the final passage and approval of this Contract franchise to file with the City Clerk its acceptance in writing of the provisions, terms and conditions of this Contract franchise, which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; and when so accepted, this Contract franchise and acceptance shall constitute a contract between the City and Grantee subject to the provisions of the laws of the state of Kansas.

SECTION 16. PAYMENT OF COSTS.

In accordance with statute, Grantee shall be responsible for payment of all costs and expense of publishing this Contract franchise, and any amendments thereof.

SECTION 17. SEVERABILITY.

If any clause, sentence, or section of this Contract franchise, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid; provided, however, the City or Grantee may elect to declare the entire Contract franchise is invalidated if the portion declared invalid is, in the judgment of the City or Grantee, an essential part of the Contract franchise.

SECTION 18. FORCE MAJEURE.

Each and every provision hereof shall be reasonably subject to acts of God, fires, strikes, riots, floods, war, terrorism and other disasters beyond Grantee's or the City's control.

SECTION 19. REPEAL.

Grantee's prior contract franchise ordinance, as adopted by City Ordinance No. 2806C is hereby repealed.

PASSED by the Governing Body of the City of Leawood this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____
Andrew K. Hall, Assistant City Attorney

Return to Agenda

Meeting Date: December 3, 2018

City of Leawood

6.E.

Memo

To: Mayor Dunn and Members of the City Council

From: Andrew Hall, Assistant City Attorney

Cc: Scott Lambers, Patty Bennett, Dawn Long

Date: November 12, 2018

Re: Teleport Communications America, LLC Contract Franchise

Teleport Communications America, LLC ("Teleport") seeks to provide service to the businesses of the City of Leawood. Teleport is a new provider to the City and wishes to enter a Contract Franchise Agreement ("Franchise") with the City. The Franchise has an initial term of six years and renews automatically for two terms of two years each. Teleport has agreed to compensate the City at a rate of 5% of Teleport's gross receipts for the services it provides.

Teleport does not provide residential telecommunication services and serves exclusively commercial customers.

Please contact me with any questions at (913)-663-9182 or ahall@leawood.org.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO TELEPORT COMMUNICATIONS AMERICA, LLC, A CONTRACT FRANCHISE FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES IN THE CITY OF LEAWOOD, KANSAS AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

SECTION 1. DEFINITIONS.

For the purposes of this Ordinance the following words and phrases shall have the meaning given herein. When not inconsistent within the context, words used in the present tense include the future tense and words in the single number include the plural number. The word "shall" is always mandatory, and not merely directory.

a. "Access line" - shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office-based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer's premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, and lines providing only data services without voice services processed by a telecommunications local exchange service provider or private line service arrangements.

b. "Access line count" - means the number of access lines serving consumers within the corporate boundaries of the City on the last day of each month.

c. "Access line fee" - means a fee determined by the City, up to a maximum as set out in K.S.A. 12-2001(c)(2), and amendments thereto, to be used by Grantee in calculating the amount of Access line remittance.

d. "Access line remittance" - means the amount to be paid by Grantee to City, the total of which is calculated by multiplying the Access line fee, as determined in the City, by the number of Access lines served by Grantee within the City for each month in that calendar quarter.

e. "City" - means the City of Leawood.

f. "Contract franchise" - means this Ordinance granting the right, privilege and franchise to Grantee to provide telecommunications services within the City.

g. "Effective date" – means December 3, 2018.

h. "Facilities" - means telephone and telecommunication lines, conduits, manholes, ducts, wires, cables, pipes, poles, towers, vaults, appliances, optic fiber, and all equipment used to provide telecommunication services.

i. "Grantee" – means Teleport Communications America, LLC, a telecommunications carrier and telecommunications service provider providing competitive local exchange service and/or operating Facilities within the City. References to Grantee shall also include, as appropriate, any and all successors and assigns.

j. "Gross Receipts" - shall mean only those receipts collected from within the corporate boundaries of the City and that are derived from the following: (1) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (2) Recurring local exchange access line services for pay phone lines provided by Grantee to all pay phone service providers; (3) Local directory assistance revenue; (4) Line status verification/ busy interrupt revenue; (5) Local operator assistance revenue; (6) Nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills; and (7) Revenue received by Grantee from resellers or others which use Grantee's Facilities. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts. If Grantee offers additional services of a wholly local nature which if in existence on or before July 1, 2002 would have been included with the definition of Gross Receipts, such services shall be included from the date of the offering of such services within the City.

k. "Local exchange service" - means local switched telecommunications service within any local exchange service area approved by the state Corporation Commission, regardless of the medium by which the local telecommunications service is provided. The term local exchange service shall not include wireless communication services.

l. "Public right-of-way" - means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

m. "Telecommunication local exchange services provider" – means a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187 and amendments thereto, and/or a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1,187 and amendments thereto, which does, or in good faith intends to, provide local exchange service. The term shall not include an interexchange carrier or competitive access provider that does not provide local exchange service, or any wireless communication services provider.

n. "Telecommunication services" - means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

SECTION 2. GRANT OF CONTRACT FRANCHISE.

a. Subject to the provisions of K.S.A. 12-2001, and amendments thereto, there is hereby granted to Grantee this nonexclusive Contract franchise to provide telecommunication services to the consumers or recipients of such service located within the corporate boundaries of the City, for the term of this Contract franchise, subject to the terms and conditions of this Contract franchise.

b. The grant of this Contract franchise by the City shall not convey title, equitable or legal, in the Public right-of-way., This Contract franchise does not:

(1) Grant the right to use Facilities or any other property, telecommunications related or otherwise, owned or controlled by the City or a third-party, without the consent of such party;

(2) Grant the authority to construct, maintain or operate any Facility or related appurtenance on property owned by the City outside of the Public right-of-way, specifically including, but not limited to, parkland property, City Hall property or public works facility property; or,

(3) Excuse Grantee from obtaining appropriate access or attachment agreements before locating its Facilities on property or facilities owned or controlled by the City or a third-party.

c. As a condition of this grant, Grantee is required to obtain and is responsible for any necessary permit, license, certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the City, the FCC or the Kansas Corporation Commission (KCC). Grantee shall also comply with all applicable laws, statutes and/or city regulations (including, but not limited to those relating to the construction and use of the Public right-of-way or other public property).

d. Grantee shall not provide any additional services for which a franchise is required by the City without first obtaining a separate franchise from the City or amending this Contract franchise, and Grantee shall not knowingly allow the use of its Facilities by any third party in violation of any federal, state or local law. In particular, this Contract franchise does not provide Grantee the right to provide cable service as a cable operator (as defined by 47 U.S.C. § 522 (5)) within the City. Grantee agrees that this franchise does not permit it to operate an open video system without payment of fees permitted by 47 U.S.C. § 573(c)(2)(B) and without complying with FCC regulations promulgated pursuant to 47 U.S.C. § 573.

e. Access to the Public right-of-way shall be granted in a competitively neutral and nondiscriminatory basis and not in conflict with state or federal law.

SECTION 3. USE OF PUBLIC RIGHT-OF-WAY.

a. Pursuant to K.S.A. 17-1902, and amendments thereto, and subject to the provisions of this Contract franchise, Grantee has the right to construct, maintain and operate it Facilities along, across, upon and under the Public right-of-way. Such Facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such public ways or obstruct the legal use by other utilities.

b. Grantee's use of the Public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the City. The City may exercise its home rule powers in its administration and regulation related to the management of the Public right-of-way; provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory. Grantee shall be subject to all applicable laws and statutes, and/or rules, regulations, policies, resolutions and ordinances adopted by the City, relating to the construction and use of the Public right-of-way, including, but not limited to, the City's Ordinance for Managing the Use and Occupancy of Public Right-of-way, adopted as Ordinance No.1834C, and amendments thereto.

c. When the City requests removal, relocation or adjustment of Grantee's Facilities within the Public right-of-way for construction or maintenance activities related to improvements that are, in whole or in part, for private benefit, such private party or parties shall reimburse Grantee for the cost of removal, relocation or adjustment, in an amount equal to the percentage of the private benefit received. Grantee shall not be obligated to commence the removal, relocation or adjustment until receipt of funds for the costs from such private party or parties. Further, Grantee shall have no liability for delays caused by a private party's failure to reimburse costs. Grantee understands, however, that the City has no obligation to collect such reimbursement.

d. Grantee shall participate in the Kansas One Call utility location program.

SECTION 4. COMPENSATION TO THE CITY.

a. In consideration of this Contract franchise, Grantee agrees to remit to the City a franchise fee of 5% of Gross Receipts. To determine the franchise fee, Grantee shall calculate the Gross Receipts and multiply such receipts by 5%. Thereafter, subject to subsection (b) hereafter, compensation for each calendar year of the remaining term of this Contract franchise shall continue to be based on a sum equal to 5% of Gross Receipts, unless the City notifies Grantee prior to ninety days (90) before the end of the calendar year that it intends to switch to an Access line fee in the following calendar year; provided, such Access line fee shall not exceed $2.00 per Access line per month. In the event the City elects to change its basis of compensation, nothing herein precludes the City from switching its basis of compensation back provided the City notifies Grantee prior to ninety days (90) before the end of the calendar year.

b. Beginning January 1, 2004, and every 36 months thereafter, the City, subject to the public notification procedures set forth in K.S.A. 12-2001 (m), and amendments thereto, may elect to adopt an increased Access line fee or gross receipts fee subject to the provisions and maximum fee limitations contained in K.S.A. 12-2001, and amendments thereto, or may choose to decline all or any portion of any increase in the Access line fee.

c. Grantee shall pay on a monthly basis without requirement for invoice or reminder from the City, and within 45 days of the last day of the month for which the payment applies franchise fees due and payable to the City. If any franchise fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest thereon shall accrue from the due date until received, at the applicable statutory interest rate.

d. Upon written request by the City, but no more than once per quarter, Grantee shall submit to the City either a 9K2 (gross receipts) or 9KN (access lines) statement showing the manner in which the franchise fee was calculated.

e. No acceptance by the City of any franchise fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any franchise fee payment be construed as a release of any claim of the City. Any dispute concerning the amount due under this Section shall be resolved in the manner set forth in K.S.A. 12-2001, and amendments thereto.

f. The City shall have the right to examine, upon written notice to Grantee no more often than once per calendar year, those records necessary to verify the correctness of the franchise fees paid by Grantee.

g. Unless previously paid, within sixty (60) days of the effective date of this Contract franchise, Grantee shall pay to the City a one-time application fee of One Thousand Dollars ($1000.00). The parties agree that such fee reimburses the City for its reasonable, actual and verifiable costs of reviewing and approving this Contract franchise.

h. The franchise fee required herein pursuant to K.S.A. 12-2001(j) as amended shall be in addition to, not in lieu of, all taxes, charges, assessments, licenses, fees and impositions otherwise applicable that are or may be imposed by the City under K.S.A. 12-2001 and K.S.A. 17-1902, and amendments thereto. The franchise fee shall in no way be deemed a tax of any kind.

i. Grantee shall remit an access line (franchise) fee or gross receipts (franchise) fee to the City on those access lines that have been resold to another telecommunication local exchange service provider, but in such case the City shall not collect a franchise fee from the reseller service provider and shall not require the reseller service provider to enter a contract franchise ordinance.

SECTION 5. INDEMNITY AND HOLD HARMLESS.

a. It shall be the responsibility of Grantee to take adequate measures to protect and defend its Facilities in the Public right-of-way from harm or damage. If Grantee fails to accurately or timely locate Facilities when requested, in accordance with the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq., it has no claim for costs or damages against the City and its authorized contractors unless such parties are responsible for the harm or damage caused by their negligence or intentional conduct. The City and its authorized contractors shall be responsible to take reasonable precautionary measures including calling for utility locations and observing marker posts when working near Grantee's Facilities.

b. Grantee shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of Grantee, any agent, officer, director, representative, employee or subcontractor of Grantee, while installing, repairing or maintaining Facilities in the Public right-of-way.

c. The indemnity provided by this section does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors or subcontractors. If Grantee and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the City under state law and without waiving any defenses of the parties under state or federal law. This section is solely for the benefit of the City and

Grantee and does not create or grant any rights, contractual or otherwise, to any other person or entity.

d. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

SECTION 6. INSURANCE REQUIREMENT AND PERFORMANCE BOND

a. During the term of this Contract franchise, Grantee shall obtain and maintain insurance coverage at its sole expense, with insurers rated at least A-VII by AM Best and that are lawfully permitted to do business in the state of Kansas. Grantee shall provide the following insurance:

(1) Statutory workers' compensation as provided for under any workers' compensation or similar law in the jurisdiction where any work is performed and an employers' liability limit for bodily injury of $1,000,000 each accident, by disease policy limits and by disease each employee.

(2) Commercial general liability, written on Insurance Services Office (ISO) policy form CG 00 01 or its equivalent, including coverage for contractual liability and products completed operations liability on an occurrence basis and not a claims made basis, with a limit of Two Million Dollars ($2,000,000) combined single limit per occurrence and in the aggregate for bodily injury, personal injury, and property damage liability. The City shall be included as an additional insured as its interests may appear with respect to liability arising from Grantee's operations under this Contract franchise.

b. As an alternative to the requirements of subsection (a), Grantee may self-insure and, as such, Grantee has the ability to provide coverage in an amount not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in aggregate, to protect the City from and against claims by any person for loss or damage from personal injury, bodily injury, death or property damage occasioned by Grantee, or alleged to so have been caused or occurred as respects this Contract franchise. If Grantee elects to self-insure, it shall furnish to the City a certificate of self-insurance listing the City as additionally insured with respect to liability arising from Grantee's operations under this contract franchise. In the event Grantee elects to self-insure its obligation to include City as an additional insured, the following provisions shall apply:

(1) City shall promptly and no later than thirty (30) days after notice thereof provide Grantee with written notice of any claim, demand, lawsuit or the like, for which it seeks coverage pursuant to the section and provide Grantee with copies of any demands, notices, summonses or legal papers received in connection with such claim, demand, lawsuit or the like;

(2) City shall not settle any such claim, demand, lawsuit or the like without the prior written consent of Grantee; and,

(3) City shall fully cooperate with Grantee in the defense of the claim, demand, lawsuit or the like.

c. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a certificate of insurance or evidence of self-insurance, satisfactory in form and content to the City, evidencing that the above

insurance is in force. Grantee shall timely notify the City if the insurance is cancelled or non-renewed and not replaced. Upon renewal or replacement of any such insurance policies, the Grantee shall notify the City, in writing, and provide a current Certificate of Insurance.

d. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a construction bond in the amount of Fifty Thousand Dollars ($50,000), payable to the City to ensure the appropriate and timely performance in the construction and maintenance of Facilities located in the Public right-of-way. The required performance bond must be with good and sufficient sureties, issued by a surety company authorized to transact business in the state of Kansas, and satisfactory to the City Attorney in form and substance.

SECTION 7. REVOCATION AND TERMINATION.

a. In case of failure on the part of Grantee to comply with any of the provisions of this Contract franchise, or if Grantee should do or cause to be done any act or thing prohibited by or in violation of the terms of this Contract franchise, Grantee shall forfeit all rights, privileges and franchise granted herein, and all such rights, privileges and franchise hereunder shall cease, terminate and become null and void, and this Contract franchise shall be deemed revoked or terminated, provided that said revocation or termination, shall not take effect until the City has completed the following procedures:

(1) Before the City proceeds to revoke and terminate this Contract franchise, it shall first serve a written notice, pursuant to Section 12 of this Contract franchise, upon Grantee, setting forth in detail the neglect or failure complained of, and Grantee shall have sixty (60) days thereafter in which to comply with the conditions and requirements of this Contract franchise;

(2) If at the end of such sixty (60) day period the City deems that the conditions have not been complied with, the City shall take action to revoke and terminate this Contract franchise by an affirmative vote of the City Council present at the meeting and voting, setting out the grounds upon which this Contract franchise is to be revoked and terminated; provided, to afford Grantee due process, Grantee shall first be provided, pursuant to Section 12 of this Contract franchise, reasonable notice of the date, time and location of the City Council's consideration, and shall have the right to address the City Council regarding such matter.

(3) Upon any determination by the City Council to revoke and terminate this Contract franchise, Grantee shall have thirty (30) days to appeal such decision to the District Court of Johnson County, Kansas. This Contract franchise shall be deemed revoked and terminated at the end of this thirty (30) day period, unless Grantee has instituted such an appeal. If Grantee does timely institute such an appeal, such revocation and termination shall remain pending and subject to the court's final judgment. Provided, however, that the failure of Grantee to comply with any of the provisions of this Contract franchise or the doing or causing to be done by Grantee of anything prohibited by or in violation of the terms of this Contract franchise shall not be a ground for the revocation or termination thereof when such act or omission on the part of Grantee is due to any cause or delay beyond the control of Grantee or to bona fide legal proceedings.

b. Nothing herein shall prevent the City or Grantee from invoking any other remedy that may otherwise exist at law.

SECTION 8. RESERVATION OF RIGHTS.

a. To the extent permitted by law, the City specifically reserves its right and authority as a public entity with responsibilities towards its citizens, to participate to the full extent allowed by law in proceedings concerning Grantee's rates and services to ensure the rendering of efficient Telecommunications service and any other services at reasonable rates, and the maintenance of Grantee's property in good repair.

b. In granting its consent hereunder, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of: the laws of the State of Kansas as the same may be amended; its Home Rule powers and other authority established pursuant to the Constitution of the State of Kansas; nor, any of its rights and powers under or by virtue of present or future ordinances of the City.

c. In granting its consent hereunder, Grantee does not in any manner waive its regulatory or other rights and powers under and by virtue of: the laws of the State of Kansas or applicable federal laws and regulations as the same may be amended; under the Constitution of the State of Kansas; nor, any of its rights and powers under or by virtue of present or future ordinances of the City.

d. In entering into this Contract franchise, neither the City's nor Grantee's present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By entering into the Contract franchise, neither the City nor Grantee waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or Grantee may have at law or equity, without limitation, to argue, assert, and/or take any position as to the legality or appropriateness of the Contract franchise or any present or future laws, non-franchise ordinances (e.g. the City's right-of-way ordinance referenced in Section 3b of this Contract franchise) and/or rulings that may be the basis for parties entering into this Contract franchise .

SECTION 9. FAILURE TO ENFORCE.

The failure of either the City or the Grantee to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Contract franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by the City or the Grantee unless said waiver or relinquishment is in writing and signed by both the City and the Grantee.

SECTION 10. TERM AND TERMINATION DATE.

a. This Contract franchise shall be effective for a term of six (6) years from the effective date of this Contract franchise. Thereafter, this Contract franchise will renew for two (2) additional two (2) year terms, unless either party notifies the other party of its intent to terminate the Contract franchise at least ninety (90) days before the termination of the then current term. The additional term shall be deemed a continuation of this Contract franchise and not as a new franchise or amendment.

b. Upon written request of either the City or Grantee, this Contract franchise shall be renegotiated at any time in accordance with the requirements of state law upon any of the following events:

changes in federal, state, or local laws, regulations, or orders that materially affect any rights or obligations of either the City or Grantee, including but not limited to the scope of the Contract franchise granted to Grantee or the compensation to be received by the City hereunder.

c. If any clause, sentence, section, or provision of K.S.A. 12-2001, and amendments thereto, shall be held to be invalid by a court or administrative agency of competent jurisdiction, provided such order is not stayed, either the City or Grantee may elect to terminate the entire Contract franchise. In the event of such invalidity, if Grantee is required by law to enter into a Contract franchise with the City, the parties agree to act in good faith in promptly negotiating a new Contract franchise.

d. Amendments under this Section, if any, shall be made by contract franchise ordinance as prescribed by statute. This Contract franchise shall remain in effect according to its terms, pending completion of any review or renegotiation provided by this section.

e. In the event the parties are actively negotiating in good faith a new contract franchise ordinance or an amendment to this Contract franchise upon the termination date of this Contract franchise, the parties by written mutual agreement may extend the termination date of this Contract franchise to allow for further negotiations. Such extension period shall be deemed a continuation of this Contract franchise and not as a new contract franchise ordinance or amendment.

SECTION 11. MOST FAVORED NATION

Pursuant to K.S.A. 12-2001 and K.S.A. 17-1902, and amendments thereto, City represents and warrants that all benefits, terms and conditions in this Contract franchise are and, during the term of this Contract franchise, will continue to be no less favorable to Grantee in the same or similar circumstances than those currently being offered to or that may be offered and agreed to by City and any other local exchange carrier, telecommunications carrier, or video services provider, or Internet Protocol services provider, regardless of the form or nature of the agreement with any such other carrier or provider, and that the City shall treat Grantee in a competitively neutral, non-discriminatory manner.

SECTION 12. POINT OF CONTACT AND NOTICES

Grantee shall at all times maintain with the City a local point of contact who shall be available to act on behalf of Grantee in the event of an emergency. Grantee shall provide the City with said local contact's name, address, telephone number and e-mail address. Emergency notice by Grantee to the City may be made by telephone to the City Clerk or the Public Works Director. All other notices between the parties shall be in writing and shall be made by personal delivery, depositing such notice in the U.S. Mail, Certified Mail, return receipt requested, or overnight delivery by a nationally recognized courier. All written notices shall be deemed delivered upon actual receipt or refusal of delivery.

The City:

The City of Leawood
4800 Town Center Drive
Leawood, Kansas
Attn: City Clerk

Grantee:

Teleport Communications America, LLC
One AT&T Way – Office 3D169F
Bedminster, NJ 07921
ATT: Right of Way Manager

With a required copy to:

Teleport Communications America, LLC

Attn.: Legal Dept – Network Operations
208 S. Akard Street
Dallas, TX 75202-4206

or to replacement addresses that may be later designed in writing.

SECTION 13. TRANSFER AND ASSIGNMENT.

This Contract franchise is granted solely to the Grantee and shall not be transferred or assigned without the prior written approval of the City; provided that such transfer or assignment may occur without written consent of the City to: a wholly owned parent or subsidiary; between wholly owned subsidiaries; or to an entity with which Grantee is under common ownership or control, upon written notice to the City.

SECTION 14. CONFIDENTIALITY.

Information provided to the City under K.S.A. 12-2001, and amendments thereto, shall be governed by confidentiality procedures in compliance with K.S.A. 45-215 and K.S.A. 66-1220a, et seq., and amendments thereto. Grantee agrees to indemnify and hold the City harmless from any and all penalties or costs, including attorney's fees, arising from the actions of Grantee, or of the City at the written request of Grantee, in seeking to safeguard the confidentiality of information provided by Grantee to the City under this Contract franchise.

SECTION 15. ACCEPTANCE OF TERMS.

Grantee shall have sixty (60) days after the final passage and approval of this Contract franchise to file with the City Clerk its acceptance in writing of the provisions, terms and conditions of this Contract franchise, which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; and when so accepted, this Contract franchise and acceptance shall constitute a contract between the City and Grantee subject to the provisions of the laws of the state of Kansas.

SECTION 16. PAYMENT OF COSTS.

In accordance with statute, Grantee shall be responsible for payment of all costs and expense of publishing this Contract franchise, and any amendments thereof.

SECTION 17. SEVERABILITY.

If any clause, sentence, or section of this Contract franchise, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid; provided, however, the City or Grantee may elect to declare the entire Contract franchise is invalidated if the portion declared invalid is, in the judgment of the City or Grantee, an essential part of the Contract franchise.

SECTION 18. FORCE MAJEURE.

Each and every provision hereof shall be reasonably subject to acts of God, fires, strikes, riots, floods, war, terrorism and other disasters beyond Grantee's or the City's control.

PASSED by the Governing Body of the City of Leawood this 3rd day of December, 2018.

APPROVED by the Mayor this this 3rd day of December, 2018.

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____
Andrew K. Hall, Assistant City Attorney

Return to Agenda

7.A.

CITY OF LEAWOOD
Check Date 11/21/2018
Ordinance 2018-46

Final Check List

Check #	Vendor	Description	Amount Paid	Check Total
98589	2448 PRODUCTIONS LLC	VIDEO EDITING/PRODUCTION	1,400.00	
		DRONE FILMING	175.00	**1,575.00**
98590	ACCT	MEMBERSHIP RENEWAL	85.00	**85.00**
98591	ACUSHNET CO - TITLEIST	PROSHOP MERCHANDISE	1,757.51	**1,757.51**
98592	AHERN RENTALS INC	CHALLENGE COURSE TWP APPLICATION	240.00	**240.00**
98593	AT&T	PHONE SERVICE	6,102.73	**6,102.73**
98594	AT&T	PHONE SERVICE	733.10	**733.10**
98595	AT&T INTERNET	U-VERSE INTERNET & TV	172.58	**172.58**
98596	BEST PORTABLE TOILETS INC	PORTABLE TOILETS SERVICES/MAINTENANCE	1,125.00	**1,125.00**
98597	BLUE VALLEY PUBLIC SAFETY	EQUIPMENT MAINT. SERVICE	1,717.50	**1,717.50**
98598	C & C GROUP DIVISIONS	BUILDING & GROUNDS	1,685.00	**1,685.00**
98599	CALLAWAY GOLF CO	SHIPPING	14.72	**14.72**
98600	CARQUEST AUTO PARTS	FLEET SUPPLIES	31.42	**31.42**
98601	CARTER WATERS LLC, THE	MATERIALS & SUPPLIES	47.09	**47.09**
98602	CHETS LOCK & KEY	DUPLICATE KEYS	54.98	**54.98**
98603	CITY OF KANSAS CITY MO	FACILITIES CHARGE PWX BARTLE HALL	1,500.00	**1,500.00**
98604	CONTINENTAL CONSULTING ENGNRS	ENGINEERING 2019 RES ST RECON	20,909.10	**20,909.10**
98605	CORPORATE HEALTH KU MEDWEST	SCREENINGS / HEPATITIS B VACCINES	1,804.00	**1,804.00**
98606	DISCOUNT TIRE	TIRES	778.50	**778.50**

Check #	Vendor	Description	Amount Paid	Check Total
98607	E EDWARDS WORK WEAR INC	WORK CLOTHING	234.00	**234.00**
98608	EXCEL LINEN SUPPLY	LINEN CLEANING	120.21	**120.21**
98609	FAGAN COMPANY, THE	REPAIR HEAT PUMP #02-21 JUSTICE CENTER	4,076.00	**4,076.00**
98610	FIRST INSURANCE FUNDING CORP	INSURANCE INSTALLMENT	473.98	**473.98**
98611	FOLEY INDUSTRIES	APWA OPERATING TRAINING~	300.00	**300.00**
98612	FRANCOTYP-POSTALIA INC	POSTAGE MACHINE LEASE	348.00	**348.00**
98613	GALLS LLC	UNIFORMS	274.18	
		UNIFORM JACKET	260.99	
		UNIFORM ADJUSTMENT	6.54	**541.71**
98614	GALLS LLC	UNIFORMS	92.98	**92.98**
98615	GEMPLERS	MATERIALS & SUPPLIES	321.05	**321.05**
98616	HEN HOUSE BALLS FOOD STORES	MEETING SUPPLIES	85.64	
		CITIZEN ACADEMY SUPPLIES	42.99	
		MEETING EXPENSE	10.48	**139.11**
98617	INTL INSTITUTE-MUNICIPAL CLERK	ANNUAL MEMBERSHIP - HARPER	235.00	**235.00**
98618	J M FAHEY CONSTRUCTION CO	ASPHALT	764.80	**764.80**
98619	JO CO COURT SERVICES	Q4 ALCOHOL TAX FUND ALLOCATION	5,652.25	**5,652.25**
98620	JO CO WASTEWATER	WASTEWATER SERVICE~	278.82	
		WASTEWATER SERVICE~	251.59	
		WASTEWATER SERVICE	203.02	
		WASTEWATER SERVICE	131.21	
		WASTEWATER SERVICE~	65.74	
		WASTEWATER SERVICE	55.18	
		WASTEWATER SERVICE	34.06	**1,019.62**
98621	JUST FRAME IT	PLAQUES	105.00	**105.00**

Check #	Vendor	Description	Amount Paid	Check Total
98622	KA COMM INC	TRUCK BUILDS #195 & #191	3,146.86	
		ACO TRUCK BUILD #195-PARTS	2,117.00	
		EQUIPMENT MAINT.	28.60	**5,292.46**
98623	KANSAS CITY FIRST AID	AED SUPPLIES	100.00	**100.00**
98624	KC COLORS AUTO BODY	VEHICLE REPAIRS	1,704.80	**1,704.80**
98625	KONICA MINOLTA PREMIER FINANCE	COPY MACHINE LEASE	4,582.77	**4,582.77**
98626	LEAWOOD CHAMBER OF COMMERCE	MEETING EXPENSE	80.00	**80.00**
98627	LEAWOOD CHAMBER OF COMMERCE	BOARD MEETING 9-24-18	15.00	**15.00**
98628	LEGAL RECORD	RESOLUTION PUBLICATION	968.36	
		RESOLUTION PUBLICATION	71.23	
		BID NOTICE	34.08	
		BID NOTICE	34.08	**1,107.75**
98629	MARTIN LUTHER KING JR LEGACY	SCHOLARSHIP AWARDS DINNER~	300.00	**300.00**
98630	MID AMERICA REGIONAL COUNCIL	DISPATCH TRAINING	25.00	**25.00**
98631	MIDWEST TROPHY ENGRAVING INC	AWARD SUPPLIES	355.50	**355.50**
98632	MODERN BUSINESS INTERIORS LLC	IRONHORSE GOLF OFFICE FURNITURE~	2,431.00	**2,431.00**
98633	MONSON, BETTE	REIMBURSE LUNAR DINNER EXPENSES~	164.58	**164.58**
98634	NATIONWIDE	NOTARY BOND - SMITH	50.00	
		NOTARY BOND - BERGER	50.00	**100.00**
98635	NEXT TO NATURE LANDSCAPE LLC	PARKS TRAFFIC MEDIAN MOWING CONTRACT	6,663.00	**6,663.00**
98636	OBIJI, MISHEA	CLEANING	150.00	**150.00**
98637	OLSSON INC	DESIGN ON-CALL SERVICES	4,897.52	**4,897.52**
98638	ON TARGET AMMUNITION LLC	AMMUNITION	260.00	**260.00**
98639	PEPSI BEVERAGES COMPANY	BEVERAGES	266.30	**266.30**

Check #	Vendor	Description	Amount Paid	Check Total
98640	PVP COMMUNICATIONS INC	PATROL EQUIPMENT	46.66	**46.66**
98641	RANCH MART ACE HARDWARE	ACO SUPPLIES	35.96	**35.96**
98642	RED WING SHOE STORE	WORK CLOTHING	370.98	
		UNIFORMS TICKET #40614	210.00	
		WORK CLOTHING #37748	191.24	**772.22**
98643	REEVES WIEDEMAN COMPANY	BUILDING & GROUNDS	301.92	
		BUILDING & GROUNDS	257.00	
		PLUMBING SUPPLIES	23.47	**582.39**
98644	REINDERS INC	FERTILIZER AND ICE MELT	694.81	**694.81**
98645	R-MECH HEATING COOLING	REFUND PERMIT BD-18-01893	32.00	**32.00**
98646	ROMA BAKERY	PREPARED FOOD	25.68	**25.68**
98647	SHRED-IT USA LLC	SHREDDING SERVICE	348.82	**348.82**
98648	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	107.12	
		OFFICE SUPPLIES	62.62	
		OFFICE SUPPLIES	56.57	
		OFFICE SUPPLIES	55.22	
		OFFICE SUPPLIES	53.82	
		OFFICE SUPPLIES	29.91	
		OFFICE SUPPLIES	29.28	
		OFFICE SUPPLIES	28.49	
		OFFICE SUPPLIES	7.84	
		OFFICE SUPPLIES	7.48	
		OFFICE SUPPLIES - RETURN	-28.49	**409.86**
98649	STARLIGHT OUTDOOR EDUCATION	CHALLENGE COURSE EQUIPMENT	223.10	**223.10**
98650	SUBURBAN LAWN & GARDEN INC	GRAVEL	69.80	**69.80**
98651	THOMSON REUTERS - WEST	DATA SEARCH SERVICES	520.80	**520.80**
98652	TIME WARNER CABLE	INTERNET SERVICE	179.99	**179.99**

Check #	Vendor	Description	Amount Paid	Check Total
98653	TIME WARNER CABLE	CABLE SERVICE	59.29	**59.29**
98654	TOPCON SOLUTIONS STORE	LATH	884.00	**884.00**
98655	TORO COMPANY - NSN, THE	MONTHLY SERVICE AGREEMENT	130.50	**130.50**
98656	TOWN & COUNTRY BLDG SERVICES	JC CLEANING SERVICES-OCT	4,950.00	
		JC CLEANING SERVICES-NOV	4,950.00	**9,900.00**
98657	TWO SISTERS CATERING LLC	United Way Kickoff Luncheon	1,196.25	**1,196.25**
98658	UNITED RENTALS INC	SUPPLY RENTAL	31.41	**31.41**
98659	VANCE BROS INC	ASPHALT	68.50	**68.50**
98660	WALKER TOWEL & UNIFORM SERVICI	MAT CLEANING	147.89	**147.89**
98661	WATER DISTRICT 1 JO CO	WATER SERVICE	93.69	
		WATER SERVICE	90.40	**184.09**
98662	WINFIELD SOLUTIONS LLC	FERTILIZER	715.00	
		FUNGICIDE	302.50	**1,017.50**
98663	ZERBE, KENDA	REIMBURSE SUPPLIES	71.55	**71.55**
98664	ZOHO CORPORATION	MANAGEENGINE SUBSCRIPTION	2,695.00	**2,695.00**
7281118	KC POWER & LIGHT CO	POWER SERVICE	18.36	**18.36**
9991118	KC POWER & LIGHT CO	POWER SERVICE	1,117.36	**1,117.36**
10671118	KC POWER & LIGHT CO	POWER SERVICE	143.70	**143.70**
11511118	KC POWER & LIGHT CO	POWER SERVICE	243.29	**243.29**
12171118	KC POWER & LIGHT CO	POWER SERVICE	18.36	**18.36**
17061118	KC POWER & LIGHT CO	POWER SERVICE	371.75	**371.75**
17131118	KC POWER & LIGHT CO	POWER SERVICE	89.21	**89.21**
18031118	KC POWER & LIGHT CO	POWER SERVICE	328.46	**328.46**

Check #	Vendor	Description	Amount Paid	Check Total
18191118	KC POWER & LIGHT CO	POWER SERVICE	185.33	**185.33**
20401118	KC POWER & LIGHT CO	POWER SERVICE	3,611.70	**3,611.70**
22111118	KC POWER & LIGHT CO	POWER SERVICE	24.21	**24.21**
25641118	KC POWER & LIGHT CO	POWER SERVICE	43.66	**43.66**
25751118	KC POWER & LIGHT CO	POWER SERVICE	169.02	**169.02**
26331118	KC POWER & LIGHT CO	POWER SERVICE	310.07	**310.07**
26441118	KC POWER & LIGHT CO	POWER SERVICE	75.22	**75.22**
26761118	KC POWER & LIGHT CO	POWER SERVICE	18.36	**18.36**
26791118	KC POWER & LIGHT CO	POWER SERVICE	79.02	**79.02**
26871118	KC POWER & LIGHT CO	POWER SERVICE	294.91	**294.91**
29171118	KC POWER & LIGHT CO	POWER SERVICE	169.78	**169.78**
34671118	KC POWER & LIGHT CO	POWER SERVICE	977.57	**977.57**
35721118	KC POWER & LIGHT CO	POWER SERVICE	48.52	**48.52**
37141118	KC POWER & LIGHT CO	POWER SERVICE	54.36	**54.36**
37761118	KC POWER & LIGHT CO	POWER SERVICE	5,602.31	**5,602.31**
39071118	KC POWER & LIGHT CO	POWER SERVICE	113.33	**113.33**
39111118	KC POWER & LIGHT CO	POWER SERVICE	206.16	**206.16**
39351118	KC POWER & LIGHT CO	POWER SERVICE	36.35	**36.35**
41481118	KC POWER & LIGHT CO	POWER SERVICE	19.67	**19.67**
43651118	KC POWER & LIGHT CO	POWER SERVICE	1,685.92	**1,685.92**
44831118	KC POWER & LIGHT CO	POWER SERVICE	3,767.12	**3,767.12**
45421118	KC POWER & LIGHT CO	POWER SERVICE	30.67	**30.67**

Check #	Vendor	Description	Amount Paid	Check Total
50971118	KC POWER & LIGHT CO	POWER SERVICE	328.76	**328.76**
55271118	KC POWER & LIGHT CO	POWER SERVICE	261.85	**261.85**
57231118	KC POWER & LIGHT CO	POWER SERVICE	103.22	**103.22**
62961118	KC POWER & LIGHT CO	POWER SERVICE	277.16	**277.16**
65721118	KC POWER & LIGHT CO	POWER SERVICE	323.85	**323.85**
67501118	KC POWER & LIGHT CO	POWER SERVICE	86.97	**86.97**
70801118	KC POWER & LIGHT CO	POWER SERVICE	70.86	**70.86**
73401118	KC POWER & LIGHT CO	POWER SERVICE	234.55	**234.55**
75301118	KC POWER & LIGHT CO	POWER SERVICE	197.56	**197.56**
78301118	KC POWER & LIGHT CO	POWER SERVICE	286.18	**286.18**
78421118	KC POWER & LIGHT CO	POWER SERVICE	191.16	**191.16**
79561118	KC POWER & LIGHT CO	POWER SERVICE	27.10	**27.10**
79981118	KC POWER & LIGHT CO	POWER SERVICE	364.88	**364.88**
83411118	KC POWER & LIGHT CO	POWER SERVICE	205.76	**205.76**
89351118	KC POWER & LIGHT CO	POWER SERVICE	241.12	**241.12**
89991118	KC POWER & LIGHT CO	POWER SERVICE	157.36	**157.36**
93941118	KC POWER & LIGHT CO	POWER SERVICE	212.35	**212.35**
95691118	KC POWER & LIGHT CO	POWER SERVICE	18.36	**18.36**
97541118	KC POWER & LIGHT CO	POWER SERVICE	562.67	**562.67**
99381118	KC POWER & LIGHT CO	POWER SERVICE	142.03	**142.03**
99501118	KC POWER & LIGHT CO	POWER SERVICE	291.01	**291.01**
99911118	KC POWER & LIGHT CO	POWER SERVICE	36.72	**36.72**

Check #	Vendor	Description	Amount Paid	Check Total
41011181	KC POWER & LIGHT CO	POWER SERVICE	114.60	**114.60**

129 checks in this report.

Grand Total All Checks: 128,170.52

CITY OF LEAWOOD
Check Date 11/28/2018
Ordinance 2018-47

Final Check List

Check #	Vendor	Description	Amount Paid	Check Total
98665	ALL CITY MANAGEMENT SERVICES	CROSSING GUARDS 2018-2019 SCHOOL YEAR	3,607.18	**3,607.18**
98666	AT&T LONG DISTANCE	LONG DISTANCE	34.94	**34.94**
98667	AXTELL, PAUL	SOCCER OFFICIAL 9-30-18	32.00	**32.00**
98668	BLACK & MCDONALD	PRIVATE LOCATES AT IRONWOODS PARK	1,936.00	**1,936.00**
98669	BLUE CROSS BLUE SHIELD OF KC	NOVEMBER 2018 HEALTH PREMIUM	308,364.02	**308,364.02**
98670	BRUNER CONTRACTING CO LLC	DESIGN/BUILD PW MAINT BLDG ADD	128,100.00	**128,100.00**
98671	CALVERT, CLAYTON	SOCCER OFFICIAL 9-30-18	69.00	**69.00**
98672	CENTRAL SALT	BULK DE-ICING SALT FOR WINTER	1,496.26	**1,496.26**
98673	COLLIER, CHRISTIE	INSTRUCTOR FEES	388.00	**388.00**
98674	CONCRETE MATERIALS INC	CONCRETE	501.00	
		CONCRETE	354.00	**855.00**
98675	CONTINENTAL CONSULTING ENGNRS	CITY PARK TENNIS COURT RENOVATIONS	1,017.00	**1,017.00**
98676	CORPORATE HEALTH KU MEDWEST	Onsite Flu Vaccinations (114)	3,990.00	
		HEP B VACCINES / SCREENINGS	303.00	**4,293.00**
98677	CROFT TRAILER SUPPLY INC	EVENT TRAILER	11,622.92	
		EQUIPMENT SUPPLIES	3.65	**11,626.57**
98678	DEBEY, TYLER LEE	SOCCER OFFICIAL 9-30-18	69.00	**69.00**
98679	DELTA DENTAL PLAN OF KANSAS	NOVEMBER 2018 DENTAL PREMIUM	18,183.74	**18,183.74**
98680	ECOLAB PEST ELIMINATION	PEST CONTROL	98.96	**98.96**

Check #	Vendor	Description	Amount Paid	Check Total
98681	FILTA ENVIRONMENTAL SOLUTIONS	FRYER SERVICE	45.00	**45.00**
98682	FORESTRY SUPPLIERS INC	WORK GLOVES	136.69	**136.69**
98683	GALLS LLC	NAMETAGS	13.70	
		UNIFORM SUPPLY	10.99	
		UNIFORM ADJUSTMENTS	2.18	**26.87**
98684	GBA BUILDERS LLC	2017 RETAINING WALL REPAIR COLLEGE BLVD	2,856.00	**2,856.00**
98685	GEMPLERS	WORK CLOTHING	452.74	**452.74**
98686	GRASS PAD INC	TURF CHEMICALS	667.50	**667.50**
98687	GROUP FINE ART APPRAISALS, MADIS	CHARITABLE DONATION APPRAISAL	300.00	**300.00**
98688	HARDIN, MAGUIRE	SOCCER OFFICIAL 9-30-18	23.00	**23.00**
98689	HDR ENGINEERING INC	PRELIM ENG STUDY STORMWATER	4,640.00	**4,640.00**
98690	HEN HOUSE BALLS FOOD STORES	TRAINING ROOM SUPPLIES	67.19	
		MEETING EXPENSE	52.70	
		TRAINING ROOM SUPPLIES	34.55	**154.44**
98691	HENNING, MICHAEL	SOCCER OFFICIAL 9-30-18	46.00	**46.00**
98692	HOUSE OF ROCKS INC	ROCK	348.00	**348.00**
98693	INDUSTRIAL SALES CO INC	MATERIALS & SUPPLIES	32.16	
		MATERIALS & SUPPLIES	79.68	
		MATERIALS & SUPPLIES	78.86	
		MATERIALS & SUPPLIES	51.87	**242.57**
98694	INSIGHT PUBLIC SAFETY	POST-OFFER PSYCH EVAL - PD	400.00	**400.00**
98695	JO CO WASTEWATER	WASTEWATER SERVICE	15.05	
		WASTEWATER SERVICE	255.57	
		WASTEWATER SERVICE	46.03	
		WASTEWATER SERVICE	43.91	**360.56**
98696	JUST FRAME IT	SUPPLIES	140.00	**140.00**

Check #	Vendor	Description	Amount Paid	Check Total
98697	KA COMM INC	PSO TRUCK BUILD #191	1,320.36	**1,320.36**
98698	KC COLORS AUTO BODY	PATROL VEHICLE REPAIRS	1,528.68	**1,528.68**
98699	KINCAID READY MIX	CONCRETE	283.00	
		CONCRETE	624.76	**907.76**
98700	LINCOLN NATIONAL LIFE INSUR	NOV 2018 LIFE, LTD, VSTD PREMIUM	9,116.53	**9,116.53**
98701	LORRAINE'S HOUSE	Q2 ALCOHOL TAX FUND ALLOCATION	692.75	
		Q3 ALCOHOL TAX FUND ALLOCATION	692.75	
		Q4 ALCOHOL TAX FUND ALLOCATION	692.75	**2,078.25**
98702	MARLOW WHITE UNIFORM CO	DRESS UNIFORM	504.50	**504.50**
98703	MYSIDEWALK INC	MISC. SERVICES	500.00	**500.00**
98704	NIGROS WESTERN STORE # 2	WORK CLOTHING	225.00	**225.00**
98705	O REILLY AUTO PARTS	PSO TRUCK SUPPLIES	49.99	
		BATTERY	46.07	
		EQUIPMENT SUPPLIES	86.04	
		GEAR LUBE	20.97	
		EQUIPMENT SUPPLIES	71.31	
		EQUIPMENT SUPPLIES	47.43	
		EQUIPMENT SUPPLIES	22.99	**344.80**
98706	PETRELLA, NICHOLAS	SOCCER OFFICIAL 9-30-18	46.00	**46.00**
98707	PETTY CASH - CITY OF LEAWOOD	SNOW MEALS REIMBURSEMENT	373.77	
		SNOW MEALS STARTUP/REIMB	401.00	**774.77**
98708	Q4 INDUSTRIES LLC	GLOVES	7.31	
		FACILITY SUPPLIES	232.98	
		FACILITY SUPPLIES	432.40	**672.69**
98709	RANCH MART ACE HARDWARE	MATERIALS & SUPPLIES	63.14	
		MATERIALS & SUPPLIES	38.10	
		INVESTIGATION SUPPLIES	3.99	**105.23**

Check #	Vendor	Description	Amount Paid	Check Total
98710	REEVES WIEDEMAN COMPANY	PLUMBING SUPPLIES	46.40	**46.40**
98711	SITEONE LANDSCAPE SUPPLY LLC	MATERIALS & SUPPLIES	34.00	**34.00**
98712	SPEEDPRO IMAGING	VEHICLE DECALS	297.18	
		VEHICLE DECALS	15.10	**312.28**
98713	SPRAYER SPECIALTIES INC	MATERIALS & SUPPLIES	314.18	**314.18**
98714	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	19.16	
		OFFICE SUPPLIES	11.76	
		OFFICE SUPPLIES	285.75	
		OFFICE SUPPLIES	61.58	**378.25**
98715	STARFISH AQUATICS INSTITUTE	TRAINING	125.00	**125.00**
98716	SUBURBAN LAWN & GARDEN INC	YARD WASTE TIP FEE	18.00	
		YARD WASTE TIP FEE	3.00	
		YARD WASTE TIP FEE	12.00	
		YARD WASTE TIP FEE	17.00	
		YARD WASTE TIP FEE	14.00	
		YARD WASTE TIP FEE	10.00	
		YARD WASTE TIP FEE	13.50	
		MULCH / TOPSOIL	90.20	
		TOPSOIL	47.79	
		BONE MEAL	34.87	
		STRAW BALE	87.48	
		WEED BARRIER	22.99	
		TOPSOIL	31.63	
		BULBS	871.55	
		MULCH	29.99	
		BULBS	436.18	
		YARD WASTE TIP FEE	30.00	**1,770.18**
98717	SUPERIOR VISION SERVICES INC	NOVEMBER 2018 VISION PREMIUM	1,765.00	**1,765.00**
98718	SYSCO FOOD SERVICE OF KC INC	SUPPLIES	63.21	**63.21**

Check #	Vendor	Description	Amount Paid	Check Total
98719	TIME WARNER CABLE	CABLE~	53.46	**53.46**
98720	TRIANGLE SALES INC	CEILING EXHAUST FAN	127.00	**127.00**
98721	TROON GOLF LLC	TRAVEL REIMBURSEMENT- TROON MGMT	1,096.41	**1,096.41**
98722	TRUSTMARK VOLUNTARY BENEFIT	NOVEMBER 2018 TRUSTMARK PREMIUM	3,515.78	**3,515.78**
98723	UNUM LIFE INSURANCE CO	NOVEMBER 2018 LTC PREMIUM	1,038.00	**1,038.00**
98724	WALKER TOWEL & UNIFORM SERVICI	MAT CLEANING	147.89	**147.89**
98725	WALKER TOWEL & UNIFORM SERVICI	MAT CLEANING	103.78	**103.78**
98726	WAL-MART COMMUNITY BRC	CLEANING SUPPLIES	18.16	
		SUPPLIES	40.35	
		SUPPLIES	18.74	
		SUPPLIES	27.72	
		SUPPLIES	27.12	**132.09**
98727	WATER DISTRICT 1 JO CO	WATER SERVICE	195.52	
		WATER SERVICE	125.35	**320.87**
98728	WRIGHT, RUBY	SOCCER OFFICIAL 9-30-18	46.00	**46.00**
381118	KC POWER & LIGHT CO	POWER SERVICE	364.84	**364.84**
611118	KC POWER & LIGHT CO	POWER SERVICE	35.75	**35.75**
1071118	KC POWER & LIGHT CO	POWER SERVICE	299.84	**299.84**
1301118	KC POWER & LIGHT CO	POWER SERVICE	754.91	**754.91**
3301118	KC POWER & LIGHT CO	POWER SERVICE	91.43	**91.43**
4651118	KC POWER & LIGHT CO	POWER SERVICE	135.59	**135.59**
4911118	KC POWER & LIGHT CO	POWER SERVICE	186.53	**186.53**
6771118	KC POWER & LIGHT CO	POWER SERVICE	172.44	**172.44**
6911118	KC POWER & LIGHT CO	POWER SERVICE	205.34	**205.34**

Check #	Vendor	Description	Amount Paid	Check Total
7361118	KC POWER & LIGHT CO	POWER SERVICE	140.90	**140.90**
8811118	KC POWER & LIGHT CO	POWER SERVICE	159.98	**159.98**
9401118	KC POWER & LIGHT CO	POWER SERVICE	150.21	**150.21**
10351118	KC POWER & LIGHT CO	POWER SERVICE	47.69	**47.69**
13111118	KC POWER & LIGHT CO	POWER SERVICE	11.64	**11.64**
13261118	KC POWER & LIGHT CO	POWER SERVICE	28.80	**28.80**
14681118	KC POWER & LIGHT CO	POWER SERVICE	88.38	**88.38**
17271118	KC POWER & LIGHT CO	POWER SERVICE	63.30	**63.30**
17901118	KC POWER & LIGHT CO	POWER SERVICE	117.65	**117.65**
18841118	KC POWER & LIGHT CO	POWER SERVICE	202.55	**202.55**
18971118	KC POWER & LIGHT CO	POWER SERVICE	172.35	**172.35**
19751118	KC POWER & LIGHT CO	POWER SERVICE	255.11	**255.11**
20711118	KC POWER & LIGHT CO	POWER SERVICE	22.04	**22.04**
20821118	KC POWER & LIGHT CO	POWER SERVICE	218.76	**218.76**
20861118	KC POWER & LIGHT CO	POWER SERVICE	51.70	**51.70**
23161118	KC POWER & LIGHT CO	POWER SERVICE	187.80	**187.80**
23851118	KC POWER & LIGHT CO	POWER SERVICE	19.24	**19.24**
25851118	KC POWER & LIGHT CO	POWER SERVICE	124.56	**124.56**
26451118	KC POWER & LIGHT CO	POWER SERVICE	138.08	**138.08**
28591118	KC POWER & LIGHT CO	POWER SERVICE	33.56	**33.56**
28801118	KC POWER & LIGHT CO	POWER SERVICE	47.78	**47.78**
30361118	KC POWER & LIGHT CO	POWER SERVICE	287.16	**287.16**

Check #	Vendor	Description	Amount Paid	Check Total
31461118	KC POWER & LIGHT CO	POWER SERVICE	339.99	**339.99**
32041118	KC POWER & LIGHT CO	POWER SERVICE	380.50	**380.50**
32871118	KC POWER & LIGHT CO	POWER SERVICE	221.66	**221.66**
34031118	KC POWER & LIGHT CO	POWER SERVICE	140.30	**140.30**
34681118	KC POWER & LIGHT CO	POWER SERVICE	110.58	**110.58**
35181118	KC POWER & LIGHT CO	POWER SERVICE	188.05	**188.05**
35641118	KC POWER & LIGHT CO	POWER SERVICE	196.41	**196.41**
35651118	KC POWER & LIGHT CO	POWER SERVICE	167.60	**167.60**
36121118	KC POWER & LIGHT CO	POWER SERVICE	40.27	**40.27**
36721118	KC POWER & LIGHT CO	POWER SERVICE	66.93	**66.93**
38571118	KC POWER & LIGHT CO	POWER SERVICE	44.34	**44.34**
38731118	KC POWER & LIGHT CO	POWER SERVICE	106.14	**106.14**
38961118	KC POWER & LIGHT CO	POWER SERVICE	165.21	**165.21**
39291118	KC POWER & LIGHT CO	POWER SERVICE	119.53	**119.53**
39771118	KC POWER & LIGHT CO	POWER SERVICE	128.03	**128.03**
39781118	KC POWER & LIGHT CO	POWER SERVICE	46.46	**46.46**
40321118	KC POWER & LIGHT CO	POWER SERVICE	162.60	**162.60**
40981118	KC POWER & LIGHT CO	POWER SERVICE	86.61	**86.61**
41551118	KC POWER & LIGHT CO	POWER SERVICE	306.23	**306.23**
45721118	KC POWER & LIGHT CO	POWER SERVICE	21.84	**21.84**
47131118	KC POWER & LIGHT CO	POWER SERVICE	27.85	**27.85**
48011118	KC POWER & LIGHT CO	POWER SERVICE	87.73	**87.73**

Check #	Vendor	Description	Amount Paid	Check Total
50351118	KC POWER & LIGHT CO	POWER SERVICE	28.56	**28.56**
50651118	KC POWER & LIGHT CO	POWER SERVICE	220.41	**220.41**
51661118	KC POWER & LIGHT CO	POWER SERVICE	43.75	**43.75**
53721118	KC POWER & LIGHT CO	POWER SERVICE	48.65	**48.65**
54941118	KC POWER & LIGHT CO	POWER SERVICE	41.84	**41.84**
55021118	KC POWER & LIGHT CO	POWER SERVICE	5,393.32	**5,393.32**
55991118	KC POWER & LIGHT CO	POWER SERVICE	110.49	**110.49**
56451118	KC POWER & LIGHT CO	POWER SERVICE	62.03	**62.03**
57211118	KC POWER & LIGHT CO	POWER SERVICE	69.55	**69.55**
57551118	KC POWER & LIGHT CO	POWER SERVICE	539.00	**539.00**
58311118	KC POWER & LIGHT CO	POWER SERVICE	43.25	**43.25**
58541118	KC POWER & LIGHT CO	POWER SERVICE	412.84	**412.84**
59111118	KC POWER & LIGHT CO	POWER SERVICE	356.54	**356.54**
59511118	KC POWER & LIGHT CO	POWER SERVICE	18.36	**18.36**
59741118	KC POWER & LIGHT CO	POWER SERVICE	254.28	**254.28**
61101118	KC POWER & LIGHT CO	POWER SERVICE	20.65	**20.65**
62641118	KC POWER & LIGHT CO	POWER SERVICE	256.46	**256.46**
63501118	KC POWER & LIGHT CO	POWER SERVICE	75.60	**75.60**
63591118	KC POWER & LIGHT CO	POWER SERVICE	44.58	**44.58**
63871118	KC POWER & LIGHT CO	POWER SERVICE	278.61	**278.61**
64981118	KC POWER & LIGHT CO	POWER SERVICE	30.02	**30.02**
66271118	KC POWER & LIGHT CO	POWER SERVICE	30.62	**30.62**

Check #	Vendor	Description	Amount Paid	Check Total
36291118	KC POWER & LIGHT CO	POWER SERVICE	205.76	**205.76**
36721118	KC POWER & LIGHT CO	POWER SERVICE	77.46	**77.46**
38841118	KC POWER & LIGHT CO	POWER SERVICE	46.71	**46.71**
39341118	KC POWER & LIGHT CO	POWER SERVICE	76.05	**76.05**
39771118	KC POWER & LIGHT CO	POWER SERVICE	418.45	**418.45**
70491118	KC POWER & LIGHT CO	POWER SERVICE	33.66	**33.66**
72501118	KC POWER & LIGHT CO	POWER SERVICE	153.92	**153.92**
73731118	KC POWER & LIGHT CO	POWER SERVICE	128.23	**128.23**
75371118	KC POWER & LIGHT CO	POWER SERVICE	104.45	**104.45**
77651118	KC POWER & LIGHT CO	POWER SERVICE	18.95	**18.95**
78941118	KC POWER & LIGHT CO	POWER SERVICE	57.37	**57.37**
30371118	KC POWER & LIGHT CO	POWER SERVICE	81.06	**81.06**
30801118	KC POWER & LIGHT CO	POWER SERVICE	91.94	**91.94**
30921118	KC POWER & LIGHT CO	POWER SERVICE	153.28	**153.28**
32441118	KC POWER & LIGHT CO	POWER SERVICE	43.21	**43.21**
33171118	KC POWER & LIGHT CO	POWER SERVICE	19.85	**19.85**
35881118	KC POWER & LIGHT CO	POWER SERVICE	107.94	**107.94**
35951118	KC POWER & LIGHT CO	POWER SERVICE	79.22	**79.22**
36161118	KC POWER & LIGHT CO	POWER SERVICE	713.77	**713.77**
39741118	KC POWER & LIGHT CO	POWER SERVICE	232.77	**232.77**
90641118	KC POWER & LIGHT CO	POWER SERVICE	20.83	**20.83**
93711118	KC POWER & LIGHT CO	POWER SERVICE	68.28	**68.28**

Check #	Vendor	Description	Amount Paid	Check Total
94311118	KC POWER & LIGHT CO	POWER SERVICE	191.49	**191.49**
96471118	KC POWER & LIGHT CO	POWER SERVICE	44.85	**44.85**
97791118	KC POWER & LIGHT CO	POWER SERVICE	10,777.73	**10,777.73**
98901118	KC POWER & LIGHT CO	POWER SERVICE	154.17	**154.17**
99781118	KC POWER & LIGHT CO	POWER SERVICE	49.67	**49.67**
20711181	KC POWER & LIGHT CO	POWER SERVICE	131.63	**131.63**

167 checks in this report.

Grand Total All Checks: 551,157.27

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DRAFT

7.B.

Special Call Public Meeting

THE LEAWOOD CITY COUNCIL

November 12, 2018

Minutes

DVD No. 428

The City Council of the City of Leawood, Kansas, met for a Special Call Public Meeting in the Council Chambers, 4800 Town Center Drive, 7:00 P.M. on Monday, November 12, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Chief Dave Williams, Fire Department
Chris Claxton, Parks & Rec. Director
April Bishop, Cultural Arts Coordinator
Ross Kurz, Information Services Director
Debra Harper, City Clerk
Patty Bennett, City Attorney
Chief Troy Rettig, Police Department
David Ley, Public Works Director
Mark Tepesch, IS Specialist III
Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce
Bruce Martin, 4430 W. 151st Terrace, Historic Commission Chair

1. Public Meeting for residents' comments on possible relocation of former City Hall Building, from 9615 Lee Boulevard, to be located adjacent to current City Hall at 4800 Town Center Drive

2. Discussion and possible action by Governing Body

Mayor Dunn opened the public meeting with the Pledge of Allegiance. She welcome attendees and read the two purposes of the meeting from the agenda.

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Larson. The motion was approved with a unanimous vote of 8-0.

Mayor Dunn asked for a moment of silence for the families and friends of the victims of the recent shootings in Thousand Oaks, California, and the ongoing California wildfires.

Mayor Dunn stated the City had received a number of electronic communications on the topic, all of which were distributed. The agenda meeting packet contains Historic Commission recommendations, and minutes from both Historic Commission meetings and Governing Body Work Sessions.

Mayor Dunn provided a brief background. At a prior public hearing a few months ago, residents had expressed a desire for a passive park and green space. At that meeting she had announced the new Fire Station would be located on the tract and the former City Hall would also remain, shifted to the north. This was the consensus of the Governing Body for many years. At the October 15, 2018 Governing Body Work Session a few councilmembers, not a majority, brought forth an idea to relocate the former City Hall next to the current City Hall. There was unanimous support of a public meeting to hear from residents, and a "Special Call" Governing Body meeting was scheduled as a result.

Mayor Dunn stated 10 residents had signed in to speak and would be called upon in order of sign-in. Each speaker should keep their comments to two minutes.

Barbara Holzmark, 3016 W. 84th Street, stated she and her husband moved to Leawood in 1971 and raised three children in a home they eventually sold to a daughter. At that time she and her husband moved to The Cloisters in Leawood. She has been an active City volunteer. She is a current member of the Historic Commission and she strongly urges the Governing Body to keep a presence in north Leawood.

JoLynn Hobbs, 8309 Lee Boulevard, stated she was honored to represent and serve the 1,500 families of the Leawood Home Owners Association [HOA]. After she received notice of the public meeting, it was posted on the NextDoor social app and she requested feedback from residents on the possible relocation of original City Hall. Only one respondent felt there was no value to retaining the buildings. All other respondents felt the historic buildings should not be moved off-site. A majority of residents embrace the special character and charm of the buildings and recommend the original City Hall be relocated to the north on the site, and used as a museum, as recommended by the Historic Commission. Many respondents thought the existing Fire Station should be retained and reinvented into a unique rental meeting space or community center. She suggested there could be a patio area/courtyard walkway between the buildings for cohesion, with a fire-themed playground/passive park area located safely behind away from Lee Boulevard. She asked the City spare, protect and invest in the historic buildings for use by Leawood residents; they are a reminder of the service of those who came before. She thanked the Council for the opportunity to discuss these valued historic buildings and asked that Ward One and Ward Two residents be considered in this important decision.

John Dixon, 9919 High Drive, stated in review of the minutes from the October 15, 2018 Governing Body Work Session, consideration of relocation was discussed, but no costs were known. Mayor Dunn stated at the October 15, 2018 Governing Body Work Session the consensus on the Fire Station was to remove and build a shelter, perhaps with some of the components from the Fire Station. At that meeting two cost estimates were presented; one for conversion of the Fire Station to an open shelter with restroom for $377,190 and one for restoring two-bays of the Fire Station for

meeting space or another use for $408,861. Costs for relocation of the former City Hall were not discussed. There had been discussion of costs for a crawl space or full basement for the former City Hall; an elevator would be needed if the building was placed on a full basement. Mr. Dixon stated moving a building is very expensive, regardless of size, and he questioned the historical value of the old City Hall. Mayor Dunn confirmed to Mr. Dixon the building does not qualify for the National Historic Register. Mr. Dixon asked the Council to take this into consideration.

Dennis Merghetti, 9618 Lee Boulevard, stated he had lived across from the site for 42 years, and area of heavy traffic. He favored beautification of the area. After the previous public hearing, residents had thought the site would become a green space, which would be well-used by all generations. He favors leaving Old City Hall somewhere on the site, making a natural use/green space area similar to Brook Beatty Park, rather than having a space for meetings. He stated there had been no difficulties in finding space for meetings and use as a meeting space would be more of an inconvenience to residents, causing traffic congestion and being unsightly. Mayor Dunn offered the new Fire Station will have a meeting space open to the public located on the second floor and accessible by elevator, similar to space available at the Justice Center. Both Fire Chief Williams and Police Chief Rettig welcome such use.

Mark Anstoetter, 9614 Lee Boulevard, stated he was a neighbor to the north of Mr. Merghetti and his home of 20 years is closest to the existing Fire Station. Green space is desired, not the development of a destination use, meeting space or community center which may impact property values. His comments are consistent with Mr. Merghetti's. His home and those of the Merghetti and Leach families are located most adjacent, and they all hold the same opinion. He noted there are other residents who could not be present tonight due to weather. He questioned what would be done with the space by relocating the Fire Station. Mayor Dunn clarified with Mr. Anstoetter that he meant to state relocating the former City Hall.

Alice Hawk, 2841 W. 118th Terrace, stated she had served on the Historic Commission for many years and it has been the intent of the Commission since their first meeting to preserve the Old City Hall at its present location. Moving the building within the site would be acceptable. Integrity of the building would be lost if relocated; in that case the City might as well construct a new building. The Historic Commission hopes to have the building to house memorabilia, with many more items likely to be received during the redevelopment process.

Bruce North, 8025 Lee Boulevard in Leawood HOA, stated the former City Hall is a landmark, located dead center in north Leawood. Many drive by this historical anchor once or twice a day. To move the building would be disrespectful to the community. The building should remain where it is. There has been discussion for many years, going back and forth, on how to redevelop the property. What is missing is a concrete comprehensive plan on how to best use the property. Such a plan should be sought before any structure is moved and that plan be a result of discussion between the City and community on how to best use the property. As a community member, this is the first time he had received notice. He pointed out it is difficult to form an opinion when uninformed. Two-way conversation is needed before any decisions by the Council are made.

David Hazen, 2705 W. 141st Street, Highlands Ranch, stated he had worked in construction for his entire career and offered it would cost in excess of $125,000 to as high as $250,000 to relocate the former City Hall next to current City Hall. After the move, there would be cost to operate, insure and maintain the building. Future use as a museum and the structure's historical value are questionable. The building is 20% smaller than his three-car garage. There are other buildings in the City such as the Oscar Lee and Voight Home, and the Oxford School House the City relocated was 141 years, twice the age of the of the former City Hall. The former City Hall is about 65 years; younger than the City which is 70 years. He recommended to tear down and reclaim as much brick as possible, using recovered brick for planters, benches, small retaining walls and sidewalks with small plaques commemorating the source of reclaimed bricks from the first City Hall of Leawood, Kansas, circa 1953. He looks forwards to additional discussion about the uses of the existing Fire Station when that is appropriate.

Tim Fisher, 9641 Lee Boulevard, stated he had no comments.

Susan Grogan, 9619 Lee Boulevard, stated she lives very close to property south of the new Fire Station. She appreciates the public meeting, especially in consideration of the former City Hall. Advantages of relocating the former City Hall would be to ease the whole process moving forward and to provide increased space for a park. Disadvantages would be the loss of a beautiful historic building, it being gone from the neighborhood. From a previous public meeting, the resident summary was for a passive park with plenty of green space. She questioned if the residents' definition of passive matches the Council's definition. She stated she had recently visited I-Lan and Gezer Parks and noted their shelters and restrooms take up a significant amount of space, having a style would not fit. A park similar to Brook Beatty would be a better fit. She stated residents have safety concerns for children in regard to Lee Boulevard traffic, and the Council should consider lowering the speed limit in the future.

Drew Alingh, 9629 Lee Boulevard, expressed concern about functionality and viability in today's world. He stated it would be redundant to have a meeting space since there would be public meeting space in the new Fire Station. City Hall would take up space on a small plot of property and handcuffs the designer and Council on what to do on the site to maximize potential for residents. His children are excited about the possibility of a playground and he favored maximizing green space. In this regard, the function of the former City Hall would likely be a detriment. He expressed appreciation for the opportunity to address the Governing Body.
Mayor Dunn thanked attendees for coming out on a cold evening to share remarks at this important meeting, and stated the meeting would move to Governing Body discussion.

Councilmember Harrison stated in her tabulation of public comments made tonight and received by electronic communications, there was no support for moving the building. However, there were many attendees present who had not provided comments. She inquired if there was any support/preference of moving the former City Hall to an off-site location. She noted there were a couple of raised hands in the affirmative.

Councilmember Rawlings stated the minutes of the October 15, 2018 Governing Body Work Session had not captured the intent of his comments; minutes indicate he was for moving the former City Hall next to the current City Hall. His intent was that he was open to the idea of discussion of the suggestion for relocation made by another councilmember.

Councilmember Filla thanked attendees and the Governing Body for the Special Call Public Meeting. She stated agreement with Mr. North's comment about the need for a comprehensive plan to keep from looking at decisions in an incomplete manner. Her desire would be to entertain three or four options, charrette-style, looking at all facts, space and options. She shared details of her vision for the site from the perspective of "and", not "either/or." The existing Fire Station is about the same size of the former City Hall, and the buildings would look charming side-by-side, with a courtyard and park. The combined footprint of the buildings are 3.1% of the site. The buildings could have shared parking, likely as part of a circle drive located to the front. The City has not yet looked to see if there could be shared parking with the new Fire Station. She stated that 32% of residents are within a 10 minute walk to the park compared to the national average of 54%. The two buildings are landmarks; like art in a public place. A significant amount of money has been expended on other art pieces and other parks in the City. Tearing down the buildings would be an irreversible decision and they would be missed. The buildings cannot be added to the National Historic Register if we do not give them time and they are torn down. There is room for a playground/spray ground with side-by-side building configuration. There is the opportunity to have the best and all we can put in the site; the City develops great parks. It is clear that relocation of the former City Hall is not wanted. She recommended the Governing Body to return to the "drawing board" for review of conceptual plans.

Councilmember Azeltine stated prior to the October 15, 2018 Governing Body Work Session, it had been the consensus to leave the former City Hall on the site with perhaps a slight move. Tonight's meeting packet documents numerous meetings held over the past eight years and the unwavering recommendation of the Historic Commission during that time that the former City Hall should not be taken out of its historic context. Although the building is everyone's City Hall and this is the central location of a very young City, the building would not fit surrounding the development in Town Center Plaza and Park Place if the building was relocated next to the current City Hall. He questioned if the planning process would pass muster if the building was demolished and an exact duplicate rebuilt at its present location. Historical significance is the time the building has been part of the City. In his opinion, the building should remain at its current location. The goal of tonight's meeting would be to have decision on whether to relocate the building, which would provide City Staff or a consultant a starting point to create a master site plan, using a charrette-process moving pieces on a board. The City has been in a circular process, repeatedly revisiting the same items and a visual is needed.

Councilmember Cain stated her strong feeling that part of the reason discussions have gone on for so long is the development is of critical importance. She respects and is fond of the old, sharing examples of her vintage first car, purchase of an original Leawood home and renovations of an older home. She has noted in her 17 years real estate experience, most people have difficulty to see past wallpaper or comprehend space planning on a small site. She stated the City has one chance to respect history in regard to the former City Hall and two-bays of the existing Fire Station. It is sad the site is so small rather than 20 acres, and she understands the lack of park space having taken her small children to Franklin Park. The City will likely need to build restrooms and shelter, which would be insignificantly smaller footprint than the footprint of the two bays of the existing Fire Station. Her vision for present and future generation would be to reduce the existing Fire Station to the original two bays, by removing the wings and back of the building, and to place glass doors on the front and back of the remaining structure. This would create an open shelter, used to display the charming historic fire truck. Hallmark created a Keepsake Ornament of the fire truck; the truck is a true original and cost $5,000 and was restored. The former City Hall could be moved next to the two-

bay structure and a fire-hydrant fountain and benches placed in the middle. The footprint of the buildings would be 3.1% of the park. She implored the City to distribute a Request for Proposal to park planners asking for several options and scaled schematics, along with costs, which the Governing Body could review and discuss and open back up to public comment. A plan containing multiple options is needed to make comprehensive decisions.

Councilmember Osman stated as a member of the Governing Body he firmly believes in the passionate desire of the Governing Body, residents and community to have the best for the City and a long-term vision. However, in a poll of the City's 40,000 population, the 1,500 residents of the Leawood HOA or the Governing Body, answers to that would be different. His vision is historic and not historic. When he joined the Governing Body in 2010, he had proposed a unique train park based on having an open slate for the site. Regardless as to whether a train park was feasible, his vision was different from others. Each Governing Body member brings their own perspective, and often it is easier to blame others than yourself. Discussion has occurred throughout the years, taking longer than he would have imagined, with strategic parts in the development process occurring such as demolition of the former Police Department and expiration of the cell tower lease in 2019. In his opinion, he and others have failed because there is currently no master plan. The idea to relocate the former City Hall was only raised for consideration; the building will need to be moved on the current site due to its proximity to the new Fire Station and there will be cost regardless if the move is within the site or 10 miles. The City should hire an architect for space planning, the cost of which would be justified in the long-term. The City spends a great deal of money on public art and for traffic signals. About one-half of the approximate 1.5 to 2 acre site will need to be used for the new Fire Station, parking, green space and setbacks. Just the footprints of the former City Hall and existing Fire Station account for 3.1% of the site. He would like to have the buildings, but to make an informed decision he would like to look at several options for the site, including one that includes the former City Hall, one that includes both the former City Hall and the existing Fire Station and one that is a clean slate. At this time, he is opposed to moving the former City Hall next to new City Hall; character would be lost and the building truly fits Ward One and Ward Two.

For audience edification, Councilmember Azeltine asked for next steps and timeline should a decision on the disposition of the former City Hall be reached.

Mr. Lambers stated based on a Governing Body desire that the former City Hall remain on the current site, he would need the concern raised by a few Governing Body members addressed as to whether or not to have a location for the building north of the existing Fire Station rather than risk exposure to weather for several years in storage during construction of the new Fire Station. At this time is seems several Councilmembers have mentioned placement of the former City Hall between the new and existing Fire Station. That can be done, but must be agreed to live with if that is chosen. The former City Hall must be moved due to site confines to avoid construction of the new Fire Station. The existing Fire Station must remain active during construction. Once the new Fire Station is built, land will be freed up.

Mr. Lambers stated if the desire is for multiple options, the next step would not be a Work Session, but the preparation of a Request for Proposal [RFP] to get a consultant out to meet with the Governing Body after the first of the year. Preparation of the RFP would take about 30 days and 30 days to review. He estimated return to a Council Meeting in February 2019. The consultant would participate in a March 2019 Governing Body Work Session. A planning application based on a concept plan would take about 90 to 120 days. The existing Fire Station can continue to be used with stop-gap measures taken, as has been done for the last 20 years.

Mayor Dunn reminded that cost estimates for storage of the building on a flatbed truck, crawl space and basement, had been provided at the October 15, 2018 Governing Body Work Session. Mr. Lambers stated if a crawl space or a basement is desired, the building must be placed north of the existing Fire Station as opposed to storing on a flatbed truck.

Councilmember Sipple questioned if the City had staff experienced on playgrounds and designing fire stations, and if so, could using internal staff accelerate the project process. Mr. Lambers recommended that external expertise be used due to site confines and each decision having an associated opportunity cost. Timing and funding availability at this time in the project are not issues, and the cost would be worthwhile. He pointed out there will be winning and losing options, and use of external expertise would provide a position of neutrality.

Mr. Lambers clarified to Councilmember Sipple the Governing Body would meet with the consultant and the Governing Body would work to determine what the consultant should bring back as part of a concept plan. To accomplish this might require one or more Governing Body Work Sessions, based on challenges encountered in making a decision on the existing Fire Station. As part of the City's planning process there would be Interact Meetings, residents would receive notifications and have opportunities to comment at Planning Commission and Governing Body meetings. The more detailed the plan, the better the residents can have an informed opinion.

Councilmember Osman asked for a current status of plans for the new Fire Station. Mr. Lambers stated plans are finalized and ready to go, but the City cannot move forward until July 2019 when the cell tower lease expires and also the former City Hall is moved.

Councilmember Osman inquired if the architect for the new Fire Station could be hired for site planning of the 2-acre park. Mr. Lambers expressed his belief the architect for the new Fire Station would not possess the relevant expertise, but would be welcome to bid the project. Councilmember Osman questioned if having two architects planning the small site would present a challenge. Mr. Lambers stated the property will be bisected, so minimal overlap would be expected.

Mayor Dunn asked when the planning process timeline for the new Fire Station would begin. Mr. Lambers stated that with an assumption the former City Hall would remain at minimum and be somewhere on the site out of the way of construction, the planning process can start immediately.

Mayor Dunn stated based on comments made tonight, she hears the desire for the former City Hall to remain on site. Her preference would be to place the building on a foundation or crawl space from the beginning, rather than storing on a flatbed truck.

Mr. Lambers requested a motion be made to retain the former City Hall on the site for closure of the topic.

A motion for the former City Hall to remain at 9615 Lee Boulevard, located somewhere on the tract, was made by Councilmember Filla; seconded by Councilmember Azeltine.

Councilmember Harrison acknowledged receipt of resident concerns that the City has slighted north Leawood in regard to parks and numerous mentions that residents have not been offered the opportunity to provide input. She pointed out parks in the City are on property usually donated by developers and larger lots are typically found in north Leawood. There has not been an outright attempt to not have parks in north Leawood. The Governing Body has a regular meeting schedule [first and third Monday of month] with published agendas. The Governing Body, Parks & Recreation Advisory Board and Planning Commissions welcome input. She encouraged the public to visit the City's website to view meeting agendas, and to contact Councilmembers or attend meetings to provide comments/wishes.

The motion was approved with a unanimous vote of 8-0.

Mr. Lambers confirmed to Mayor Dunn the Governing Body Work Session scheduled on December 3, 2018, for continued discussion would not be needed on this topic. He stated the next steps would be an RFQ [Request for Qualifications] for park consultants and to commence the City's planning process for the new Fire Station.

Councilmember Cain inquired if a motion would be needed to declare directions and to have options for the RFP/RFQ. Mr. Lambers stated a separate motion would not be necessary. He would ensure the RFQ explicitly states there would be multiple options under consideration, along with costs needed for each. Mayor Dunn pointed out the City had paid DeGasperi $12,000 to $14,000 in regard to options/cost for retaining the existing Fire Station. She stated it is imperative to have alternate costs for the park plans; having glass doors was not previously estimated.
Mr. Lambers confirmed to Councilmember Harrison the new Fire Station is designed for three bays, one of which is planned to house the antique fire truck.

Mayor Dunn thanked all participants for their attendance and interest in this important project. She stated there would be multiple future opportunities for additional public comment in this deliberate process.

Mayor Dunn reminded the Holiday Lighting ceremony at City Hall would be Monday, November 19, 2018. She wished everyone a Happy Thanksgiving.

There being no further business, the meeting was adjourned at 8:18 P.M.

_____
Debra Harper, CMC, City Clerk

_____
Cindy Jacobus, Assistant City Clerk

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7.C.

Regular Meeting

THE LEAWOOD CITY COUNCIL

November 19, 2018

Minutes

DVD No. 429

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, November 19, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Chris Claxton, Parks & Recreation Director
David Ley, Public Works Director
Mark Tepesch, Info. Services Specialist III
April Bishop, Cultural Arts Coordinator
Nic Sanders, Human Resources Director
Richard Coleman, Comm. Dev. Director
Debra Harper, City Clerk
Patty Bennett, City Attorney
Chief Dave Williams, Fire Department
Ross Kurz, Info. Services Director
Chief Troy Rettig, Police Department
Dawn Long, Finance Director
Mark Klein, Planning Official
Cindy Jacobus, Assistant City Clerk

Others Present: None

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.

3. CITIZEN COMMENTS – None

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.

4. PROCLAMATIONS – None

5. PRESENTATIONS/RECOGNITIONS **Presentation of National Historic Trails in Greater Kansas City, by Marlene Nagel, MARC Comm. Development Director**

Ms. Marlene Nagel shared background and details of the project as presented in the Executive Summary, Conceptual Strategy Plan, dated October 2018. The plan was prepared by working with 10 cities in the Kansas City area for development of retracement of historic trails.

National Historic Trails [NHTs] are designated by the U.S. Congress, who works with the National Parks Service. There are currently 19 NHTs in the United States, four of which cross greater Kansas City. The Conceptual Strategy Plan addresses three of the four NHTs in the area. These NHTs are the Santa Fe, Oregon and California. These NHTs have jumping off points at Missouri River landings in Sugar Creek and Kansas City, Missouri, and passing through numerous metro cities including Leawood, as shown on the Project Area Map provided in the plan.

The project started in 2016 by work between the National Parks Service, local governments and area historic trails association. MARC [Mid-America Regional Council] began working with the National Parks Service based in Santa Fe, New Mexico, to align trails throughout cities that would have interpretive elements, features and identification signage to connect residents to their historic significance. The National Parks Service felt Kansas City area was unique because of the high number of opportunities to experience NHTs in the National Trails System. NHTs should be distinct and recognizable from purely recreational trails.

Ms. Nagel presented two options for consideration by the City. The first option would be a trail west on 123rd Street to Mission Road, then west along Tomahawk Creek Greenway to Nall Avenue. Possible features on this trail would be Tomahawk Greenway, Tomahawk Park and I-Lan Park. The second option would be a trail west on 123rd to Mission Road, then south on Mission Road to 133rd Street. Possible features on this trail would be Mission Trail Elementary School and Gezer Park. MARC's next step is adoption of the NHT plan as part of the regional greenway plan, "MetroGreen." Local cities are asked to consider adoption of the plan or include recommendations as part of a city's comprehensive or land use plans.

Mayor Dunn asked if Mr. Henry Fortunato had been involved in the plan before his passing. Ms. Nagel stated Mr. Fortunato had worked on MetroGreen, but he had not been involved in the NHT plan.

Councilmember Filla asked Ms. Nagel for clarification of the City's next steps. Ms. Nagel stated Leawood is free to select the option desired, and MARC would be pleased to work with City Staff to determine best route, appropriate signage and interpretive features.

Councilmember Filla stated she would like equal consideration of both options by the City. Mr. Lambers concurred stating it would be an opportunity to take advantage of growing interest. He sharing details of dining in stone house museum restaurant serving food of the 1850s/1860s situated along a historic trail. The restaurant served buffalo and elk, along with a history lesson. He stated the Parks & Recreation Advisory Board would be sufficient to handle, creating a sub-Task Force if they deem necessary.

Mr. Lambers confirmed the City's adoption could be part of a future review and update of the City's Comprehensive Plan, likely in a separate section within that plan. Mayor Dunn pointed out the Planning Department has the necessary documentation and Community Development Director Mr. Coleman could work with the Parks & Recreation Department as appropriate. No motion or referral would be needed.

Mayor Dunn stated MARC does many great things for the area, and she expressed appreciation to Ms. Nagel for the presentation.

6. SPECIAL BUSINESS

Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the 143rd Street Improvement Project between Windsor Lane and Kenneth Road [Project # 80129] **[ROLL CALL VOTE]** – ***CONTINUED TO THE DECEMBER 3, 2018 GOVERNING BODY MEETING***

7. 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. 2018-44 and 2018-45
B. Accept minutes of the November 5, 2018 Governing Body meeting
C. Accept minutes of the October 9, 2018 Park and Recreation Advisory Board
D. Approve renewal of Cereal Malt Beverage License for Cosentino Price Chopper, located at 3700 W. 95th Street
E. Approve renewal of Cereal Malt Beverage License for Walgreens Co., located at 4701 Town Center Drive
F. Approve renewal of Cereal Malt Beverage License for Walgreens Co., located at 5230 W. 151st Street
G. Approve renewal of Cereal Malt Beverage License for Breakout KC, located at 11535 Ash
H. Approve renewal of Cereal Malt Beverage License for Mr. Gyros Greek Food & Pastries, located at 11707 Roe Avenue, Suite # C
I. Approve Cereal Malt Beverage License for Trader Joe's, located at 4201 W. 119th Street
J. Approve 6th and Final Pay Request in the amount of $2,856.00 to GBA Builders LLC, pertaining to the College Boulevard Retaining Wall, between Brookwood and Indian Creek Bridge, [Project # 80602]
K. Approve Change Order No. 4, in the amount of $33,273.74, to Kissick Construction, pertaining to the installation of Walking Woman art piece, located on the east side of Tomahawk Creek Parkway, near the entrance to the soccer fields [southeast of the Justice Center]
L. **Resolution No. 5083**, approving and authorizing the Mayor to execute a Corporate Purchase Agreement for an amount not to exceed $18,000.00, between the City and Garmin USA, Inc., for the purchase of Garmin fitness devices
M. **Resolution No. 5084**, approving and authorizing the Mayor to execute an Auction Engagement Agreement and Addendum between the City and Purple Wave, Inc., pertaining to the auction sale of surplus property

N. **Resolution No. 5085**, accepting a Permanent Storm Sewer Easement from Grantor Helen M. Wendlandt, Trustee, for property located at 3517 W. 92nd Street, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]

O. **Resolution No. 5086**, accepting a Permanent Storm Sewer Easement from Grantor Amy Jo Paddack, for property located at 3523 W. 92nd Street, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]

P. **Resolution No. 5087**, accepting a Permanent Storm Sewer Easement from Grantors Timothy S. Kellerman and Nancy J. Kellerman, for property located at 3404 W. 92nd Terrace, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]

Q. **Resolution No. 5088**, accepting a Permanent Storm Sewer Easement from Grantors Jeffrey Mark Danda and Krittika Chochai, for property located at 9218 Wenonga, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]

R. **Resolution No. 5089**, accepting a Permanent Storm Sewer Easement from Grantor Garner Family Irrevocable Trust, for property located at 3524 W. 92nd Terrace, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]

S. **Resolution No. 5090**, accepting a Permanent Storm Sewer Easement from Grantors Mason E. Goodmon and Andrea L. Goodmon, for property located at 9225 Pawnee Lane, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]

T. **Resolution No. 5091**, accepting a Permanent Storm Sewer Easement from Grantors Richard B. Cray, III, and Ashley S. Cray, for property located at 3408 W. 92nd Terrace, pertaining to the 2017 Residential Street Reconstruction Project [Project # 80217]

U. **Resolution No. 5092**, accepting a Permanent Utility Easement from Grantor Leabrooke Townhomes LLC, for property located at 14521 Meadow Lane, Leabrooke Town Manor Villas Subdivision, Lots 19 & 20, Tract B

V. **Resolution No. 5093**, approving a Final Plan for Nall Valley Shops – Burg & Barrel Patio, located north of 151st Street and east of Nall Avenue. (PC Case 118-18) *[from the October 23, 2018 Planning Commission meeting]*

W. Police Department Monthly Report

X. Fire Department Monthly Report

Y. Municipal Court Monthly Report

Councilmember Sipple requested Consent Agenda Item 7.A. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Osman; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

7.A. Accept Appropriation Ordinance Nos. 2018-44 and 2018-45

Councilmember Sipple stated recusal from voting because his wife's name is listed as a payee. She is provides contract services to the Parks & Recreation Department.

A motion to approve Consent Agenda Item 7.A. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 7-0; with recusal by Councilmember Sipple for reason stated.

8. MAYOR'S REPORT

A. My thanks to Tony Nichols, Special Events Supervisor in our Parks & Recreation Department, and Director Chris Claxton along with her team for organizing the 21st Annual Holiday Lighting Ceremony just prior to this meeting. Nearly all Councilmembers and Department Heads, and the City Administrator were in attendance to hear songs of the season sung by choirs from Prairie Star Elementary, Nativity Parish Children's Choir and the Leawood Stage Company, with Councilmember Azeltine performing with his daughter. It was a very festive celebration.

B. Attended a Veteran's Day Assembly hosted by Leawood Middle School along with Deputy Police Chief Kevin Cauley and Captains Dale Finger and Brad Robbins. The colors were presented by our City of Leawood Color Guard, and the key-note speaker was Leawood resident and Parks & Recreation Advisory Board member Gary Swanson, who has quite a history of involvement with Veterans. He did an excellent job.

C. Congratulations to Police Corporal Eric Butler and Officer Phil Goff on the culmination of one of the largest classes of our Citizen Policy Academy. There were 30 graduates, and another class is planned for Spring 2019. All had rave reviews about their experience. Thanks to Chief Troy Rettig for promoting the academy.

D. My thanks to Human Resources Director Nic Sanders for organizing a great kick-off for the 2018 United Way Campaign for the City of Leawood employees. Councilmembers James Azeltine and Chuck Sipple joined me as well as a United Way representative and a CASA of Wyandotte & Johnson County presenter. The campaign will go through November 30, 2018 and participation is all on-line.

E. Attended the Johnson & Wyandotte Counties Council of Mayors meeting hosted by Lenexa Mayor Mike Boehm. Guests were the legislators and newly-elected delegation members for all Johnson and Wyandotte counties to discuss issues viewed as priorities for municipalities in the upcoming legislative session. The issues included local control; elections remain "non-partisan"; tax lid; guns at City Hall and Courts; school funding and the Supreme Court; and regional transportation – Tworks.

F. Congratulations to all victorious candidates in the recent County, State and Federal elections. We owe our appreciation to those public servants who will not be returning to their seats, but who have represented us well for many years.

G. Great features on our Leawood Police and Fire Departments, and Rotary Club in the November issue of *Leawood Lifestyle* magazine. Please don't miss it!

H. Happy Thanksgiving to one and all!

9. COUNCILMEMBERS' REPORT

A. **Councilmember Osman** – Referral to Public Works Committee; Request for Traffic Calming Device on 97th Street between Lee Boulevard and State Line

Councilmember Osman stated a request to review street traffic had been received and the request had met all criteria to move to the next stage, which is referral to the Public Works Committee for review. Mr. Ley confirmed the topic could be addressed at the Public Works Committee meeting scheduled to start at 7:30 A.M. on Wednesday, December 5, 2018. He would ensure interested parties are notified of the meeting.

A motion to approve Agenda Item 9.A. was made by Councilmember Osman; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

B. **Councilmember Azeltine** – Referral to Stormwater Management Committee; Request for Selection of Consultant for Stormwater Management Project known as Waterford Subdivision Stormwater Improvements TM-04-007 [SMAC Project] [Project #77017]

Councilmember Azeltine stated the referral is for selection of a consultant to complete the design of the Waterford Storm Sewer project. It is planned for the Stormwater Management Committee to review ratings, rank and propose a list a consultants to receive a Request for Qualifications [RFQ] at their meeting scheduled to start at 7:30 A.M. on Wednesday, November 28, 2018. The committee meeting at the end of January 2019 would be used to review responses and select the consultant firm.

A motion to approve Agenda Item 9.B. was made by Councilmember Azeltine; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.

C. **Councilmember Cain** – Update on Leawood Banner Project

Councilmember Cain shared a graphic presenting the three remaining designs in a total of five pole banners created by Zach Newton, an artist with Hallmark. She stated the colors of the banners on the electronic display and in the paper meeting documentation packet were not a true depiction; actual banner colors are more muted. All 150 mounting brackets in the City would be replaced. She thanked Councilmembers for comments received to-date on the banner designs and she welcomed their comments on the designs and for bracket locations. Comments should be sent to her by e-mail or telephone. She stated a modification suggested by Mayor Dunn had been quickly made by Mr. Newton.

Councilmember Filla suggested there could be interest in a future additional banner for historic districts. Mayor Dunn noted signage is already present in historic areas.

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the October 23, 2018 Planning Commission meeting]

A. **Ordinance No. 2911**, approving a Preliminary Plan, Final Plan, and Final Plat for Town Center Plaza – Lot 4 Redevelopment, located north of 119th Street and east of Nall Avenue. (PC Case 114-18) [ROLL CALL VOTE]

Mr. David Olson, 3501 West 147th Street, stated he represented the current property owner, OTB Town Center, LLC, and Shake Shack, and he provided background and details of the project. Several months ago, the OTB Operators contacted the ownership group, indicating they wanted to terminate operation. At that time, the ownership group looked for redevelopment opportunities. The proposal includes complete site and building demolition and ground-up build of two new facilities. One portion of the plan includes construction of a multi-tenant retail building. Exterior building materials would be very complimentary to surrounding structures. The ownership group is proud to bring the second Shake Shack of Kansas City to Town Center, the first in Kansas, as well as excited to bring two nationally-known tenants to the multi-tenant building. The entrance for Shake Shack would be positioned closest to Town Center for prominence. The team has worked with City Staff, reviewed their recommendations and are in complete agreement.

Mr. Olson confirmed to Councilmember Cain the two nationally-known tenants already have a presence in Kansas.

Councilmember Cain asked for explanation of pedestrian access going from the Arhaus, to the Bristol and then to the proposed buildings. She noted the placement of the buildings was closer to 119th Street, in alignment with Arhaus. Mr. Olson stated pedestrian connection would be provided from 119th Street to Town Center back to Rosewood Street, connecting to the east entrance on 119th Street and extending over to Arhaus.

Councilmember Cain stated appreciation for willingness to provide long-desired pedestrian access for walkability; Mayor Dunn agreed.

Mayor Dunn stated she has not eaten at Shake Shack on the Country Club Plaza, but their on-line menu appears delicious and should be popular.

A motion to pass Agenda Item 12.A. was made by Councilmember Rawlings; seconded by Councilmember Osman. The ordinance was passed with a unanimous roll call vote of 8-0.

B. **Ordinance No. 2912**, approving a Preliminary Plan and Preliminary Plat for Three Hallbrook Place – Office Building – located south of College Boulevard and west of State Line Road. (PC Case 116-18) [ROLL CALL VOTE]

Mr. David Rezac, Van Trust Real Estate, 4900 Main, Suite 400, Kansas City, Missouri, provided brief details of the proposed development, to be located south of College Boulevard, north of Hallbrook property, east of Overbrook and west of State Line Road.

Van Trust has partnered with Hallbrook Office Center, Burns & McDonnell-Architect, Phelps Engineering-Civil, and BBN Architects-Landscaping Design for this exciting development of an 8.46 acre parcel, east of Overbrook and north of Hallbrook property. The site contains a small 0.83 acre retention basin in the southwest corner. A four-story, 119,853 sq. ft. building having clean lines and perfect proportions to compliment the One Hallbrook and Two Hallbrook buildings is proposed, situated on the high side of the property at a primary intersection corner. There would be 469 space surface parking stalls. Landscaping would be per the Leawood Development Ordinance to fit seamlessly into the Hallbrook development. Entry would be all along the west side of the building, proceeding to the northwest corner. The entrance plaza would contain 3,600 sq. ft., be landscaped, and have pedestrian seating areas, specialty lighting and paving. Mr. Rezac pointed out the entrance plaza area on an aerial view of the project. Project schedule is to have permitting complete by mid-Summer 2019 and construction complete by Fall 2020. No tenants have been identified for the buildings. The team is agreeable to all stipulations.

Mayor Dunn questioned the square footage of the Ascend Learning building, as a comparison to the size of the proposed building. Mr. Rezac stated he was not aware of the size of the Ascend building, but Hallbrook Two building is similar-sized and is about 110,000 sq. ft.

Councilmember Cain pointed out and stated agreement with Planning Commissioner David Coleman's comment in the Planning Commission minutes that the One Hallbrook building is a "crown jewel" in Leawood.

A motion to pass Agenda Item 12.B. was made by Councilmember Cain; seconded by Councilmember Larson. The ordinance was passed with a unanimous roll call vote of 8-0.

C. **Ordinance No. 2913**, amending Section 16-2-5.3 of the Leawood Development Ordinance entitled "R-1 (Planned Single Family Low Density Residential District) (15,000 Sq. Feet Per Dwelling)" and repealing existing Section 16-2-5.3 and other sections in conflict herewith. (PC Case 113-18) [ROLL CALL VOTE]

Mr. Klein stated existing R-1 district buildings having a 15 ft. side yard setback can have house additions built that do not encroach into the setback without exception or variance. The Leawood Development Ordinance [LDO] has another requirement for buildings with side yard setbacks less than 15 ft. to 10 ft. regarding house additions. The setback for addition to such buildings must match. For example, for an existing building with a side yard setback of 12 ft., the addition must have a 12 ft. setback and also be continuous with the building. The proposed amendment would remove the continuous requirement, but would not allow additional encroachment. Even an addition with a larger setback would need a variance. Another issue in the current ordinance is that if an existing building is closer than 10 ft., an addition cannot be sought without going before the Board of Zoning Appeals [BZA] for a variance. The proposed amendment would provide for less burden by exception as opposed to full variance, but maintain maximum setback. No setback would be less than 10 ft.

Mayor Dunn stated the BZA had struggled with this in the past and she praised the proactive proposed LDO amendment.

Councilmember Azeltine asked for the difference between an exception and variance. Mr. Klein stated a variance has five factors that must be met, two of which are difficult to meet. These two factors are the property lot must be of a unique shape than in the City and the hardship cannot be caused by the application. Under the proposed amendment this would be an exception, granted as long as the application was not negative to neighbors. An exception is not as high a standard as a variance.

A motion to pass Agenda Item 12.C. was made by Councilmember Filla; seconded by Councilmember Osman. The ordinance was passed with a unanimous roll call vote of 8-0.

13. OLD BUSINESS – None

14. OTHER BUSINESS – None

15. NEW BUSINESS

Ordinance No. 2914, appropriating the amounts set up in each fund in the budget for fiscal year 2019, providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts [ROLL CALL VOTE]

Mayor Dunn pointed out the proposed ordinance was similar to those presented for many years.

A motion to pass Agenda Item 15. was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The ordinance was passed with a unanimous roll call vote of 8-0.

Mayor Dunn wished everyone a very Happy Thanksgiving.

ADJOURN

There being no further business, the meeting was adjourned at 8:12 P.M.

_____

Debra Harper, CMC, City Clerk

_____

Cindy Jacobus, Assistant City Clerk

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7.D.

LEAWOOD HISTORIC COMMISSION MEETING
September 11, 2018

Minutes

The Leawood Historic Commission met in the Planning and Development Conference Room at 4:30 PM., on Tuesday, September 11, 2018. Chair Bruce Martin presided.

Commissioners Present:
Alice Hawk
Charles Lusk
Janet O'Neal
Dan Throckmorton
Mike Reed

Absent:
Councilmember Lisa Harrison
Barbara Holzmark

Others Present:
Councilmember Debra Filla
April Bishop, Cultural Arts Coordinator
Deb Harper, Staff Liaison

1. **Call to Order**: Chair Martin called the meeting to order at 4:30 P.M.

2. **Approve June 12, 2018 Minutes**
A motion was made by Alice Hawk, seconded by Charles Lusk, to accept the minutes. The motion was approved following a unanimous vote.

3. **Opening Comments**
Chair Martin stated the pursuit of recognition as a Certified Local Government has been abandoned, as the certification requirements of the State Historical Society is deemed to be in conflict with the City of Leawood position regarding Honorary Historical Districts.

4. **Old Business**
Please refer to the attached Scope of Work as a basis for discussion and resolution regarding the August 6th Governing Body Work Session. See also notes from that meeting for further reference.

Prior to the meeting, Chair Martin distributed the HC's recommendations and scope of the Old City Hall Building Preservation.

April advised when it was originally drafted, it was a recommendation, with no hard demands. At that time, the Commission desired the old city hall building be moved on the site. There are some things the Commission would like, but there are not too many caveats at this point.

Deb advised there is another Governing Body Work Session scheduled on October 15, 2018, to further discuss the disposition of the old Fire Station. The Governing Body will need to make that decision before other decisions are made. At the May 7, 2018 Public Hearing held by the Governing Body to hear residents' comments on Park Improvements at 96 & Lee Boulevard, the residents stated they wanted a passive park, with lots of green space.

Chair Martin stated at the August 6th Work Session, Fire Chief Williams advised there will be a meeting room made available in the new Fire Station.

Alice said she was in favor of the old fire station being removed. Charles sees no reason to keep the old fire station and concurred with Alice.

A motion was made by Alice Hawk, seconded by Charles Lusk, to submit to the Governing Body the discussion recommendations based upon recommended scope of considerations. The motion was approved following a unanimous vote.

Dan suggested the HC review the design considerations. Following discussion, it was determined this was too premature.

Councilmember Filla arrived at 4:45 PM.

5. New Business

Chair Martin said McCarthy Building Companies has expressed an interest in the restoration of the old City Hall building and has requested a tour of the building. This will be scheduled in the next few weeks.

6. Upcoming Events

Chair Martin reminded of the upcoming Johnson County Parks & Recreation Department sponsored 'Park Palooza,' on Sunday, September 16th and the holiday gathering event at Alice and Mel's home on December 4th.

Alice inquired about the annual 'Turn On Your Porch Lights' proclamation. Following discussion, a motion was made by Alice, seconded by Janet requesting this proclamation be placed on the November 5th Governing Body agenda. The motion was approved following a unanimous vote. April advised she will have some flyers distributed.

April distributed information on the following upcoming events:

Dog Gone It, at the Leawood Dog Park on Friday, September 14th .
Mame, the classic Broadway Musical, on November 1-4th at The Lodge at Ironwoods Park, 14701 Mission Road
Into the Night Fall Festival, Friday October 12th at Ironwoods Park

7. Next HC Meeting

The next upcoming meetings will be held on Tuesday, November 13, 2018 and January 15, 2019.

8. Adjourn

There being no further business, a motion was made by Alice, seconded by Charles to adjourn the meeting. The motion was approved following a unanimous vote.

/s/ Deb Harper
Deb Harper, City Clerk/Staff Liaison

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7.E.

MINUTES
Leawood Arts Council
August 28, 2018
Leawood City Hall

Present: Mary Tearney, Anne Blessing, Stephanie Hamil, David Hazen, Kim Hinkle, Carl McCaffree, and Michael Shirley. April Bishop, staff liaison as well as Julie Cain City Council liaisons.

Mary called the meeting to order at 5:30 pm.

Anne moved that the Minutes of the June 26th meeting be approved. Kim seconded the motion. All approved.

APPI
Michael Stutz – Walking Female
Michael is working on the piece and plans on installing in November.

***Point Defiance*, Art on Loan by Beth Nybeck**
On June 26th LAC recommend to City Council the purchase of *Point Defiance*, keeping it in place in its current location until the next Art-on-Loan piece is found. City Council agreed to purchase and the contract will be at the October 1st meeting of the Governing Body.

Banner Selection Panel
Anne reported that the panel selected Zach Newton, an artist that works for Hallmark to design a series of 5 banners. Anne showed the proposed artwork for 2 of the banners. City Council approved the contract with Newton on August 6th and the panel will meet in October with the artist to discuss any final revisions. The banners will be hung in early spring with an artist reception celebration.

Rita Blitt Sculpture
APPI met prior to the meeting to discuss the donation of the sculpture by Rita Blitt. This piece titled *Inspiration*, significant in both size and importance, was created in 1987. It stands at least 25 feet tall, and has won multiple international awards. If donated, the piece will need to be restored and resurfaced then installed at a cost to APPI.

APPI felt that a decision couldn't be made until the installation site was determined.

Dancers
We are still waiting on dedication date based on the next time that Ewerdt will be in the US.

CULTURAL ARTS REPORT
Up-coming Events

- **Sundays in the Park Concert Series** – One more concert!
  Sept. 2 - Hard @ Play
- **Doggie Dunk** – September 4 - 5:00 – 7:00 pm City Park Aquatic Center
- ***Bark! the Musical*** -
  September 7 - 7:30 pm the Lodge Humans only
  September 8 – 11:30 am the Amphitheater along with Bark in the Park Event 9:00 am-2:00 pm throughout Ironwoods Park bring your dog
  September 9 – 5:00 pm Amphitheater bring your dog

- ***Mame*** – Nov. 1, 2, 3 - 7:30 pm inside the Lodge
  Nov. 4 - 2:00 - pm
  Benefitting CASA
- **Into the Night Fall Festival** – October 12th 5:30 – 8:30 family fun throughout Ironwoods Park. Volunteers needed.
- **Holiday Lighting** - November 19 – 6:00 pm in front of City Hall

Next Meeting - October 23, 2018 - 5:30 pm, P& D Conference Room
A special meeting will be called if necessary.

The meeting adjourned at 6:20.

Submitted by: April Bishop, Cultural Arts Coordinator

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City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax

7.F.

MEMORANDUM

TO : CITY COUNCILMEMBERS
SCOTT LAMBERS, CITY ADMINISTRATOR

FROM: MAYOR PEGGY DUNN

RE : APPOINTMENT OF PRESIDING OFFICERS

DATE : DECEMBER 3, 2018

In accordance with Code 1-209, I hereby appoint the following Presiding Officers whom shall preside at Council meetings for each 3-month period for the 2019 calendar year.

Councilmember James Azeltine	**January 2019**	**-**	**March 2019**
Councilmember Lisa Harrison	**April 2019**	**-**	**June 2019**
Councilmember Andrew Osman	**July 2019**	**-**	**September 2019**
Councilmember Mary Larson	**October 2019**	**-**	**December 2019**

cc: Emergency Management Team [EOC]
Deb Harper, CMC, City Clerk

K:\Clerks\Mayor\17PRESOFF-2019.docx

Return to Agenda

City of Leawood

7.G.

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax

DATE: **December 3, 2018**

TO: **Leawood City Council Members**

FROM: **Mayor Peggy Dunn**

RE.: **Sustainability Advisory Board Appointment**

Council Member Andrew Osman is nominating the following individual for a two-year term on the Sustainability Advisory Board:

T. Truss Tyson
9315 Pawnee Lane
Leawood, KS 66206

Please find attached resume for your review.

I am proposing his approval and would appreciate you phoning me in advance of the meeting with any questions, etc.

Thank you very much.

Truss Tyson

EDUCATION

University of Oklahoma
B.B.A. - Major: Finance

Rockhurst University
MBA - Emphasis: Finance

LEADERSHIP

- Reach Out and Read Kansas City (Non-Profit): Board Member and Finance Council Chair
- Leadership Overland Park Graduate: Overland Park Chamber of Commerce
- Leawood Citizens Police Academy Graduate, Leawood City Police Department
- Former Prairie Village City Art Council Member - Appointed by the Mayor
- Cornell University: Managing for Execution Graduate
- KeyBank: Emerging Leader Program Graduate - 1st Class
- Co-Chair and Treasurer: Community Outreach Committee (Non-Profit), KeyBank
- Committee Chair for Alternative Work Schedules, KeyBank
- Company Coordinator for Corporate Challenge Kansas City, KeyBank

EXPERIENCE

KeyBank

Vice President: Financial Reporting **2015-Present**

- Create and Manage Company Profitability by Product Financials - Vertically align all Deposits, Investors, Loans, FTEs, Revenue and Expenses into corresponding LOB Cost Centers
- Reformulate and Manage valuations for CMBS and Agency Request for Proposals – Discounted Cash Flow Analysis, Modeling and Forecasting
- Create and Manage Executive Reporting for the Commercial Mortgage Servicing portfolio valued at over $230 billion inclusive of CMBS, Freddie Mac, Bank and Life Company Loans
- Establish quarterly OCC, Regulatory and SEC reporting

Vice President: Private Equity and LIHTC Investor Accounting **2012-2015**

- Vice President and Treasurer on the Board of Directors, Nine Key Corporations - GAAP and Tax
- Credit Committee Member – Manage: Budgeting, Cash Flow Analysis and Forecasting
- Calculate leverage balances with Repurchase Lenders, a subscription facility and a line of credit in-order to maximizes returns for investors

Investor Reporting Manager **2008-2012**

- Complete monthly review of CMBS/3rd Party/Agency remittance reports and wires
- Apply calculations for Appraisal Subordination Entitlement Reduction in the Servicing System
- Review balancing and activity on P&I and Escrow accounts

Financial Surveillance Manager **2007-2008**

- Recruit, hire and develop a talented and diverse workforce focused on meeting client needs
- Research and analyze properties located in FEMA declared disaster locations

Financial Surveillance Analyst **2006-2007**

- Spread and analyze financial statements – income statements, budgets and rent rolls
- Perform onsite local property inspections

State Street

Fund Accountant 3 **2005-2006**

- Analyze and account for registered funds, including asset and cash reconciliations

Return to Agenda

Staff Review

Fact Sheet

7.H.

SUBJECT: **REQUEST TO APPROVE CHANGE ORDER NO. 1**
PUBLIC WORKS MAINTENANCE FACILITY EXPANSION PROJECT
December 3, 2018

DISCUSSION

City Council approved an Design/Build Agreement with Bruner Contracting for the construction of two bays on the Public Works Maintenance Facility on May 7, 2018, in the amount of $883,264.00.

Public Works Department is asking for Change Order No. 1 to perform removal and replacement of tube heaters in the existing Public Works Shop Bays and in the Car Wash Bay. The tube heater replacements are in the 2018 Annual Budget at a total estimated cost of $80,000.00. The cost for Change Order No. 1 is $43,400.00 and will revise the contract to $926,664.00.

It is the recommendation of the Public Works Department the City Council approve the Change Order No. 1 to Bruner Contracting in the amount of $43,400.00 and authorize the Mayor to sign.

David Ley, P.E.
Director of Public Works

COUNCIL ACTION TO BE TAKEN

Approve Change Order No. 1

STAFF RECOMMENDATION

- ☑ For
- ☐ Against
- ☐ No position

COMMITTEE RECOMMENDATION

- ☐ For
- ☐ Against
- ☐ No position
- ☑ No Assignment

POLICY OR PROGRAM CHANGE

- ☑ No
- ☐ Yes

OPERATIONAL IMPACT

COSTS

$43,400.00

FUND SOURCES

$36,914.00 PW Expansion- Project 74070
$ 6,486.00 Car Wash Project 11110.33800.723400
$43,400.00

CITY OF LEAWOOD

CONTRACT CHANGE ORDER

Project Name: Public Works Maintenance Building - 2 Bay Addition
Contractor: Bruner Contracting
Eden Contract No.: 18.013
City Project No.: 76050
Fund No.:
Change Order No.: 1

The following changes are hereby authorized in the subject agreement dated:

PW Maintenance Building Shop Heater Replacement

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Replace Tube Heaters in Existing PW Maintenance Bays	LS	1	$36,914.00	36,914.00
2	Replace Tube Heather in Existing Car Wash Bay	LS	1	$6,486.00	6,486.00

TOTAL: $43,400.00

Summary of Change in Contract Price due to this Change Order:

Contract price before this change order:	$883,264.00
Total Increase/Decrease of this change order:	$43,400.00
Contract price after this change order:	$926,664.00

CITY OF LEAWOOD

CONTRACT CHANGE ORDER

Summary of Change in Contract Time due to this Change Order:

Contract time before this change order:	December 31, 2018	~~calendar/working days~~
Total increase/decrease in time for this change order:	30	calendar/~~working days~~
Contract time after this change order:	January 30, 2019	~~calendar/working days~~

This document shall become an amendment to the Agreement and all provisions of the Agreement and Contract Documents shall apply hereto. It is the Contractor's responsibility to notify its surety of this change order but its failure to do so will not relieve the surety of its obligations to the City of Leawood.

Indicate below the attached items, which are to be made a part of this Change Order.

This Contract Change Order is effective after sufficient originals are signed by the Contractor, reviewed by the Project Manager (if applicable), accepted by the City Engineer, and approved by the City of Leawood Governing Body. Deliver one copy to the City Engineer, Contractor, and Project Manager, if applicable.

Submitted by the Contractor:

Bruner Contracting

Date: 11-20-18

Accepted by the City of Leawood:

City Engineer Brian Scovill

Date: 11/20/18

Reviewed by the Project Manager:

By: David Ley, P.E. Director of Public Works

Date: 11/20/18

Approved by the City of Leawood:

Mayor Peggy J Dunn

Date:

Return to Agenda

Meeting Date: December 3, 2018

City of Leawood 7.I.

Memo

To: **Mayor Dunn and Members of the City Council**

cc: **Scott Lambers**

From: **Patricia A. Bennett**

Date: **November 19, 2018**

Re: **Recommendation to approve quote from Travelers Insurance Company for 2019 property/liability insurance and additional coverages and extension to Broker agreement.**

Staff recommends that the City approve the 2019 insurance premium quote from Travelers for $363,205. This amount represents an increase of approximately 12.3% from the 2018 premium of $323,431.

Staff also recommends renewing the agreement with Arthur J. Gallagher for two one year periods with no increase in rate [$18,000.00 per year].

Please let me know if you have any questions.

Reference: [BUDGET LINE ITEMS 630510-630550]

DRAFT

RESOLUTION NO. _____

RESOLUTION APPROVING A PROPOSAL FROM TRAVELERS INSURANCE COMPANY FOR THE 2019 PROPERTY/LIABILITY INSURANCE AND ADDITIONAL COVERAGES AND AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE INSURANCE BROKER AGREEMENT BETWEEN ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. AND THE CITY OF LEAWOOD, KANSAS

WHEREAS, the City is in need of property and liability insurance policies;

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. ("AJG") provides insurance brokerage;

WHEREAS, Travelers Insurance Company has submitted a proposal for the 2019 Property/Liability Insurance and additional coverages;

WHEREAS, the City wishes to approve said proposal; and

WHEREAS, the City and AJG desire to execute an addendum to the Insurance Broker Agreement executed by the Parties on August 17, 2015.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body hereby approves Travelers Insurance Company's proposal for the 2019 Property/Liability Insurance and additional coverages, attached hereto as Exhibit "A," and incorporated herein by reference as if fully set out.

SECTION TWO: That the Governing Body hereby authorizes the Mayor to execute an addendum to the Insurance Broker Agreement, attached hereto as Exhibit "B," and incorporated herein by reference as if fully set out.

SECTION THREE: This resolution shall become effective upon passage.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

[SEAL]

_____
Peggy J. Dunn, Mayor

ATTEST:

_____

Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____

Patricia A. Bennett, City Attorney

ADDENDUM TO INSURANCE BROKER AGREEMENT BETWEEN ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. AND THE CITY OF LEAWOOD, KANSAS

WHEREAS, on the 17th day of August, 2015, the City of Leawood, Kansas ["City"] and Arther J. Gallagher Risk Management Services, Inc. ["Broker"] entered into a Broker Agreement pertaining to providing broker services for liability and property insurance matters [the "Agreement"];

WHEREAS, the Section X of the Agreement provides that it will terminate on December 31, 2018 but may be extended for up to two additional one year periods by Addendum executed by both parties; and

WHEREAS, the Parties wish to extend the Agreement by two additional one year periods.

NOW, THEREFORE,

1. The Parties Agree that that the term of the Agreement shall be extended for two additional one year periods to terminate no later than December 31, 2020.

2. All other provisions of the Agreement shall remain in full force and effect.

CITY OF LEAWOOD

By: _____
Peggy Dunn, Mayor

Date: _____

ATTEST:

_____
Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett
City Attorney

ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC.

By: _____
Printed: Eric Ginsburg
Title: Area President

Date: 10-15-2018

Return to Agenda

Finance Department 7.J.

Memo

To: Mayor Peggy Dunn and Councilmembers
Scott Lambers, City Administrator

From: Dawn Long, Finance Director

Date: December 3, 2018

Re: 2019 Alcohol Tax Fund Recommendation

The City has received the recommended distribution of the Alcohol Taxes by the Drug and Alcoholism Council of Johnson County (DAC). The City of Leawood has included $350,000 in the approved 2019 budget for this purpose in the Special Alcohol Fund, account 12010.11210.618100.

A representative from DAC should be present to answer any questions that you might have concerning the distribution or the process. The City has been participating in this program for several years.

It is requested that the Governing Body take the appropriate action to approve the attached allocation of funds.

DRAFT

RESOLUTION NO. _____

RESOLUTION APPROVING THE RECOMMENDED DISTRIBUTION OF ALCOHOL TAXES BY THE JOHNSON COUNTY DRUG AND ALCOHOLISM COUNCIL [DAC] FOR ALLOCATIONS OF THE 2019 ALCOHOL TAX FUND FOR AN AMOUNT NOT TO EXCEED $350,000.00

WHEREAS, the City desires to participate in and allocate funds in an amount not to exceed $350,000.00 for the DAC program.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: The City of Leawood, Kansas, a municipal corporation, does hereby approve the recommended distribution of alcohol taxes by the Johnson County Drug and Alcoholism Council for allocations of the 2019 alcohol tax fund for an amount not to exceed $350,000.00.

SECTION TWO: This resolution shall become effective upon passage.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

_____
Peggy J. Dunn, Mayor

[SEAL]

ATTEST:

_____
Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

United Community Services of Johnson County

Board Members
Justin Nichols, President
Patricia A. All, EdD
Kate Allen
Brian S. Brown
Jennifer Bruning
Tara S. Eberline
Hon. Steven M. Ellis
Cheryl Harrison-Lee
Michael Hockley
Rev. Lee Jost
Roxann Kerr Lindsey
Donna Lauffer
Leo J. Nunnink
Sandra Sanchez
Maury L. Thompson
Kevin Tubbesing
Rick Worrel
Rebecca Yocham

Council of Advisors
Gary Anderson
Mary Birch
Dick Bond
Pat Colloton
David Cook, PhD
Hon. Peggy Dunn
Hon. Ed Eilert
Jeffrey O. Ellis
SuEllen Fried
Ellen Hanson
Terrie Huntington
Audrey Langworthy
Jill Quigley
Tom Robinett
Clint Robinson
Carol Sader
Joseph Sopcich, PhD
Brad Stratton
Charlie Sunderland
Elaine Tatham, PhD
Stephen Tatum
David Warm
Hannes Zacharias

Executive Director
Julie K. Brewer

2019 ALCOHOL TAX FUND RECOMMENDATIONS REPORT
DRUG and ALCOHOLISM COUNCIL OF JOHNSON COUNTY

Participating jurisdictions: Johnson County, Gardner, Leawood, Lenexa, Merriam, Mission, Olathe, Overland Park, Prairie Village and Shawnee

The purpose of the grant review process conducted by the Drug and Alcoholism Council of Johnson County (DAC) is to direct local Alcohol Tax Funds (ATF) to alcohol and drug prevention, education, intervention, detoxification, treatment, and recovery programs that serve Johnson County residents. The entire community benefits when substance abuse is prevented and/or effectively treated. A continuum of services from education through treatment and recovery is vital to lowering drug and alcohol use and addiction, which in turn lowers healthcare costs, reduces crime and child abuse and neglect, and increases productivity in employment - thus lowering associated public costs.

Alcohol Tax Funds are derived from a state excise tax on liquor sold by the drink. Part of the revenue generated is returned to the jurisdiction (city or county) in which it was collected, with the stipulation that a specified portion be used for programs "whose principal purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers" (KSA *79-41a04*).

The DAC's grant review process provides a structured and accountable system that allows organizations, through one annual application, access to funds from multiple jurisdictions. The recommendations are guided by funding priorities which are reviewed and approved by the DAC annually. Every three to five years the priorities are developed through a formal planning and research process that includes input from key stakeholders, a review of current literature, and analysis of indicator data in Johnson County. In 2018, UCS conducted this formal planning process which resulted in establishing funding priorities for the 2019, 2020 and 2021 grant cycles. The Funding Priorities Report is enclosed and available on UCS' website. It includes a description of the methodology and a summary of the information collected and reviewed.

The Board of County Commissioners and city councils have ultimate authority and responsibility for determining which organizations receive funds from their respective jurisdictions based upon the recommendations in this report. **Jurisdictions are asked to accept the recommendations by December 21, 2018**. Together, Johnson County Government and nine cities committed $2,122,712 for 2019 ATF (*listed on page 14)*. Twenty-five applications plus UCS administration fee totaled $2,301,924 in funding requests. After reviewing applications, meeting with applicants and deliberating, the DAC developed funding recommendations. This report reflects those recommendations and is organized in two sections: Education, Prevention and Intervention; and, Treatment and Recovery.

For additional information on the process or programs, contact Marya Schott, UCS Director of Resource Allocation, 913-438-4764, maryas@ucsjoco.org.

2019 Alcohol Tax Fund Requests and Recommendations				
Applicant	**2017 Allocation**	**2018 Allocation**	**2019 Request**	**2019 Recommendation**
EDUCATION, PREVENTION and INTERVENTION				
Blue Valley USD 229	$57,770	$55,175	$49,100	$49,100
De Soto USD 232	$22,775	$21,584	$32,229	$32,229
Olathe USD 233	$43,000	$59,078	$58,358	$58,358
Shawnee Mission USD 512	$27,000	$27,000	$27,000	$27,000
Spring Hill USD 230	$23,060	$22,560	$18,060	$18,060
Artists Helping Homeless	$10,000	$25,000	$25,000	$25,000
Boys and Girls Club	$10,000	$15,000	$15,000	$15,000
Cornerstones of Care	$55,000	$60,000	$60,000	$60,000
First Call	$26,500	$30,000	$65,000	$65,000
Heartland RADAC	$152,128	$152,128	$159,734	$159,734
JoCo Court Services	$90,536	$141,377	$146,836	$141,377
JoCo Dept. of Corrections	$12,410	$12,300	$15,725	$12,300
JoCo Dept. of Corrections (Changing Lives Through Literature)			$9,500	$7,250
JoCo District Attorney (Changing Lives Through Literature)	$6,000	$7,250	No request	
JoCo MHC Prevention	$100,000	$100,000	$133,000	$120,000
SAFEHOME	$22,386	$25,570	$24,301	$24,301
The Family Conservancy	$37,000	$37,000	$40,000	$40,000
Subtotal	$695,565	$791,022	$878,843	$854,709
TREATMENT and RECOVERY				
Friends of Recovery	$50,000	$50,000	$60,000	$58,000
JoCo MHC Adolescent Center for Tx.	$253,510	$253,510	$253,510	$253,510
JoCo MHC Adult DeTox Unit	$268,581	$268,581	$333,000	$289,922
JoCo MHC Dual Diagnosis Adult Outpatient	$140,000	$165,000	$165,000	$165,000
KidsTLC	$45,657	$46,315	$46,571	$46,571
KVC Behavioral HealthCare	0	$70,000	$100,000	$35,000
Lorraine's House	No request	$16,644	$60,000	$25,000
Mirror Inc.	$176,000	$176,000	$176,000	$176,000
Preferred Family Healthcare	$102,000	$125,000	$130,000	$120,000
Subtotal	$1,035,748	$1,171,050	$1,324,081	$1,169,003
Total	**$1,731,313**	**$1,962,072**	**$2,202,924**	**$2,023,712**
UCS Administration Fee	$99,000	$99,000	$99,000	$99,000
Total allocation/request & UCS Adm.	$1,830,313	$2,061,072	$2,301,924	$2,122,712

2019 ALCOHOL TAX FUND GRANT RECOMMENDATIONS

Education, Prevention and Intervention

Alcohol Tax Funds (ATF) support numerous programs offered by public school districts and programs delivered by community-based organizations, the 10th Judicial District Court and departments of Johnson County government. In general school-based programs help to prevent and reduce substance abuse. Additionally, the programs lower risk factors associated with substance abuse, such as disruptive behavior and truancy. Community-based programs help lower the rates of substance abuse, which translate to lower mental and physical healthcare costs, and less expense for law enforcement and the criminal justice system. Funding recommendations are based upon a review of each proposal (see Appendix A for criteria) and take into consideration the type of programming, outcome achievement and accountability.

School District Programs

Each school district offers a unique mix of programs to its students and parents, and each district has a mix of funding to support these programs. As a result, the programs supported by ATF and the amount of ATF dollars recommended differ for each district.

Blue Valley School District

Request: $49,100 **Recommendation: $49,100**

The DAC recommends Blue Valley School District be awarded $49,100 to support funding for continuation of sobriety support groups led by therapists from outside the district; building drug and alcohol coordinators and district coordinators; and, *AlcoholEdu* (an on-line program implemented in all high schools and the Academy). The coordinators provide leadership and ensure fidelity on district initiatives such as AlcoholEdu, Project Alert, Reconnecting Youth, CAST, and sobriety support groups, as well as examining the district's Kansas Communities That Care survey results.

Results Projected: Students who participate in *AlcoholEdu* will take a pre- and post-assessment which will indicate an increase in student knowledge. Through the work of the drug and alcohol coordinators, student participation in the KS Communities That Care Survey will increase; survey results will show student improvement and contribute to building plans; and, families will be provided information about resources available outside of the school setting. The district will make Sobriety Support Groups available to all high school students and there will be an increase in on-going participation. During the 2018-19 school year, the district anticipates serving approximately 12,993 students through ATF supported programs.

De Soto School District

Request: $32,229 **Recommendation: $32,229**

The DAC recommends the De Soto School District be awarded $32,229 to support implementation of *Too Good for Drugs* (elementary school students), *AlcoholEdu* (high school), and high school prevention clubs. Additionally, ATF funding will support the district's coordinator for substance abuse programming, a district social worker (partial funding for work on student-related issues of substance abuse), staff development training related to substance abuse prevention and education,

student substance abuse evaluations, and a community town hall event that includes topics of substance abuse and other trends such as vaping.

Results Projected: All students will be exposed to prevention messages and parents will learn more about prevention and resources, both of which will help build protective factors within the family, and when applicable address substance use. Students who participate in *AlcoholEdu* will demonstrate increased knowledge regarding the harmful effects of substances. Students who participate in *Too Good for Drugs* will demonstrate increased knowledge about their ability to make good choices. Students who use social work services will demonstrate an improved ability to resist using substances and instead use other coping strategies/skills, thus deterring use of substances. During the 2018-19 school year, the district anticipates serving approximately 10,995 adults/parents and 7,330 youth/students through ATF supported programs.

Olathe School District
Request: $58,358 **Recommendation: $58,358**
The DAC recommends the Olathe School District be awarded $58,358 to support sobriety support groups (high school), student substance abuse assessments, parent education through *Guiding Good Choices* (provided in English and Spanish for parents of students who are identified by school), *AlcoholEdu* (all high schools), and *Life Skills* (delivered in an alternative education program for grades 8-12).

Results Projected: Students who participate in *AlcoholEdu* will take a pre- and post-assessment which will indicate an increase in student knowledge. As a result of *AlcoholEdu, Life Skills*, and other programs that are not funded by ATF, the district's KS Communities That Care survey results will show a decrease in the number of students who report binge drinking and cigarette use, and an increase in the age of first use of alcohol, tobacco and other substances. A parent survey will be administered to those who participate in *Guiding Good Choices*. Parents will report they are prepared to implement family meetings to review boundaries about alcohol and drug use and refusal skills. During the 2018-19 school year the district anticipates serving 2,766 students through ATF supported programs.

Shawnee Mission School District
Request: $27,000 **Recommendation: $27,000**
The DAC recommends the Shawnee Mission School District be awarded $27,000 to support implementation of *AlcoholEdu* (all high schools and Horizons).

Results Projected: Students who participate in *AlcoholEdu* will take a pre- and post-assessment which will indicate an increase in knowledge regarding the harmful effects of substances. During the 2018-19 school year the district anticipates serving approximately 1,566 students through this ATF supported program.

Spring Hill School District
Request: $18,060 **Recommendation: $18,060**
The DAC recommends the Spring Hill School District be awarded $18,060 to support three evidence-based programs: *Project Alert* (7th grade), *Al's Pals: Kids Making Health Choices* (kindergarten), and *Peer Assistance and Leadership* (high school). Funding also includes support of *Students Against*

Destructive Decisions (SADD – high school), and the district's Mental Health Social Worker who provides support to students in grades 6-12.

Results Projected: Children who complete *Al's Pals* will show improvement in their use of positive social behavior and skills, and no increase in antisocial and aggressive behavior. Six new staff members will be trained in *Project Alert*. Monthly surveys will track the impact of *Peer Assistance and Leadership* and SADD sponsors will collect student data on the impact of SADD programs. The Mental Health Social Worker will provide data to the Director of Special Services regarding each of the student participants and how meeting with the Social Worker impacted them. The Social Worker will continue to have a positive impact on students' lives. During the 2018-19 school year the district anticipates serving 2,600 students through ATF supported programs.

Note: Gardner Edgerton School District did not apply for 2019 ATF support.

Community-Based Programs

Artists Helping the Homeless

Request: $25,000 **Recommendation: $25,000**

The DAC recommends Artists Helping the Homeless (AHH) be awarded $25,000 for implementation of *Be The Change*, a program that helps people who are homeless access services to meet their needs and address underlying conditions of their homelessness. AHH provides transportation and sober living housing, and a continuum of support including coordination of care to homeless adults, most of whom have substance abuse issues. Since its inception in 2010, AHH has helped enroll over 1,000 adults in social detox and treatment programs. Referrals come from hospitals, law enforcement, mental health and aging service providers, agencies which provide substance abuse recovery services, and from other individuals who are homeless.

Results Projected: Artists Helping the Homeless will provide housing and other intervention and recovery services to individuals who are dealing with alcohol and substance use, and who are homeless and identify as Johnson County residents or are homeless in Johnson County. Clients will successfully complete the program and achieve reintegration which is indicated by reduced use of substances and criminal activity, and progress toward goals of education and employment. In 2019 Artists Helping the Homeless anticipates serving 250 Johnson County residents.

Boys and Girls Club

Request: $15,000 **Recommendation: $15,000**

The DAC recommends the Boys and Girls Club be awarded $15,000 for implementation of *SMART Moves (Skill Mastery and Resistance Training)* at the Boys and Girls Club in Olathe. *SMART Moves* teaches Olathe club members (ages 5-18) to recognize and resist media and peer pressure to engage in tobacco/alcohol/drug use, and other risky behavior. Olathe School District provides transportation to the Club from Central Elementary, Oregon Trail Middle School, Washington Elementary, and Olathe North High School.

Results Projected: The overall objective is to prevent or delay the onset of alcohol and drug use. Program participants will demonstrate an increase in knowledge of the dangers of alcohol and drug use, and the use of tools and strategies to resist peer pressure and media influence. Youth will self-

report abstinence from alcohol and drug use. The organization anticipates serving 340 Olathe youth during 2019.

Cornerstones of Care Request: $60,000 Recommendation: $60,000

The DAC recommends that Cornerstones of Care be awarded $60,000 for the implementation of Functional Family Therapy (FFT), an evidence-based in-home family intervention program which addresses a variety of problems facing at-risk youth and their families. ATF supports FFT for Johnson County youth who have an identified problem with substance abuse (identified by family or referral source such as the Juvenile Intake and Assessment Center, Court Services, District Court and the Johnson County Department of Corrections).

Results Projected: Following the completion of *Functional Family Therapy*, families will report improved family relationships (reduced levels of conflict and improved communication), and youth will demonstrate a decrease in delinquent behavior (not be adjudicated on a violation of the law or charges related to drugs and/or alcohol). During 2019 Cornerstones anticipates serving 70 Johnson County residents whose problems are related to substance abuse.

First Call Alcohol/Drug Prevention & Recovery

Request: $65,000 Recommendation: $65,000

The DAC recommends that First Call be awarded $65,000 to deliver Family Prevention Services in Johnson County. These services include the following:

1) *How to Cope* - This program supports adults (parents/family members) in identifying enabling and co-dependency behaviors, and assists families in abstinence and recovery of their children.
2) *Caring for Kids* - Children and youth in the *Caring for Kids* program attend psycho-educational groups which teach them about the effects of substance abuse disorder in the family and help them to develop healthy lifestyles.
3) Services within Olathe schools: a sobriety group at Olathe South High School, Life Skills class at Olathe East High School, and Project Choices, Say It Straight at Olathe's North Lindenwood Support Center. *(First Call charges Olathe School District 45% of the actual cost of providing the programs. ATF helps to support the remaining balance of First Call's costs.)*
4) Educational presentations which reach school-aged youth and the general community.

With an increase in ATF support, First Call will add another certified prevention specialist to meet the growing demand and cultivate new partners in Johnson County, and anticipates expanding services within the Shawnee Mission School District.

Results Projected: The overall goal is that participants lead safe, healthy lives and avoid substance use, misuse and addiction. Participants in *How to Cope, Caring for Kids, and Say It Straight* will increase their knowledge of the harmful effects of alcohol, tobacco, and other drugs. Participants in the *Caring for Kids* programs will complete a plan of action to promote healthy relationships and resistance to abusing substances. Participants in Life Skills Training will demonstrate positive change in knowledge and attitudes related to alcohol, tobacco, drugs and protective life skills. Participants in Sobriety Group will maintain or increase their readiness to change. First Call anticipates serving 1,320 Johnson County residents during 2019.

Heartland Regional Alcohol & Drug Assessment Center (RADAC)
Request: $159,734 **Recommendation: $159,734**
The DAC recommends that Heartland RADAC be awarded $159,734 to support its recovery coaching, intensive case management (ICM) and care coordination for Johnson County individuals with co-occurring substance use disorders and mental health issues who are homeless or at-risk of homelessness, and need treatment or treatment-related services. Recovery coaching helps clients engage in the recovery community and is provided in conjunction with case management and care coordination services. The program also purchases services and items needed to secure safe housing, access treatment, promote recovery and eliminate barriers to success. When clinically appropriate, HRADAC assists clients in accessing Medication Assisted Treatment (MAT).

Results Projected: When clients begin ICM typically they are homeless and experiencing un-treated mental health and substance abuse issues. Therefore, results focus on accessing services and maintaining conditions in three areas of improvement – housing, substance use, and mental health services. Housing includes accessing safe temporary, transitional, permanent or permanent supportive housing. Substance use includes accessing treatment, accessing a recovery group, and engaging in Recovery Oriented Systems of Care with a Recovery Coach. Mental health services include accessing services and remaining medically compliant, if medications are prescribed. During 2019 Heartland RADAC anticipates serving 129 Johnson County clients.

Johnson County Court Services: Juvenile Drug Court and Minor-In-Possession, Drug and Alcohol Diversion
Request: $146,836 **Recommendation: $141,377**
The DAC recommends that Johnson County Court Services be awarded $141,377, the same amount Court Services is receiving in 2018. ATF will support the salary and benefits for two Court Service Officers who supervise clients in the Juvenile Drug Court, the Minor-In-Possession (MIP) program, and other clients who receive drug/alcohol contracts. The Juvenile Drug Court targets first-time offenders applying for diversion who present with serious drug and/or alcohol issues. The MIP program is a non-Court resolution of a police report when a juvenile has been in possession of alcohol. Both programs increase youths' motivation to remain drug/alcohol free. Drug and Alcohol contract cases are an Immediate Intervention with offenders who have a drug and/or alcohol problem that requires education, intervention, and/or completing random drug screens in addition to the requirements of the standard contract. These juvenile cases with drug/alcohol contracts do not reach the higher level of drug court, nor the lower level of MIP.

Results Projected: Youth will remain drug free and crime free. Youth will increase involvement in pro-social activities and improve their school grades. Parents will rate their child's compliance as increasing. During 2019, Court Services anticipates serving 574 Johnson County youth in these programs.

Johnson County Department of Corrections: Voucher Assistance
Request: $15,725 **Recommendation: $12,300**
The DAC recommends the Department of Corrections be awarded $12,300, the same amount Corrections is receiving in 2018, for the Voucher Assistance program which supports substance use disorder evaluations and treatment for adult offenders who face financial barriers to obtaining those services. Voucher assistance will be provided to adults in the Adult Residential Center (ARC),

and adults who are under Intensive Supervised Probation, House Arrest or Bond Supervision. Evaluation and treatment services will be provided by Court approved providers and providers who are working under contract at the Adult Residential Center.

Results Projected: Adults who receive vouchers will obtain an evaluation within 45 days and initiate recommended treatment within 60 days, post evaluation. Corrections anticipates serving 41 Johnson County clients during 2019.

Johnson County Department of Corrections: Changing Lives Through Literature
Request: $9,500 **Recommendation: $7,250**
The DAC recommends the Department of Corrections be awarded $7,250 for the *Changing Lives Through Literature program (CLTL)*. This is the same amount the program is receiving in its 2018 ATF grant. This alternative intervention program targets moderate risk criminal defendants. Participants frequently have histories of drug and/or alcohol use and are under court-ordered supervision (probation) or contracts of diversion. For those on diversion, a criminal conviction is likely averted with completion of *CLTL* and meeting other diversion conditions. The program uses literature to impact the lives of clients through reading and group discussion. The program is free of charge and offered outside of traditional work hours. *CLTL* defendant participants, judges, and probation officers read literature and participate in facilitated discussion which helps to promote behavioral change. Some of the reading material used during the program relates to drug and alcohol addiction and abuse. With ATF support, *CLTL* was offered by the Johnson County Library from 2001 through June 2015, and by the District Attorney's Office from 2016 through 2018. The District Attorney's Office chose not to continue the program in 2019. It will come under the auspices of the Department of Corrections in 2019.

***Results Projected*:** Participants will successfully complete the program and not be arrested for new charges or show evidence of drug or alcohol use. Corrections anticipates serving 30 Johnson County participants during 2019.

Johnson County Mental Health Center, Prevention Services
Request: $133,000 **Recommendation: $120,000**
The DAC recommends Prevention Services be awarded $120,000, an increase of $20,000 from its 2018 ATF grant. ATF supports staff (1.5 FTE) who provide prevention services in three areas: youth mobilization, education/training, and community engagement; and, other expenses associated with the Youth Leadership Summit and Strengthening Families, the End the Trend Campaign (use of social media for public service announcements about vaping), as well as supplies, consumables and mileage. During the annual Youth Leadership Summit middle school and high school student leaders are trained on effective prevention strategies and action planning for implementation of those strategies. Action plans created at the Summit focus on adolescent problem behaviors prioritized by each school. Prevention Services also provides training and technical assistance to cohorts of Strengthening Families, an evidence-based prevention program for parents and children in high risk families.

Results Projected: Youth Leadership Summit and Teen Task Force student participants will increase their knowledge of effective prevention strategies for impacting adolescent problem behaviors, and

increase confidence in their abilities to implement strategies. Teen Task Force members will contribute towards planning and implementing strategies and initiatives around drug and alcohol prevention. A new cohort of Strengthening Families will be mobilized. Participants in *Strengthening Families* will indicate an increase in knowledge and confidence. End the Trend will earn 100,000 impressions across social media platforms. Participants in the school prevention roundtable will indicate an increased level of knowledge and confidence. Technical assistance to school districts will help increase the participation rate of students taking the KS Communities That Care Survey. During 2019 Prevention Services anticipates serving 3,115 Johnson County residents.

SAFEHOME

Request: $24, 301 **Recommendation: $24,301**

The DAC recommends SAFEHOME be awarded $24,301 to continue its substance abuse support program. This program includes substance abuse education and an onsite substance abuse screening of every new resident in this domestic violence shelter. If applicable, an in-depth substance abuse interview is conducted. Assessments are provided as needed by Heartland Regional Alcohol and Assessment Center. SAFEHOME makes referrals to intervention and treatment programs and provides assistance with making connections to services. ATF dollars also support assistance to clients (such as transportation vouchers for travel to treatment), drug testing and bio waste disposal, and professional conferences/training.

Results Projected: Identified substance abusers will receive a referral to a substance abuse resource, and access that referral. The Adult Shelter Therapist will help the substance abuser identify healthy coping strategies which they can implement in place of unhealthy coping strategies. Identified substance abusers will indicate they feel supported by SAFEHOME staff. The organization anticipates serving 110 Johnson County participants during 2019.

The Family Conservancy

Request: $40,000 **Recommendation: $40,000**

The DAC recommends the Family Conservancy be awarded $40,000 to implement *Conscious Discipline* programming in four Johnson County childcare centers that serve families at or below the Federal Poverty Level, and for substance abuse screening and education for all Johnson County clients served by Family Conservancy's counseling programs. *Conscious Discipline* is an evidence-based self-regulation program that integrates social-emotional learning and discipline, fostering healthy development to prevent future risk of substance abuse.

Results Projected: Parents and teachers completing the *Conscious Discipline* program will maintain or show an increase in positive child guidance and use multiple applications of strategies they learned. Clients in counseling programs will successfully complete their counseling treatment plan and report increased knowledge of harmful effects of misuse of substances. Clients who report they have a family member with substance misuse problems, will report improved knowledge or experience attitude changes to support family health. During 2019 the agency anticipates serving 470 Johnson County residents.

Treatment and Recovery

Alcohol Tax Funds are recommended to support nine treatment and recovery programs delivered by community-based organizations and Johnson County Mental Health Center. In general, treatment programs help to reduce substance abuse, lead to positive individual change and productivity, reduce mental and physical healthcare costs, improve public safety, and reduce law enforcement and court costs. Funding recommendations are based upon a review of each proposal and take into consideration the type of programming, outcome achievement and accountability.

Friends of Recovery Association
Request: $60,000 **Recommendation: $58,000**
The DAC recommends that Friends of Recovery (FORA) be awarded $58,000, an increase of $8,000 from 2018. ATF supports case management (education, mediation, mentorship, crisis intervention and advocacy) for individuals living in Oxford Houses, and costs such as supplies, audit, office space, printing, and purchase of a computer and software, and a printer. Oxford Houses serve individuals who often have limited resources, and are seeking a supportive environment within which to recover from substance abuse. Friends of Recovery operates 37 Oxford Houses in Johnson County.

Results Projected: Two new houses will be opened in Johnson County, resulting in more individuals served. All houses will be trained on the use of Narcan and have it in their houses. Ten percent of houses in Johnson County will accept individuals who use Medication Assisted Treatment. There will be an increase in the number of alumni who return to their former houses to assist individuals in recovery. The number of individuals leaving the houses in good standing will increase. FORA will develop and administer a questionnaire regarding past use of opioids, and a report on the responses will be available by the end of the year. During 2019 FORA anticipates serving approximately 451 Johnson County participants.

Johnson County Mental Health Center, Adolescent Center for Treatment (ACT)
Request: $253,510 **Recommendation: $253,510**
The DAC recommends that the Johnson County Mental Health Center's Adolescent Center for Treatment be awarded $253,510 to deliver an adolescent residential treatment program for youth ages 12-18. This 30-bed facility is the only specialized youth residential program for treatment of substance use disorders in the state of Kansas. The majority of residential patients are court-ordered. Clinicians use *Mapping-Enhanced Counseling*, *Thinking For Change,* and *Stacked Deck*. ACT offers a sliding fee scale to ensure that no clients are turned away due to financial reasons.

Results Projected – Clients remain in treatment for a minimum therapeutic length of stay and receive a "successful completion" upon discharge. On discharge surveys, clients will rate the program favorably in areas of program quality and staff performance. During 2019 ACT anticipates serving 68 Johnson County youth.

Johnson County Mental Health Center, Adult Detoxification Unit (ADU)
Request: $333,000 **Recommendation: $289,922**
The DAC recommends that the Johnson County Mental Health Center's Adult Detoxification Unit be awarded $289,922, an increase of $21,341 from 2018. The Adult Detox Unit is a social

detoxification center which delivers services at no cost to adult Kansas residents 24 hours a day, seven days a week. Admissions primarily come through hospitals and law enforcement. The ADU is the only social detoxification program located in Johnson County and is a cost-effective alternative to hospital emergency rooms or incarceration.

Results Projected: Clients will successfully complete detoxification as evidenced by remaining in detox until staff recommend discharge. Clients who successfully complete detox will have a written discharge plan documenting a referral for ongoing services. At time of discharge, clients will rate the program favorably in areas of program quality and staff performance. During 2019 the Mental Health Center ADU anticipates serving 378 clients from Johnson County.

Johnson County Mental Health Center, Dual Diagnosis Adult Outpatient Program
Request: $165,000 **Recommendation: $165,000**
The DAC recommends that the Johnson County Mental Health Center's Dual Diagnosis Adult Outpatient Program be awarded $165,000 to offer integrated outpatient treatment to adults who have co-occurring substance use disorders and mental health disorders, and to provide Medication Assisted Treatment (MAT) on a limited basis for clients with Opioid Use Disorder and/or Alcohol Use Disorders who are appropriate for this treatment, but with no means to pay for it. The dual-diagnosis program uses a sliding fee scale to assure access for low-income residents. No one is turned away for inability to pay fees.

Results Projected: Clients with dual-diagnosis will remain alcohol/drug free while participating in the program. Clients will complete at least eight hours of treatment before discharge (excluding "evaluation only" individuals). Clients will not engage in new criminal activity while participating in the program. In 2019, 291 Johnson County residents are anticipated to be served through the Dual Diagnosis program.

KidsTLC
Request: $46,571 **Recommendation: $46,571**
KidsTLC is licensed by the State of Kansas as a Psychiatric Residential Treatment Facility (PRTF). The DAC recommends KidsTLC be awarded $46,571 to support substance abuse screening/assessment, evaluation, prevention/education, and clinical treatment for youth ages 12-18 who reside within the agency's PRTF. Clinical treatment is provided to youth who are dually diagnosed with substance use disorder and mental health issues. The evidence-based *Seeking Safety* curriculum is utilized in treatment. Relapse prevention sessions are provided to PRTF residents who are in recovery or were recently in treatment. Prevention education, which utilizes the evidence-based program *Positive Action,* is provided to all youth in the PRTF.

Results Projected: Youth will remain abstinent from drugs and alcohol during their treatment (evidenced by a urine analysis after youth returns from a pass outside the PRTF). Youth will feel they have sufficient access to substance abuse services and supports. At discharge youth will report overall improvement due to services received, and an increase in hopefulness and functioning. The program will help sustain the youth's recovery and provide linkages to community support. During 2019 the agency projects serving 46 Johnson County youth.

KVC Behavioral HealthCare

Request: $100,000 **Recommendation: $35,000**

The DAC recommends KVC Behavioral HealthCare be awarded $35,000 for Family Substance Abuse Recovery Services. This pilot program serves Johnson County families who have had children removed from their home (children are in foster care) and have been assessed by a KVC case manager; or, are referred by Kansas Department of Children and Families (DCF). During the family assessment, family members are screened for indication of substance abuse. If there is an indication, a referral is made to KVC's Licensed Addiction Counselor (LAC) for the KS Client Placement Criteria (KCPC) to be administered. If need for treatment is determined as result of the KCPC, KVC provides outpatient in-home treatment for families willing to participate. Other options include referring families to local support groups and in-patient therapy.

This program began in 2018 with ATF as the only source of funding. KVC encountered unexpected barriers which resulted in start-up delays and lag in participation. The DAC recommends support at a reduced level due to other priority funding choices and encourages KVC to diversify funding for this program.

Results Projected: Outpatient services will be provided in-home and families/individuals will report an increase in striving to improve family stability through lifestyle changes. Individuals/families coming into the program will complete intake within 10 days of being referred and assigned to a KVC LAC. If fully funded during 2019, KVC anticipates serving 50 Johnson County adults.

Lorraine's House

Request: $60,000 **Recommendation: $25,000**

The DAC recommends Lorraine's House be awarded $25,000, an increase of $8,356 from 2018. Lorraine's House is a structured transitional living program for women recovering from addiction. Founded in 2016, Lorraine's House is comprised of three homes located in Johnson County. The target population is women who are transitioning from residential treatment, incarceration, unhealthy living environments or detox. Residents are expected to follow house rules, pay rent, be employed (or actively seeking employment), remain abstinent, and participate in recovery oriented groups. Referral sources include Heartland Regional Alcohol and Drug Assessment Center, Johnson County Mental Health, hospitals, crisis centers, and former residents.

Results Projected: Clients achieve their goal of living a sober, self-sufficient life in recovery. Results include stable housing, social connectedness, and employment. Residents will adhere to program guidelines, participate in a community-based support group, and secure and sustain employment. During 2019 Lorraine's House anticipates serving 67 Johnson County residents.

Mirror, Inc.

Request: $176,000 **Recommendation: $176,000**

The DAC recommends Mirror be awarded $176,000 to support its residential treatment component for Johnson County adults with co-occurring disorders (co-occurring disorder of substance use disorder and mental health disorder). Mirror is a statewide organization which has provided substance abuse services in Johnson County for 20 years. Located in Shawnee, this program addresses the needs of clients who fall below 200 percent of poverty and cannot access services in

a timely manner due to limited state block grant funding. Mirror's 34-bed facility is the only residential program located in Johnson County that serves this population.

Results Projected: The goal of the program is to provide quicker access to treatment services for Johnson County residents who have no resources to pay for treatment, and to aid them in accessing support services after treatment completion and discharge. Results include that time on wait list for Johnson County clients will be reduced (less than average wait time for Block Grant funded client). Discharged clients will remain in compliance with all discharge recommendations 30 days following treatment. (Recommendations may include continued mental health care, substance abuse aftercare, stable housing and use of support systems.) Clients' confidence level in handling high risk situations that could lead to substance use will increase from the time of admission to discharge. During 2019 with its ATF grant, Mirror anticipates serving 112 Johnson County residents who have co-occurring disorders.

Preferred Family Healthcare, Inc.
Request: $130,000 **Recommendation: $120,000**
The DAC recommends Preferred Family Healthcare (PFH) be awarded $120,000. This amount is $5,000 less than PFH's 2018 grant award, and $18,000 more than PFH's 2017 award. The decrease from 2018 funding is not indicative of concerns about the program or organization, but a reflection of there being limited grant funds for allocation, more funds requested than available, and other priority funding choices. ATF supports the delivery of outpatient substance abuse treatment and treatment for co-occurring disorders of substance abuse and mental health disorders to Johnson County residents with limited or no resources to pay for services (e.g. uninsured, indigent and low-income residents). Treatment interventions include Cognitive Behavioral Therapy, Trauma-Focused Cognitive Behavioral Therapy, Motivational Interviewing, Motivational Enhancement Therapy and Eye Movement Desensitization and Reprocessing Therapy. Preferred Family Healthcare is a Johnson County Court approved provider for substance abuse services and offers services on an income-based sliding fee scale. With approval of the clinical supervisor, individuals with extenuating circumstances who are unable to pay the fee based upon the sliding scale, are not assessed any fees, with the exception of drug/alcohol testing. ATF support in 2019 is contingent upon Preferred Family Healthcare maintaining an affordable sliding fee scale and continuing to be a court approved provider. During 2019 Preferred Family Healthcare projects serving 813 Johnson County residents.

Results Projected: Clients will successfully complete treatment. Clients who are not disabled or retired will obtain or maintain employment or involvement in educational activities. Clients will have no arrests while in treatment. Clients who are in treatment will remain abstinent from substance use. Clients will obtain and/or maintain housing.

2019 Alcohol Tax Fund
Participating Jurisdictions

Jurisdiction	Amount
Johnson County Government	$138,852
City of Gardner	$19,200
City of Leawood	$350,000
City of Lenexa	$130,000
City of Merriam	$20,000
City of Mission	$40,000
City of Olathe	$215,000
City of Overland Park	$1,085,000
City of Prairie Village	$40,000
City of Shawnee	$84,660
Total Alcohol Tax Fund	$2,122,712

The recommended grant awards represent the maximum ATF award for the calendar year and are based upon an estimate from local jurisdictions of local liquor tax revenue. Awards will only be made if jurisdictions receive adequate revenue. Actual dollars disbursed are dependent upon local liquor tax revenue received by participating jurisdictions. Neither United Community Services (UCS) nor the Drug and Alcoholism Council is responsible for a reduction in ATF fund awards payable by participating jurisdictions.

APPENDIX A
DRUG & ALCOHOLISM COUNCIL of JOHNSON COUNTY FUNDING PRIORITIES

ATF Funding Priorities 2019

By legislative mandate, ATF dollars must be used to fund programs "whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers." KSA §79-41a04 (as amended).

For the purpose of the ATF application, these programs are generally defined as follows:

- Education and Prevention programs are designed to promote awareness and self-efficacy, and provide information, activities, and skill building to prevent problems with, or addiction to, alcohol and/or drugs.
- Intervention programs are designed to interrupt alcohol and/or drug use, and may include activities applied during early stages of drug use which encompass preventing the transition from drug use to abuse.
- Substance Abuse Treatment programs are licensed by the State of Kansas to provide substance abuse treatment services and are designed to assist clients with stopping use of alcohol and drugs and avoiding relapse.

Following numbering of priorities does not indicate one is more important than another.

Overall priority is given to:

1. Programs that target populations who are at-risk for substance use or abuse such as individuals who have mental health issues, individuals who are homeless and/or have other co-occurring issues, and individuals involved in the child welfare or criminal justice system.
2. Programs that address barriers to service including hours of operation, transportation, lack of care for children of parents seeking services, and physical location.
3. If fees are charged for services, there are accommodations for those clients with no ability, or limited ability, to pay the fees (such as a sliding fee scale based upon income).
4. Programs that demonstrate competency in addressing language and cultural barriers, and provide bi-lingual services in high demand languages, such as Spanish.
5. Programs that provide services to meet a current community need (defined through indicator data or *Communities That Care* survey trends).
6. Programs that demonstrate an awareness of the role of trauma in prevention and treatment of substance use and utilize a trauma informed care approach in delivery of services.
7. Programs that are evidence-based or reflect a best or promising practice, and include measures to ensure fidelity.
8. Programs that utilize measurable outcome data to improve service delivery.
9. Strategies and services that involve families, parents, guardians, and/or other support systems.
10. Programs that demonstrate through service delivery, competency in addressing the interrelationship between substance use/abuse and other risk factors as defined above in priority number one.

Priorities for Education and Prevention Programs include:

1. Strategies that seek to delay onset of first use of substances.
2. Programs that target use of gateway drugs and address new trends in drug use across all age groups.
3. Programs that utilize *Risk and Protective Factors* strategies.

Priorities for Treatment and Intervention Programs include:

1. Programs that provide effective treatment strategies for individuals with co-occurring substance use and mental health disorders.
2. Programs that serve targeted populations with early intervention strategies.
3. Programs that collaborate with other organizations and sectors, and provide linkage to community supports.
4. Programs that incorporate Recovery Oriented Systems of Care (ROSC) which sustain and support recovery, including but not limited to providing peer support, housing, case management, and/or to linkages to recovery communities and activities.

Applications are evaluated according to these criteria:

- Community Need
  - How the program addresses a clearly-stated community need, or opportunity to address a community need.
  - Does the program coordinate with other community services to maximize the impact of available resources and meet needs of population?
  - How the program benefits local jurisdictions.
  - The purpose of proposed program or services is consistent with ATF funding priorities.

- Responsiveness of Proposed Program Activities: A detailed description of program activities proposed for funding, including a clear exposition of:
  - the targeted population, strategies for reaching the target population, and access to services (e.g. are barriers to activities/services reduced or eliminated). If applying for substance abuse prevention and education programming for youth, how program addresses risk and protective factors of target population.
  - services/activities that are responsive to needs of population.
  - the evidence base for the effectiveness of the prevention or treatment program or services with the targeted population.
  - the ability to accommodate for cultural differences within the population.
- Measurable Outcomes
  - The program includes clear and measurable outcomes, and includes a plan for related data collection in order to evaluate success in achieving those outcomes. Outcome data reflecting on abstinence, housing, employment, criminal activity, access to and/or retention in services are preferred.
  - The program demonstrates clear linkage between program activities and outcomes.
  - The program provides reasonable evidence of the achievement of previously identified outcome(s).
  - Reasonable levels of service are provided for resources expended.
- Organizational Capacity and Funding
  - The organization is stable (financial position, legal issues, etc.)
  - The program has attracted sufficient community resources from public, private, and volunteer sources, to produce proposed outcomes.

- The program budget is realistic and reasonable in light of the proposed activities.
- The application demonstrates that ATF funding is critical to achieving the stated outcomes.
- The application and program comply with grant conditions.

- Qualifications, Licensing and Accreditation
  - If applicable, the agency is licensed/accredited.
  - Employees are qualified to provide services (accredited/licensed, if applicable)

APPENDIX B

2018 DRUG and ALCOHOLISM COUNCIL of JOHNSON COUNTY
2019 ATF GRANT REVIEW COMMITTEE MEMBERS

Jennifer Granger, Chair, Science Applications International Corporation (SAIC) - US Department of Agriculture Risk Management Agency
Chief David Brown, Vice-Chair, Fairway Police Department, City of Lenexa Representative, Grant Review Committee Chair
Jen Jordan-Spence, Secretary, City of Gardner, City of Gardner Representative
Judge Jenifer Ashford, 10th Judicial District Court ♦
Captain Troy Duvanel, Merriam Police Department, City of Merriam Representative, Grant Review Committee Chair
Nikki Green, Shawnee Mission Medical Center
Jill Grube, City of Lenexa, City of Shawnee Representative
Brad Hart, Healthcare Foundation of Greater Kansas City
Martha Lapietra, M.D., IPC-The Hospitalist Company
Cathy Lawless, Community Volunteer, City of Leawood Representative
Emily Meissen-Sebelius, Children's Mercy Hospital, City of Prairie Village Representative, Grant Review Committee Vice-Chair
Jaime Murphy, Overland Park Municipal Court, City of Overland Park Representative, Grant Review Committee Vice-Chair
Chris Oliver, Shawnee Mission School District ♦
Christina O'Neil, O'Neil on Barkley
Major Daryl Reece, Johnson County Sheriff's Office
Liana Riesinger, Francis Family Foundation, City of Mission Representative
Pastor Kevin Schutte, Pathway Community Church, Johnson County Board of County Commissioners Representative
Jill Vincente, City of Olathe Prosecutor's Office, City of Olathe Representative
Charlene Whitney, Community Volunteer♦

♦ Denotes Non-Voting Member

Staff Support:
Marya Schott, UCS Director of Resource Allocation

Return to Agenda

Finance Department 7.K.

Memo

To: Mayor Peggy Dunn and Councilmembers
Scott Lambers, City Administrator

From: Dawn Long, Finance Director

Date: December 3, 2018

Re: 2019 Human Service Fund Recommendation

The City has received the recommended distribution of the Human Service Fund (United Community Services-UCS) of Johnson County. The City has included the amount of $15,000 in the 2019 budget in general operations account 11110.11210.618100. The City has participated in this program for a number of years.

It is requested that the Governing Body take the appropriate action to approve the attached allocation of funds.

Please contact me if you have any questions.

DRAFT

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF UNDERSTANDING IN THE AMOUNT OF $15,000.00, BETWEEN THE CITY AND JOHNSON COUNTY HUMAN SERVICES PERTAINING TO THE 2019 JOHNSON COUNTY HUMAN SERVICE FUND

WHEREAS, the City wishes to participate in the 2019 Johnson County Human Service Fund; and

WHEREAS, the Parties desire to execute a Letter of Understanding to allow Johnson County Human Services to provide assistance to eligible City participants.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body hereby authorizes the Mayor to execute a Letter of Understanding between the City and Johnson County Human Services, in the amount of $15,000.00, attached hereto as Exhibit "A," and incorporated herein by reference as if fully set out.

SECTION TWO: This resolution shall become effective upon passage.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

[SEAL]

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

United Community Services of Johnson County

Board Members
Justin Nichols, President
Patricia A. All, EdD
Kate Allen
Brian S. Brown
Jennifer Bruning
Tara S. Eberline
Hon. Steven M. Ellis
Cheryl Harrison-Lee
Michael Hockley
Rev. Lee Jost
Roxann Kerr Lindsey
Donna Lauffer
Leo J. Nunnink
Sandra Sanchez
Maury L. Thompson
Kevin Tubbesing
Rick Worrel
Rebecca Yocham

Council of Advisors
Gary Anderson
Mary Birch
Dick Bond
Pat Colloton
David Cook, PhD
Hon. Peggy Dunn
Hon. Ed Eilert
Jeffrey O. Ellis
SuEllen Fried
Ellen Hanson
Terrie Huntington
Audrey Langworthy
Jill Quigley
Tom Robinett
Clint Robinson
Carol Sader
Joseph Sopcich, PhD
Brad Stratton
Charlie Sunderland
Elaine Tatham, PhD
Stephen Tatum
David Warm
Hannes Zacharias

Executive Director
Julie K. Brewer

2019 HUMAN SERVICE FUND RECOMMENDATIONS REPORT

Human service programs are a vital component of quality of life. United Community Services (UCS) commends city and County government leaders for recognizing the important role of local government in supporting human service programs. Thank you for your support of the **Human Service Fund** in 2019.

Together, Johnson County Government and 14 cities committed $359,801 for the Human Service Fund in 2019. (See appendix A for list of participating jurisdictions.) These contributions directly benefit Johnson County residents who will be served through 14 programs recommended for 2019 Human Service Fund grants.

The Human Service Fund (HSF) offers local governments a cost-efficient, accountable mechanism to support an array of services that help residents of every city and township who are facing difficult circumstances. Funding is awarded to local nonprofit agencies which provide vital programs that meet the needs of Johnson County residents who live with income at or near the federal poverty level. Priority is given to programs that address child care, job training, emergency aid and shelter, child/adult abuse, child welfare, and health care. (See appendix B for all funding priorities.) Agencies recommended for grants demonstrate positive outcomes and are working collaboratively with others in the community. Funding recommendations represent the maximum HSF award for the calendar year, and UCS is not responsible for reductions in grant awards that may occur due to reduction in allocated funds by participating jurisdictions.

Thanks to your support, in 2017 programs receiving Human Service Fund grants served nearly 55,000 Johnson County residents in-need. But, these programs benefit more than just the individual and their family; the entire community, including local government, benefits. Without a strong human service infrastructure to address issues such as unemployment, lack of child care, homelessness, child abuse and neglect, domestic violence, and untreated medical conditions, our community will experience higher crime rates and lower tax revenue, a decline in the standard of living, and weakened economic health.

Jurisdictions are asked to accept the funding recommendations by January 1, 2019.

12351 W. 96th Ter., Ste. 200 • Lenexa, KS 66215
P: 913.438.4764 • F: 913.492.0197 • ucsjoco.org

United Way

2019 Human Service Fund Applicant History and Recommendations

Applicant	2017 Grant	2018 Grant	2019 Recommendation	Program Description
CASA of Johnson & Wyandotte Counties	$32,000	$40,000	$43,500	Court-ordered intervention by trained volunteers for children determined by a judge to be a "Child in Need of Care" due to abuse or neglect, or as high concern for safety and placement. Volunteers focus on the child and submit reports to judge.
Catholic Charities of NE Kansas	$70,000	$70,000	$70,000	Emergency assistance and supportive housing, including case management to meet basic needs of low-income families and help them work towards self-sufficiency.
Community Center of Shawnee, Inc.	No request	No request	$5,000	Food pantry transportation- Costs associated with transporting food from source (food outlets and Harvesters) to the Community Center in Shawnee where it is distributed without cost to Johnson County households.
El Centro	$20,000	$20,000	$22,736	Safety net services for low-income, under/uninsured individuals and families: economic empowerment (emergency assistance, financial literacy, assistance filing taxes), and access to healthcare (Health Navigation and health promotion).
Growing Futures Early Education Center	$9,265	$9,265	$9,265	Scholarships for child care fees for enrolled low-income families during financial hardship, which allows parents to maintain full-time education or employment. Emergency assistance for enrolled families who need help with food and housing.
Harvesters	$10,000	$12,000	$15,000	BackSnack and Kids Café program provides a backpack of food for low-income school children to take home over the weekend, and meals in afterschool locations and summer sites.
Health Partnership Clinic	$42,000	$42,000	$42,000	Health and dental care, through a medical home model, for uninsured low-income Johnson County residents.
Hillcrest Ministries of MidAmerica*	$5,000	$6,000	$9,500	Transitional housing for homeless youth, single adults and families, including case management, budget counseling, and supportive services. *Formerly known as Hillcrest Transitional Housing.
Johnson County Interfaith Hospitality Network (IHN)	$9,000	$9,000	$9,000	Case management for single females and families with children who are homeless. Clients receive shelter, meals, and transportation assistance from IHN.
Jewish Family Services	$0	$5,000	No request	The Food, Shelter and Employment program provides an array of safety-net services to low-income families.
Kansas Children's Service League	$19,800	$19,800	$19,800	Home-based education and family support for new parents whose children are at-risk for child abuse and neglect.
KidsTLC	$15,400	$17,500	$17,500	Street Outreach Services Program serves youth and families who are homeless or at-risk of homelessness. Helps clients obtain/maintain housing and provides related services and/or referral to services as needed.
SAFEHOME	$18,000	$19,865	$21,000	The Economic Empowerment Program promotes economic self-reliance for victims of domestic violence who are living in shelter, and for clients in the agency's outreach programs.
Salvation Army Family Lodge (Olathe)	$18,000	$18,000	$18,000	Temporary and transitional housing for families in Johnson County who are homeless, including related services and case management.
Sunflower House	$32,500	$37,500	$37,500	Personal safety and prevention programs for children and youth. Prevention and education programs for child care professionals and caregivers, including mandated reporters.
The Family Conservancy	$10,000	$10,000	No request	Implementation of "Talk, Read, Play" Intensive Model at early childhood centers which serve low-income children.
Total	$310,965	$335,930	$339,801	The 2018 federal poverty level for a family of three is $20,780.

2019 Human Service Fund Recommendations

CASA of Johnson and Wyandotte Counties

$43,500 Recommendation

Funding is recommended for the Child Advocacy Program, a court-ordered program that serves children from birth to age 18. Most children in the program are those whom a Juvenile Court Judge has determined to be a "Child in Need of Care" due to abuse or neglect by parent or caretaker (commonly placed in foster care). Children may also be referred by a Family Court Judge when child safety and placement are of great concern in a high conflict divorce or separation. In these cases the judge is determining if the child can reside in a safe placement without having to be placed in state custody (foster care). A trained CASA volunteer advocate regularly meets with the child and focuses on the child's situation (safety, mental health and education needs, etc.). The volunteer also gathers information from the parents, foster parents, social workers, attorneys, and teachers, then with the CASA supervisor, identifies service needs. CASA submits a report to the judge which includes information about the child's statements, behavior, and interaction with parents. Court reports support the judge's critical decisions about where the child should live and what services should be court-ordered.

Results Projected: Children are safe from additional abuse or neglect. Children have a stable adult presence in their lives, and when eligible will complete high school or earn a GED. CASA anticipates serving 435 Johnson County children during 2019.

Catholic Charities of Northeast Kansas

$70,000 Recommendation

Funding is recommended for the Emergency Assistance and Supportive Housing program which operates out of two centers in Johnson County. The program provides assistance and strengths-based case management, without regard to religious affiliation, to families living at or below 150% of federal poverty guidelines. Emergency Assistance services include those that meet residents' basic needs such as food, clothing and shelter, as well as financial assistance with prescription medication and medical supplies, utilities, child care, and transportation. The case management delivery model emphasizes practices to accomplish self-sufficiency, including asset development/financial literacy, life skills, and referrals to other available community resources.

Results Projected: During 2019 the agency anticipates serving 35,000 Johnson County residents with assistance that includes food and/or financial support to maintain housing and utilities. Every client who receives financial assistance will engage in budget coaching and a financial review with their case manager. Seventy-five percent of clients will attend financial literacy education classes and receive one-on-one coaching according to assessed financial need and capability.

Community Center of Shawnee, Inc.

$5,000 Recommendation

For the first time, funding is recommended for the Food Pantry Transportation component of the organization doing business as Shawnee Community Services. The organization transports food from Harvesters and a variety of food outlets to its center in Shawnee where families may receive one free food package per month which consists of nonperishable foods, frozen meat, fresh produce, bread and dairy products. Shawnee Community Services also provides free clothing, household goods at a nominal cost, and referrals to other community resources.

Result Projected: During 2019 4,680 households will receive free food packages, and 1,050,000 pounds of food will be distributed. The agency anticipates serving 5,880 Johnson County residents.

El Centro, Inc.

$22,736 Recommendation

Funding is recommended for the Johnson County Family Services Center located in Olathe where a set of safety-net services are provided to low-income and/or under-/uninsured Johnson County individuals and families. Services include economic empowerment (emergency assistance, financial literacy classes, assistance filing taxes), and access to healthcare (health navigation and promotion).

Results Projected: During 2019 El Centro expects to serve 1,675 Johnson County residents at the Olathe office. Results include meeting clients' basic needs, assisting clients in obtaining an ITIN (if needed) and filing income taxes, and clients successful access of community healthcare resources.

Growing Futures Early Education Center

$9,265 Recommendation

Funding is recommended for Growing Futures' Head Start Childcare and Emergency Assistance Scholarships. Most of the families served by Growing Futures are living at or below federal poverty guidelines. Through the Human Service Fund grant, scholarships (child care assistance) help low-income families experiencing financial hardships who are unable to pay their share of child care fees (federal Head Start grants fund 3.5 hours of the day and parents are responsible for costs wrapped around the Head Start funded hours). Scholarships allow for continuity of early childhood care and education while parents are working or attending school. Emergency assistance is provided to families in need of short-term help, particularly with housing (those in jeopardy of losing Section 8 eligibility because of inability to pay rent on time), and food.

Results Projected: Children demonstrate kindergarten readiness and maintain enrollment in the program even though families face financial hardship. Families attain at least one family goal based upon family determined strengths and needs. During 2019 Growing Futures projects serving 30 Johnson County children with scholarships.

Harvesters

$15,000 Recommendation

Funding is recommended to support Harvesters BackSnack program which is provided within Johnson County schools, and Kids Café which is provided in after-school locations and summer sites in Johnson County. Through the BackSnack program a backpack filled with food is provided to low-income children who take it home for the weekend. Harvesters' purchases food for the backpacks and links schools to a community partner, and transports the food kits to the partner. Community partners clean backpacks, place food kits in backpacks and distribute backpacks to schools every week. School staff identify children in greatest need of food assistance. During the 2019 school year, Harvesters will collaborate with approximately 51 schools in Johnson County for BackSnack (number of schools is subject to change). Harvesters delivers meals directly to Kids Café sites and provides meals there at no cost to children and youth. Free and reduced lunch school statistics help determine location of Kids Café sites. During 2019 school year, there will be 20 Kids Café sites in Johnson County, and Harvesters will start a blended BackSnack/School

Pantry pilot where food is delivered to schools for distribution to families that need help feeding everyone in their household (not just the student).

Results Projected: In 2019, through the BackSnack program, the agency anticipates serving 1,850 Johnson County children and distributing 57,100 backpacks; and, providing 42,000 meals to children through Kids Café sites. Results include positive effects on children's grades, behavior and health.

Health Partnership Clinic (HPC)

$42,000 Recommendation

Funding is recommended for primary and preventative medical care, which are provided at Health Partnership Clinic's office in Olathe, a pediatric clinic in Shawnee Mission, and a school-based clinic in Merriam. HPC's patients are primarily low income (82%), with 48% uninsured and 38% having public insurance. Health Partnership Clinic, Johnson County's largest safety-net clinic, utilizes a medical home model which emphasizes prevention and health maintenance while providing a broad scope of services including care for patients with chronic diseases. HPC also provides dental and behavioral health services. Specialty care is provided through a network of providers.

Results Projected: Anticipated program results include access to a medical and dental home for low-income and uninsured residents, patients achieve better health outcomes, and patients utilize the Health Partnership Clinic (HPC) as their ongoing source of care (i.e. a medical home). During 2019 HPC anticipates serving 12,255 Johnson County residents through 36,137 patient office visits or encounters.

Hillcrest Ministries of MidAmerica

$9,500 Recommendation

Funding is recommended for Hillcrest's Transitional Housing – Homeless Youth and Families program. Transitional housing for homeless youth (up to age 21), families (children and adults), and single adults will be provided in seven apartments located in Overland Park. Four apartments are for youth, and 3 are for families, singles and couples. Hillcrest uses either the HUD or McKinney-Vento education definition of homeless. The majority of clients are at or below federal poverty guidelines. The youth program provides up to 24 months of housing and services, including individual case management and budget counseling, and connection to community services to address immediate and ongoing needs as applicable, such as medical, dental, vision, mental health, substance abuse treatment, employment training, tutoring, and mentoring. Adults and families receive similar services, however, for a shorter period of time (3 months). A food and basic-needs pantry is also provided at the Overland Park facility.

Results projected: 35 homeless children/youth and adults will be provided transitional housing and achieve at least one goal from their assessment plan. Homeless youth will work toward achieving an education goal; 12 homeless adults will maintain or improve their employment.

Johnson County Interfaith Hospitality Network (JoCoIHN)

$9,000 Recommendation

JoCoIHN provides shelter, meals, transportation and case management for homeless families and single unaccompanied females. Area congregations provide shelter and meals on a rotating schedule while JoCoIHN staff helps families regain self-sufficiency and independence. Human Service Funds are used to provide strengths-based case management which includes assistance with transportation, referrals to other community resources, assistance with budgeting, money management, and job and housing searches. Services are provided by 3,400 volunteers through partnerships with 36 faith congregations.

Results Projected: During 2019 the agency expects to serve 40 Johnson County residents with 2,500 days of shelter and case management. Clients completing the program will increase their economic resources, and approximately 50 percent will move into homes of their own within four months of entering the network.

Kansas Children's Service League (KCSL)

$19,800 Recommendation

Funding is recommended for Healthy Families Johnson County, a child abuse prevention program which provides intensive home-based education and family support services to parents who are experiencing extreme stress and are "at-risk" for abuse and neglect. Eligibility is based upon risk factors, not income, however, most of the families are low-income. Participants receive routine at-home visits, case management, referrals to community resources and services, child development and parent education, and linkage to health care services. Parent engagement includes Parent Cafés, parent support groups, and a Parent Leadership Council.

Results Projected: During 2019, 195 Johnson County individuals are expected to be served. Anticipated results are that families do not have any substantiated child abuse and neglect; and, children have health insurance and are current on immunizations, and have a developmental screen in the last six months (or are already receiving services for developmental delays).

KidsTLC

$17,500 Recommendation

Funding is recommended for KidsTLC Street Outreach Services Program (SOS) which provides intervention services to families with children and transitional-age youth who are homeless or at-risk of homelessness. The main referral sources to the program are Olathe and Shawnee Mission School Districts through their IMPACT Olathe and Project Home programs. Referrals also come from other service providers, word-of-mouth, etc., and may include youth who have run-away or are transitioning out of foster-care. The primary goal is to assist clients in obtaining/maintaining permanent housing and navigating mental health and social service systems, including referrals to mental health services at KidsTLC, and guidance about accessing other services in the community.

Results Projected: During 2019 the organization estimates serving 150 Johnson County residents through this program. Program results include that people's life sustaining basic needs are met, clients experience increased access to services and barriers to services are reduced, and clients express increased stability and awareness of resources.

SAFEHOME

$21,000
Recommendation

SAFEHOME provides shelter and other assistance to survivors of domestic violence. Funding is recommended to support SAFEHOME's Economic Empowerment Program. Through education, support, and referrals to community agencies, this program assists clients in taking control of their finances and moving towards financial independence. Clients participating in SAFEHOME'S outreach programs also have access to financial literacy classes.

Results Projected: Program participants secure employment, enroll in job training or education programs, and complete a budget. The agency projects this program will serve 230 Johnson County residents during 2019.

Salvation Army Olathe

$18,000
Recommendation

Funding is recommended to assist low and very-low income homeless families in Johnson County with food and shelter at the Johnson County Family Lodge in Olathe. In most cases, the Lodge provides up to 90 days of shelter (temporary and transitional housing – maximum stay of 180 days). Residents meet weekly with a case manager who utilizes the strengths-based case management model. Classes and/or skill building opportunities include parenting, financial literacy, maintaining employment, housing searches, daily living/life skills, developing a support system, and navigating mainstream resources.

Results Projected: In addition to providing safe shelter, results include families increasing their skills or income, applying for mainstream services (SNAP, TANF, Medicaid, etc.) and moving into transitional or permanent housing. The Family Lodge anticipates serving 150 Johnson County residents during 2019.

Sunflower House

$37,500
Recommendation

Funding is recommended to support the Personal Safety Education Program, a child abuse prevention education program. The program includes: 1) *Happy Bear*, an interactive play for children ages four to seven enrolled in public and private early childhood centers and elementary schools; 2) *Think First and Stay Safe*, a curriculum for grades PreK-5 that reinforces personal and digital boundaries and emphasizes that bullying and sexual abuse are against the law; 3) *E-Safety*, provides middle school students with information about how to protect themselves from online predators, and includes safety topics such as sexting, bullying, child exploitation, and social networking; 4) *Keeping Kids Safe Online*, a workshop for parents and caregivers provided in partnership with the FBI Cyber Crimes Unit; 5) *Stewards of Children*, a child sexual abuse prevention and education training for adults; 6) *Mandated Reporter Training* which teaches attendees to recognize signs of sexual abuse, correct procedures/laws for reporting, and how to handle a child's disclosure; and, 7) *Child Protection Project*, a presentation designed to raise the awareness of child sexual abuse among parents and caregivers, and give them tools needed to be proactive in protecting children.

Results Projected: Children are knowledgeable of strategies to recognize, resist and report abuse; youth and adults increase their knowledge of online safety; and, mandated reporters and other adults are trained to identify and report child abuse and neglect. The agency anticipates reaching 15,000 Johnson County residents during 2019.

APPENDIX A

2019 HUMAN SERVICE FUND PARTICIPATING JURISDICTIONS

JURISDICTION	CONTRIBUTION
Johnson County	$131,775
De Soto	$2,180
Edgerton	$1,800
Gardner	$6,000
Leawood	$15,000
Lenexa	$18,500
Merriam	$7,600
Mission	$7,600
Olathe	$50,100
Overland Park	$80,200
Prairie Village	$7,600
Roeland Park	$4,371
Shawnee	$23,900
Spring Hill	$1,800
Westwood	$1,375
Total from County Government & Cities	**$359,801**
Interest	$5,000
Subtotal	$364,801
UCS Administration	$25,000
Total Available to Allocate	**$339,801**

2019 HUMAN SERVICE FUND GRANT REVIEW COMMITTEE

UCS Board Members

- Tara S. Eberline *Committee Chair*, Foulston Siefkin, LLP
- Brian Brown, IPC Healthcare, Inc. (TeamHealth)
- Justin Nichols, Kutak Rock LLP
- Kevin Tubbesing, The Land Source
- Rebecca Yocham, City of Lenexa

Community Members

- Janet Barrow, WaterOne
- Angeliina Lawson, Johnson County Community College Board of Trustees

Staff support: Marya Schott, UCS Director of Resource Allocation

APPENDIX B

2019 HUMAN SERVICE FUND GUIDELINES

The Human Service Fund is a competitive process that awards grants to nonprofit organizations for operating human service safety net programs that meet the needs of Johnson County residents who live with income at or near the federal poverty level. The human service safety net cares for and protects the vulnerable, and provides pathways and opportunities for building a healthy community where every resident is empowered to reach their full potential. Components of the safety net that are supported by the HSF are: 1) basic needs, 2) work and income supports, and 3) health, wellness and personal safety.

FUNDING PRIORITIES 2019

Programs funded by the HSF must deliver measurable outcomes which benefit county residents and, in the long-term, benefit local governments by avoiding, deferring, or preventing costs that otherwise might be incurred by local government.

1. Programs funded by the HSF must fit the definition of "Safety Net or Work Supports." Priority is given to programs that address child care and early childhood development, job training, emergency aid and shelter, child/adult abuse, child welfare, and health care.
2. Priority will be given to programs that serve individuals and/or families with income below or near the federal poverty level.
3. Priority will be given to programs that demonstrate innovation and/or collaboration in program delivery.
4. Priority will be given to programs that are consistent with an evidence-based program, best practices or promising practices, or replicate a successful model.

ELIGIBILITY

- Recognized by the IRS under section §501(c)(3), provide health and human services programming as their primary mission, and be in good standing in Kansas or Missouri as a nonprofit corporation.
- Agency must provide an independent certified audit of the previous year's financial records; or, if total agency revenues were less than $250,000, an independent review of financial statements prepared by a Certified Public Accountant. The audit or review must have been completed within nine (9) months of the close of the fiscal year.
- The program serves primarily Johnson County, Kansas residents who live with income at or near federal poverty level. Programs that do not meet this criterion may still be eligible if the program leads to the prevention of poverty, and primarily serves Johnson County residents.
- The program clearly defines and measures outcomes for participants.
- The program benefits local governments by avoiding, deferring, or preventing costs that otherwise might be incurred by local government.
- The applicant complies with Agency Standards.
- Applicants must affirm that the agency does not discriminate on the basis of age, sex, ethnicity, disability, race, color, ancestry, political affiliation, religion, sexual orientation, gender identification, mental health disability, national origin or any other characteristic covered by law.
- Only one HSF application may be submitted by an agency. Applications will not be accepted for both the HSF and Alcohol Tax Fund (managed by Drug and Alcoholism Council, a program of UCS) for the same program during the same funding cycle. However, applications may be submitted for both funds by the same agency or department for discrete programs during the same funding cycle. Criteria of discrete programs include, but are not limited to, programs for which expenses are recorded separately for purposes of functional accounting, programs that, if serving a population targeted by another program, serve a distinct need of that population, and/or employ distinct strategies and projected outcomes.
- Applications for substance abuse programs are not accepted and should be directed to the Alcohol Tax Fund.

Return to Agenda

Finance Department 7L.

Memo

To: Mayor Peggy Dunn and Councilmembers
Scott Lambers, City Administrator

From: Dawn Long, Finance Director

Date: December 3, 2018

Re: 2019 Utility Assistance Program

The City has received the attached request for participation in the Utility Assistance Program of Johnson County. The City has included the amount of $10,000 in the 2019 budget in account 11110.11210.618100. The City has participated in this program for a number of years.

It is requested that the Governing Body take the appropriate action to approve the attached allocation of funds.

Please contact me if you have any questions.

DRAFT

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF UNDERSTANDING IN THE AMOUNT OF $10,000.00, BETWEEN THE CITY AND JOHNSON COUNTY HUMAN SERVICES PERTAINING TO THE 2019 JOHNSON COUNTY UTILITY ASSISTANCE PROGRAM

WHEREAS, the City wishes to participate in the Utility Assistance Program provided by Johnson County Human Services; and

WHEREAS, the parties desire to execute a Letter of Understanding to allow Johnson County Human Services to provide such assistance to eligible City participants.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body hereby authorizes the Mayor to execute a Letter of Understanding, providing a commitment in the amount of $10,000.00, between the City and Johnson County Human Services, attached hereto as Exhibit "A," and incorporated herein by reference as if fully set out.

SECTION TWO: This resolution shall become effective upon passage.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

[SEAL]

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Debra Harper, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

Letter of Understanding
JOHNSON COUNTY UTILITY ASSISTANCE PROGRAM
2019 Program Year

This Letter of Understanding is entered into by and between Johnson County Human Services ("Human Services") and the **City of Leawood** ("City") for administration of the **Utility Assistance Program**.

The parties do mutually agree as follows:

ELIGIBILITY

Human Services will determine eligibility using the following factors:

1. Verify that the applicant is a resident of the City and that the name of the applicant, spouse, or another adult age 18 or older living in the household is on the utility bill.
2. Verify that the applicant's household for the past 30 days has a gross income at or below 200% of the Poverty Guidelines as published in the Federal Register. Exceptions will be considered on a case-by-case basis if extraordinary circumstances warrant it. (For income sources and allowable documentation, refer to attached "Utility Assistance – Master Guidelines & Procedures.")
3. Verify that the utility account is past due, has a disconnect notice, or is already disconnected from service.
4. Verify with the utility that the client has made a self-payment on the utility bill within the previous three months.

BENEFITS & SERVICES PROVIDED

In providing utility assistance benefits to eligible City applicants, Human Services will:

1. Determine the amount of payment to be made to the utility, based on the amount of arrearage or the maximum benefit, whichever is lower.
2. Augment city funds with up to $150 per calendar year.
3. Process payments to the utility vendors through the County's voucher system.
4. Provide energy conservation materials and referrals for other services to utility assistance clients.
5. Provide quarterly reports to the City on the number of households served and funds expended.

CONSIDERATION

In consideration of the above provisions, the City will contribute $_____ for the services listed in this Letter of Understanding for calendar year of 2019. At the end of the program year, any unobligated funds will automatically be transferred to the next program year or, upon request, returned to the city.

SPECIAL PROVISIONS

1. Any exceptions to the above procedures will be discussed and mutually agreed upon by a designated representative of the City and Human Services.
2. The benefit amount to City residents will be reduced when either City or County funds have been exhausted.
3. This letter of understanding may be terminated by either party upon thirty days written notice.

Executed in duplicate and on the date listed below:

City of Leawood	Johnson County Human Services
_____	Deborah Collin
Name	Deborah Collins, Director Johnson County Human Services
_____	
Title	
Date_____	Date 11-5-2018

Utility Assistance – Master Guidelines & Procedures
Reviewed March 2018 – County Funding up to $150 per calendar year

Purpose: The purpose of the Johnson County Utility Assistance Program is to assist low-income Johnson County households in paying their energy bills.

Rationale: The need for utility assistance is not simply a function of high energy bills, but of the relationship between energy bills and incomes. Low-income households are called upon to devote unreasonable portions of their incomes to shelter. Emergency utility assistance should be available to help low-income households pay a portion of their energy bills when they have experienced a change in income, family disruption, or an excessively high utility bill.

ELIGIBILITY

Income

Eligibility	Total household gross monthly income for one full month is not to exceed 200% of the Federal Poverty Guidelines. (Guidelines are below.) Exception: For Dollar Aide and Dollar Aide Credits through Kansas City Power and Light, the total household gross monthly income for one full month is not to exceed 150% of the Federal Poverty Guidelines.
Income	Income must include all sources from all household members age 18 and older for the past 30 days.
Income sources	"Income" includes these sources: Social Security, SSI, TAF, unemployment, child support, salary and wages, retirement income, pension, loans, gifts, school loans, grants, and tax refunds.
Documentation needed to verify household income	Appropriate documentation includes copies of paycheck stubs dated within last 30 days, current year eligibility letters, payment center records, letters from employers on business letterhead verifying income, bank statements dated within last 30 days, ledgers, and tax forms (regarding tax refund). Whenever possible, the intake worker will obtain third-party verification of income for all adult household members and attach the verification to the emergency assistance intake.
No proof of income	If a client has no proof of income for the past 30 days, a "No Proof of Income" form will be completed and signed.
No income	If there has been no household income in the past 30 days, a "No Income" waiver will be completed and signed. The intake worker will include explanation of lack of income.
Child support but no proof of income	If a client receives child support but does not have proof, a "Child Support – No Proof of Income" form will be completed and signed.
Signature	By signing the UA Program income forms, clients are indicating that they have reported accurate income information.
No exceptions	No exceptions are made to the income guidelines. If an extraordinary circumstance exists, the intake worker will try to find alternative sources of financial assistance. Sources may include CFSS emergency assistance funds, churches, the Salvation Army, and Catholic Community Services.

2018 Poverty Guidelines - Monthly

48 Contiguous States and D.C.

Persons in Household	48 Contiguous States and D.C. Poverty Guidelines (Monthly)							
	100%	133%	138%	150%	200%	250%	300%	400%
1	$ 1,012	$ 1,346	$ 1,396	$ 1,518	$ 2,023	$ 2,529	$ 3,035	$ 4,047
2	$ 1,372	$ 1,824	$ 1,893	$ 2,058	$ 2,743	$ 3,429	$ 4,115	$ 5,487
3	$ 1,732	$ 2,303	$ 2,390	$ 2,598	$ 3,463	$ 4,329	$ 5,195	$ 6,927
4	$ 2,092	$ 2,782	$ 2,887	$ 3,138	$ 4,183	$ 5,229	$ 6,275	$ 8,367
5	$ 2,452	$ 3,261	$ 3,383	$ 3,678	$ 4,903	$ 6,129	$ 7,355	$ 9,807
6	$ 2,812	$ 3,740	$ 3,880	$ 4,218	$ 5,623	$ 7,029	$ 8,435	$11,247
7	$ 3,172	$ 4,218	$ 4,377	$ 4,758	$ 6,343	$ 7,929	$ 9,515	$12,687
8	$ 3,532	$ 4,697	$ 4,874	$ 5,298	$ 7,063	$ 8,829	$ 10,595	$14,127

Add $360 for each person over 8

2018 Poverty Guidelines - Annual

48 Contiguous States and D.C.

Persons in Household	48 Contiguous States and D.C. Poverty Guidelines (Annual)							
	100%	133%	138%	150%	200%	250%	300%	400%
1	$12,140	$16,146	$16,753	$18,210	$24,280	$30,350	$36,420	$48,560
2	$16,460	$21,892	$22,715	$24,690	$32,920	$41,150	$49,380	$65,840
3	$20,780	$27,637	$28,676	$31,170	$41,560	$51,950	$62,340	$83,120
4	$25,100	$33,383	$34,638	$37,650	$50,200	$62,750	$75,300	$100,400
5	$29,420	$39,129	$40,600	$44,130	$58,840	$73,550	$88,260	$117,680
6	$33,740	$44,874	$46,561	$50,610	$67,480	$84,350	$101,220	$134,960
7	$38,060	$50,620	$52,523	$57,090	$76,120	$95,150	$114,180	$152,240
8	$42,380	$56,365	$58,484	$63,570	$84,760	$105,950	$127,140	$169,520

Add $4,320 for each person over 8

Utility Account

Account status	The utility account must be past due, have a disconnect notice, or be disconnected from service. The utility bill past-due amount must be equal to or greater than the UA payment.
Early payment	Payment of a bill before it is past due (no more than 7 business days ahead) is allowed *if the client is in jeopardy of being removed from a payment plan. Intake worker will make record of this in case note.*
Account billing information	The utility account must be in the name of an adult resident of the household (age 18 or older). The utility billing name must match the name of the person applying for the assistance. If another adult in the household attends the UA meeting on behalf of the person on the bill, the residence of the person attending must be confirmed. *Utility accounts in children's names or in the names of persons other than adults residing in the household are not eligible for assistance.*
Account transfer	Outstanding utility bills transferred from another residence are not eligible for assistance.
Self-payment	Regular payments to utility providers show a good-faith effort to pay for energy used. Therefore, the UA applicant must have made at least one payment to the utility provider in the previous three months. The intake worker must receive a receipt of payment from the client or from the utility company before pledging UA funds. Exceptions to this may be made to qualify a household for the Low Income Energy Assistance Program (LIEAP), to avoid a disconnection, or if extraordinary circumstances prevent regular payments. The exception will be documented as part of the intake.

Residency

Each household considered for eligibility must be located within the boundaries of Johnson County, Kansas. Exception: Miami County residents not eligible for Johnson County UA funds. City of Spring Hill residents in Miami County only eligible for available City of Spring Hill UA funds.

Utility Assistance Zip Codes

North West	*Gardner-Edgerton*	*Blue Valley*	*Spring Hill*	*North Central*	*Olathe*	*North East*
66018	66021	66209	66083	66203 (Shawnee)	66061	66202
66019	66030	66210 (Overland Park)		66204	66062	66203 (Merriam/OP)
66025	66031	66211		66210 (Lenexa)	66220	66205
66216		66213		66212		66206
66217		66221		66214		66207
66218		66223		66215		66208
66219		66224				
66226		66085				
66227		66013				

Frequency

Each household eligible to receive Johnson County Utility Assistance funds is allowed assistance up to the city's maximum allocation per calendar year, as fund are available.

City	Allocation / Household	City	Allocation / Household
De Soto	$100	Olathe	$100
Edgerton	$100	Overland Park	$100
Fairway	$100	Prairie Village	$100
Gardner	$100	Roeland Park	$450
Leawood	$100	Shawnee	$100
Lenexa	$100	Spring Hill	$100
Merriam	$100	Westwood	$100
Mission	$100	Jo Co Wastewater	$300
		Water District #7	$
		Atmos Sharing the Warmth	$500
		Dollar Aide	$200
		WaterOne	$300

APPLICANT RESPONSIBILITIES

Proof of income	Applicants must provide proof of all household income for all household members age 18 or older, or complete a "No Income" waiver. High school student income is not counted.

Valid Social Security number	Applicants must show proof of a valid Social Security number. This is usually available on employment check stubs or a Social Security card. **Undocumented residents must show another valid form of identification (ID card from their country, student ID card, visa, etc.)**
Most recent utility bill or disconnect notice	Applicants must provide their most recent utility bill or a notice of disconnection. These documents will confirm residency, ownership of account, and past-due amount. Account information retrieval from the utility website is acceptable.
Payment of difference in amount due before assistance	The Johnson County Utility Assistance Program pays the *final* portion of the past-due bill. Therefore, if the Utility Assistance Program benefit amount does not cover the entire past-due amount, the applicant is responsible for paying the difference *before* receiving assistance. Example: If an applicant is past due $250, it is her responsibility to pay $150 toward the bill before the UA program will pay the benefit amount of $100.
Correct information submitted	If incorrect information is intentionally used to apply for utility assistance, the household will not be eligible for assistance.

FUNDING

Funding for the Johnson County Utility Assistance Program comes from county and city allocations.

[A] **The cities** enter a contractual arrangement with the county to provide utility assistance to their residents. Each city sends the program an agreed-upon amount each year (spelled out in a memorandum of understanding), and the program uses that money to assist residents of the designated city. Funds are *never* taken from one city to help residents of another city.

[B] **The county** allocates funds to the program. This money is used in conjunction with city funds, and the county allocation is a maximum of $150 per household per year. Example: A client receives $250 in assistance—$100 coming from the city and $150 coming from the county. In the case of Overland Park assistance, a dollar-to-dollar match from county assistance is required.

[C] **Johnson County Wastewater** allocates funds to the program for payment of Wastewater bills, and the allocation is a maximum of $300 per household per year. This money is not tied to use of city or county funds ***Note:*** **For accounts that are in collection, the intake worker should contact Wastewater staff regarding negotiating terms of payment.**

[D] **Dollar Aide and Dollar Aide Credits** are available for customers of Kansas City Power and Light.

[E] **Water District #7** allocates funds to the program for payment of Water District #7 water bills.

[F] **Atmos Energy Sharing the Warmth** funds are available to customers of Atmos Energy (contingent upon grant extension).

[G] **WaterOne** allocates funds to the program for WaterOne bills, with a $300 maximum per household per year. Must be augmented with other funds – 25% or $50 which is ever is lesser.

♦ DOLLAR AIDE/Dollar Aide Credits

Dollar Aide and Dollar Aide Credits are available for customers of Kansas City Power and Light only. All "Utility Assistance – Master Guidelines & Procedures" apply, with the following exceptions/additions:

- Eligibility is based on-total household gross monthly income for one full month, and is not to exceed 150% of the Federal Poverty Guidelines.
- In MAACLink: the "Client Account Number" field must match the vendor being paid.
- If payment is made to another vendor, the KCP&L account number must be verified.
- A maximum of $200 in assistance is available from each fund within a calendar year.
- Assistance requested must be greater than $25.
- The date on the utility bill must be within 30 days of the date the application intake date. (If older, the utility company can be contacted for a revised copy of the bill with a more current date.)
- Client cannot receive assistance from the fund from two different agencies in the same year.
- Client can receive assistance twice in one year from each fund.
- The amount of the assistance is equal to or less than the amount of the bill.
- No agency personnel may receive MAAC-managed funds from the agency by which they are employed.
- **Dollar Aide Assistance** must be for heat, electric, or water.
- **Dollar Aide Credits can *only* be used to pay a KCP&L bill.**

Sharing the Warmth –Atmos Share the Warmth Funds are available for natural gas bills.

- Funds may only be used to pay Atmos Energy natural gas bills.
- Funds may be used for customary monthly charges, past-due amounts, late fees, deposits, and service charges.
- Beneficiaries of Share the Warmth funding must be the named person or full-time resident on the gas account for which assistance is being requested.
- Managers may request to increase $500 Allocation/HH by submitting a Client Exception form to supervisor.
- Clients can only use these funds 3 times in a calendar year, not to exceed $500.

KC Project Warmth – for Rent only
Funds are replenished 4 times a year, January, March, June, September

- Maximum of $400 per calendar year from the time a person uses funds. Check other agencies as those will count.

Warmth & Light – for utilities only
Funds are replenished 4 times a year, January, March, June, September

- Maximum of $400 per calendar year from the time a person uses funds. Check other agencies as those will count.

COR Funds – UA and Rent

- $50 for UA OR $100 for rent within the calendar year
- Can use the UA funds more than once in the year with maximum being $50
- Use is either UA or rent, but not both in the year

NOTE ON FUNDING AVAILABILITY

It is possible that funds will be depleted in a given calendar year.

- If **city** funds are depleted, Human Services will request supplemental funding from the city.
- If **county** funds are depleted, Human Services may request supplemental funding from the county.
- If **Wastewater** or **Water District #7** funds are depleted, Human Services will request supplemental funding from the agency.
- If **Atmos Sharing the Warmth** or **Dollar Aide** funding is depleted, the benefit amount will be reduced or will be unavailable.
- In any case, if supplemental funding is not available, the benefit amount will be reduced or will be unavailable.

APPLICATION PROCESS SUMMARY

1. The potential client contacts the Utility Assistance phone line (913-715-6653) to ask for assistance. The client's information is forwarded to the appropriate Outreach office.
2. If it appears that the client qualifies, an appointment is made to complete paperwork.
3. The MAAC intake form is completed.
4. The intake worker is responsible to verify that the client has not received Johnson County Utility Assistance in the current calendar year by checking MAACLink.
5. Once eligibility is established, a pledge may be made to the utility company.
6. The completed MAACLink form, copies of the bill or disconnect notice, proof of self-payment, and income verification are then forwarded to the Accounting Assistant for processing. From initial intake to payment to the utility company may take up to six weeks.
7. The intake worker will provide energy education and conservation materials to the client.

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Staff Review

7.M.

Fact Sheet

SUBJECT: **DECLARE SURPLUS PROPERTY**
December 3, 2018

DISCUSSION

The Public Works Department requests the vehicles listed below be declared as surplus property in order to process replacements as scheduled:

POLICE UNITS
Unit 9110-2013 Ford Taurus; Asset 1755
Unit 9113-2005 Chevry Monte Carlo; Asset 1900
Unit 9141-2014 Ford Taurus Interceptor; Asset 1775
Unit 9142-2015 Ford Taurus Interceptor; Asset 1902
Unit 9143-2015 Ford Taurus Interceptor; Asset 1903
Unit 9144-2012 Chevrolet Caprice; Asset 1705
Unit 9145-2013 Ford Taurus Interceptor; Asset 1774
Unit 9147-2015 Ford Taurus Interceptor; Asset 1953
Unit 9162-2014 Chevrolet Malibu; Asset 1812
Unit 9173-2011 Ford Crown Victoria; Asset 1636
Unit 9191-2011 Ford F250; Asset 01502
Unit 9195-2012 Ford F350; Asset 1691

FIRE UNIT
Unit 9320/935-2009 Chevrolet Tahoe; Asset 1431

PUBLIC WORKS UNITS
Unit 9410-2007 Ford Explorer; Asset 1302
Unit 9421-2005 Ford F250; Asset 1169

COMMUNITY DEVELOPMENT UNITS
Unit 9503-2008 Ford Escape; Asset 1305
Unit 9506-2008 Ford Escape; Asset 1303

It is the recommendation of the Public Works Department that the Council approve the above items as surplus and authorize the Mayor to approve same.

David Ley, P.E.
Director of Public Works

COUNCIL ACTION TO BE TAKEN

Declare Equipment as Surplus Property

STAFF RECOMMENDATION

☑ For
☐ Against
☐ No position

COMMITTEE RECOMMENDATION

☐ For
☐ Against
☐ No position ☑ No Assignment

POLICY OR PROGRAM CHANGE

☑ No
☐ Yes

OPERATIONAL IMPACT

COSTS

n/a

FUND SOURCES

n/a

2018 Surplus Vehicles & Equipment

Unit #	Asset#	Department	Description	VIN#	Declared Surplus	
9110	1755	POLICE	2013 Ford Taurus-BLACK; great shape	1FAHP2D85DG222207	3-Dec-2018	1
9113	1900	POLICE	2005 Chevy Monte Carlo-**DAMAGE right side**	2G1WK151869181867	3-Dec-2018	2
9141	1775	POLICE	2014 Ford Interceptor Sedan (Taurus)	1FAHP2MT8EG127761	3-Dec-2018	3
9142	1902	POLICE	2015 Ford Taurus Interceptor-black in color	1FAHP2MT6FG114962	3-Dec-2018	4
9143	1903	POLICE	2015 Ford Taurus Interceptor	1FAHP2MT8FG114963	3-Dec-2018	5
9144 OR 9181	1705	POLICE	2012 Chevrolet Caprice	6G1MK5U27CL660250	3-Dec-2018	6
9145	1774	POLICE	2013 Ford Interceptor Sedan (Taurus)-black	1FAHP2MTXEG127762	3-Dec-2018	7
9147	1953	POLICE	2015 Ford Taurus Interceptor	1FAHP2MT8FG175584	3-Dec-2018	8
9162	1812	POLICE	2014 Chevy Malibu	1G11A5SL1EF293474	3-Dec-2018	9
9173	1636	POLICE	2011 Ford Crown Victoria-FORMER K9 CAR	2FABP7BV8BX148204	3-Dec-2018	10
9191	O1502	POLICE	2011 Ford F-250 "PSO"-white in color	1FT7X2B65BEA37462	3-Dec-2018	11
9195	1691	POLICE	2012 Ford F-350 "Animal Control"	1FT8X3A66CEC12444	3-Dec-2018	12
9320 OR 935	1431	FIRE	2009 Chevrolet Tahoe (U35)	1GNFKO30X9R240320	3-Dec-2018	13
9410	1302	PUBLIC WORKS	2007 Ford Explorer--WHITE IN COLOR	1FMEU73EX7UB26973	3-Dec-2018	14
9421	1169	PUBLIC WORKS	2005 Ford F-250--GRAY IN COLOR	1FTSX21545EA25004	3-Dec-2018	15
9503	1305	COMMUNITY DEV	2008 Ford Escape-BLUE in color **NOTES ON CONDITION**	1FMCU03118KA30089	3-Dec-2018	16
9506	1303	COMMUNITY DEV	2008 Ford Escape -SILVER in color	1FMCU03188KA30090	3-Dec-2018	17

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12.A.

City of Leawood Governing Body Staff Report

MEETING DATE: December 3, 2018
REPORT WRITTEN: October 24, 2018

RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – REQUEST FOR APPROVAL OF A REZONING, PRELIMINARY PLAN, PRELIMINARY PLAT AND SPECIAL USE PERMIT– Located north of 95th Street and east Mission Road – Case 115-18

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends approval unanimously (7-0) of Case 115-18 – Ranch Mart North Shopping Center – Redevelopment – request for approval of a Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit, with the following stipulations:

1. This approval is limited to 27,597 sq.ft. of new construction, site improvements, and a total of 217,366 building sq.ft. for the Ranch Mart North development, located on 17.23 acres for an F.A.R. of 0.31 within the SD-CR zoning district and an F.A.R. of 0.07 in the SD-NCR2 zoning district.
2. The Special Use Permit shall be issued to Ranch Mart North, LLC and per the Leawood Development Ordinance, shall be limited to a term of 20 years from the date of Governing Body approval.
3. The applicant shall be responsible for the following impact fees:
   a. The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sq.ft. of finished floor area, prior to issuance of a building permit. This amount is subject to change by Ordinance.
   b. A park impact fee in the amount of $0.15/square foot of finished floor area is required prior to issuance of a building permit. This amount is subject to change by Ordinance.
4. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any new construction, subject to the applicant and Governing Body entering into a memorandum of understanding on existing tenant space, prior to Final Plan.
5. All utility boxes, not otherwise approved with the final development plan, with a height of less than 55 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Planning as being in compliance with the Leawood Development Ordinance.
6. All utility boxes, not otherwise approved with the final development plan, with a height of 55 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body.
7. Per the Leawood Development Ordinance all pedestrian crosswalks shall be demarcated from the adjacent street pavement with a different material and color.
8. The project includes the following deviations:
   - 0' Interior parking setback
   - 0' Interior building setback

.A.C1

9. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to and integrated with the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.
10. All buildings within this development shall conform to the architectural type, style, and scale of the buildings approved by the Governing Body at Final Plan.
11. All downspouts shall be enclosed.
12. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The architectural treatment screening the utilities shall be at least as tall as the utilities they are to screen.
13. Per the Leawood Development Ordinance, all parking lot light fixtures associated with this project shall be a maximum of 18' in height from grade, including base.
14. Material boards shall be submitted at the time of Final Plan application.
15. A 3D model(s) of the development shall be submitted at the time of Final Plan application.
16. At the time of Final Plan, the photometric study meeting the requirements of the Leawood Development Ordinance shall be required. The photometric study shall include the pedestrian plaza.
17. At the time of Final Plan the applicant shall provide a landscape plan that meets all of the requirements of the Leawood Development Ordinance.
18. Along Mission Road, the applicant shall move the 3' tall parking lot screening wall to the west side of the sidewalk, and ensure that the top of the sidewalk matches the height of the parking lot curb.
19. Per the Leawood Development Ordinance, at the time of planting, plant material screening the ground mounted utilities shall be a minimum of 6" taller than the utility it is to screen, with lower shrubs in the foreground to eliminate any gaps in screening.
20. Per the Leawood Development Ordinance, the perimeter area of all on-site open parking areas shall be screened from the view of adjacent properties and streets to a minimum height of 3 feet by the use of a combination of berms and/or walls accented with plant material.
21. All landscaped areas shall be irrigated.
22. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo dated October 18, 2018 on file with the City of Leawood Planning and Development Department, prior to recording the plat.
23. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal's memo October 18, 2018 on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.
24. Signage is not approved with this application. All signage shall meet all the requirements of the Leawood Development Ordinance and sign criteria for the Ranch Mart development.
25. A Sign Permit shall be required from the City of Leawood Community Development Department prior to installation.
26. All restaurant patio sound systems and/or televisions shall be demonstrated to meet the maximum noise level of 60 decibels at the property line, per the Leawood Development Ordinance.
27. All outdoor televisions shall be faced away from residential neighborhoods.
28. The Owner/Applicant shall establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said

common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.

29. A cross access/parking easement for the entire development shall be recorded on the plat with the Johnson County Registrar of Deeds prior to issuance of a building permit.
30. The Linwood Pioneer Cemetery shall be included with the Final Plat of Ranch Mart North development.
31. The City and the applicant shall reconsider the traffic flow around McDonald's at the southwest corner of the project.
32. This Preliminary Plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the Governing Body to request an extension of this time period. The Governing Body may grant one such extension for a maximum of 12 months for good cause shown by the developer.
33. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through thirty-three.

PLANNING COMMISSION CHANGES TO STIPULATIONS:

Stipulation 4: The Planning Commission modified Stipulation 4 as follows.
From:
All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project.

To:
All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any new construction, subject to the applicant and Governing Body entering into a memorandum of understanding on existing tenant space, prior to Final Plan.

Stipulation 9: The Planning Commission modified Stipulation 9 as follows.
From:
In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel. At the time of Final Plan, the applicant shall relocate the proposed trash enclosure at the NBKC Bank.

To:
In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to and integrated with the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.

Stipulation 17: The Planning Commission modified Stipulation 17 as follows.
From:
Per the Leawood Development Ordinance, one (1) tree shall be provided for each 35 feet of street frontage within the landscaped setback abutting said street frontage.

To:
At the time of Final Plan the applicant shall provide a landscape plan that meets all of the requirements of the Leawood Development Ordinance.

Formerly Stipulation 23: The Planning Commission removed the following stipulation.
Removed:
The applicant shall remove the two corner parking spaces closest to Mission Road, within the parking lot west of the main center, for circulation purposes. One corner parking space faces north and one corner parking space faces south.

Stipulation 31 – Additional Stipulation: The Planning Commission added the following stipulation.
Added:
The City and the applicant shall reconsider the traffic flow around McDonald's at the southwest corner of the project.

APPLICANT:

- The applicant is Curtis Petersen with Polsinelli PC.
- The property is owned by:
  - Ranch Mart McDonalds, L.L.C.
  - Ranch Mart North, L.L.C.
  - Linwood Pioneer Cemetery, L.L.C.
  - Leawood Post Office, L.L.C.
- The engineer and architect is Chris Hafner with Davidson a&e.

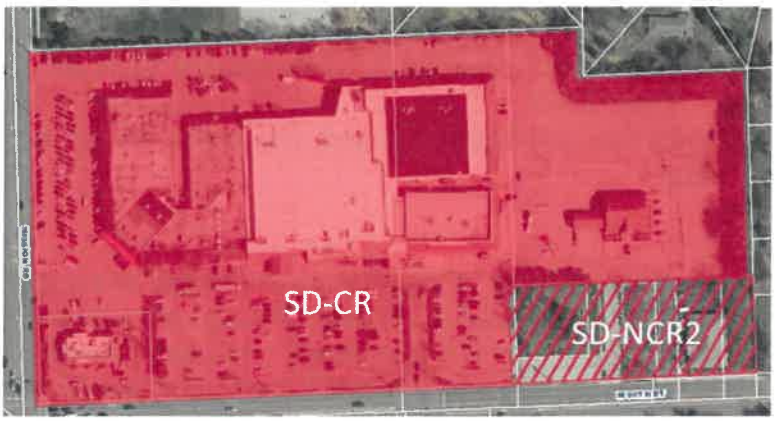
REQUEST:

- The applicant is requesting approval of a Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit for a drive-thru pharmacy, for the redevelopment of Ranch Mart North, which consists of 17.23 acres on six tracts of land.
- The applicant proposes to rezone the McDonalds lot, the main retail center and NBKC Bank as SD-CR (Planned General Retail), and the lot on which CareNow (former Post Office) is located, along with the associated parking lot, and cemetery as SD-NCR2 (Planned Neighborhood Retail 2).
- The applicant is requesting to upgrade the entire site parking lot configuration, lighting and landscaping.
- The applicant is requesting to upgrade the façade of the entire main retail center within the development, and the demolition and reconstruction of the eastern end of the main retail center.
- The applicant is decreasing the overall sq.ft. of building area from 221,552 sq.ft. to 217,366 sq.ft, and reducing the F.A.R. of the SD-CR zoning district from 0.32 to 0.31 and of the SD-NCR2 zoning district from 0.06 to 0.07.
- The overall Ranch Mart development shall be made up of 217,366 sq.ft. of construction on 17.23 acres for an F.A.R of 0.31 within the SD-CR zoning district and an F.A.R. of 0.07 within the SD-NCR2 zoning district.

ZONING:

- The majority of the property is currently zoned SD-CR (Planned General Retail), including:
  - Main retail center,
  - NBKC Bank.

- A portion of the property on the southeast corner of the site is currently zoned SD-NCR2 (Planned Neighborhood Retail 2), including:
  - CareNow,
  - CareNow associated parking lot.
- The cemetery is currently zoned R-1 (Planned Single Family Low-Density Residential).
- The McDonalds lot is currently zoned AG (Agriculture).
- The applicant proposes to rezone the entire property into two districts. The proposed zoning of the property is shown below:



COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Retail.

LOCATION:

SURROUNDING ZONING:

- North — Directly to the north of the property is Curè of Ars church and school, and the Leawood subdivision, a single-family residential subdivision, zoned R-1 (Planned Single-Family Low Density Residential).
- East — To the east is the Leawood subdivision, a single-family residential subdivision zoned R-1 (Planned Single-Family Low Density Residential).
- South — To the south is 95th Street, beyond which is the southern portion of the Ranch Mart shopping center, and a retirement living facility within the City of Overland Park.
- West — To the west is Mission Road, beyond which is a collection of commercial uses within the City of Prairie Village.

SITE PLAN COMMENTS:

- The Ranch Mart development is 17.23 acres, located at the northeast corner of 95th Street and Mission Road. The site includes one existing multi-tenant building, constructed in 1960, hereinafter referred to as the "main center" (located on Tract 1). The site also includes three pad sites; McDonalds (located on Tract 4, southwest corner of the site), constructed in 1992, a bank constructed in 1999 (located on Tract 1, east of main center), and CareNow (the former post office, constructed in 1961) (located on Tract 6-1, southeast corner of the site). Linwood Cemetery is located on the southeastern portion of the site.
- Five foot sidewalks are proposed along the entire site length of 95th Street and Mission Road. Three foot tall masonry screen walls are proposed for the length of 95th Street and Mission Road, with the exception of the McDonalds street frontage, where only a portion of the parking lots are screened. There are four connections from the buildings within the development to perimeter sidewalks along 95th Street and two connections to perimeter sidewalks along Mission Road.
- Four bike rack locations are proposed on the site – two racks on the north side, one on the west side, and one on the south side of the main center.

Main Center

- The main center of the development faces south and west. A large parking lot is located on the south side of the main center and a smaller parking lot is located on the west. The applicant proposes to upgrade the landscape islands in the parking lot, and provide two sidewalk connections through the islands south of the main center to provide pedestrian connectivity from 95th Street and Mission Road to the main center. The applicant proposes to mill and overlay the parking lot pavement of the entire development. New LED parking lot light fixtures are proposed throughout.
- The applicant proposes to reconfigure the vehicular entry on Mission Road, west of the main center.
- The applicant proposes to remove the existing brick structure used as a monument sign/planter box on Mission Road.
- Trash enclosures are located on the north side of the building, architecturally attached to the façade.
- Price Chopper serves as the anchor tenant of the main center. The applicant proposes a new drive-thru pharmacy for Price Chopper, to be located west of the main entrance, in the location of the current drive-thru used for grocery pick-up.
- A portion of the main center, east of Price Chopper, is proposed to be demolished to provide room for a pedestrian plaza area with connection to a larger plaza space surrounding the proposed two-story office/retail building in the northeast corner of the site. An architectural gateway feature will span the walkway, serving as an entrance to the gathering space.
- The applicant proposes to remove one driveway entrance along 95th Street, between the McDonalds entrance and the stoplight to the east.

Southeast Corner of Main Center: Retail Building

- The southeastern corner of the main center is proposed to remain.
- A new 2' tall, integrated, metal faced planter with a bronze finish is proposed to wrap the corner of the east end, defining the tenant patio space from the approximately 6' sidewalk.

Northeast Corner of Main Center: Proposed Retail and Office Building

- The existing extension to the main center located on northeast corner of the main center is proposed to be demolished. The application proposes the construction of a two-story office/retail building.

- The new building will be separated from the existing center by a pedestrian plaza space, approximately 300' long and 35'-60' wide, with landscaping, lighting and seating amenities. The plaza is proposed to have a series of dark and light concrete pavement, creating a patterned affect.
- The eastern entrance to the plaza is protected from the adjacent drive lane with illuminated bollards approximately 40" in height.

East of Main Center: NBKC Bank

- The 32'-0" tall NBKC Bank building will remain as existing.
- The parking field surrounding the bank will be reconfigured with additional parking lot islands and pavement striping.
- New islands will be provided for the bank teller lanes.
- A new 7' concrete sidewalk is proposed to wrap the north, east and south sides of the building.
- A 5' sidewalk connection is proposed from the main center to the bank.
- A trash enclosure is proposed to be located on the west side of the bank drive-thru lanes, architecturally attached to the columns.

McDonalds

- The existing 16'-0" tall building and associated drive-thru are to remain as existing.
- The applicant proposes newly configured islands on the north side of the McDonalds parking field to provide better traffic circulation.
- A monument sign is proposed on 95th Street near the McDonalds driveway entrance, and along Mission Road near the southern driveway entrance.

CareNow

- The 24'-0" tall CareNow building will remain as existing.
- The applicant proposes to reconfigure the parking lot with 90 degree parking, upgrade the landscape islands and create better circulation with the main center parking lot.

Cemetery

- The existing drive aisle south of the cemetery will be removed and replaced with green space and additional landscaping.
- The existing sidewalk on the eastern side of the cemetery will be removed. A new pedestrian connection will be provided on the north side of the cemetery.

BULK REGULATIONS:

The subject site was developed prior to the adoption of the current ordinance. Some of the site characteristics are nonconforming as they relate to the required bulk regulations of the SD-CR and SD-NCR2 zoning districts. However, the nonconforming site characteristics are considered legally nonconforming. The following table summarizes criteria that are required along with the existing and what is currently proposed.

Criteria	Required	Existing	Proposed	Criteria
Exterior Structure Setback – 95th Street (CareNow)	40'	15'	15'	Legally Non-Conforming
Exterior Structure Setback – Mission Road	40'	40'	40'	Complies
Exterior Structure Setback – North Property Line (Price Chopper)	40'	84'	84'	Complies

Criteria	Required	Existing	Proposed	Criteria
Exterior structure setback from east property line (CareNow)	75'	50'	50'	Legally Non-Conforming
Residential Structure Setback – SD-CR (North Property Line) (Price Chopper)	125'	84'	84'	Legally Non-Conforming
Residential Structure Setback – SD-CR (East Property Line)	125'	175'	175'	Complies
Residential Structure Setback – SD-NCR2	75'	50'	50'	Legally Non-Conforming
Minimum Open Space %	30%	13%	18%	Legally Non-Conforming
Minimum Interior Open Space %	10%	11%	12%	Complies
Minimum Acres	10 acres	17.23 acres	17.23 acres	Complies
Parking setback on north property line	25'	10'	19'	Reduces Non-conformity
Parking setback along Mission Road	25'	0'	10'	Reduces Non-conformity
Parking along 95th Street (McDonalds)	25'	5'	5'	Legally Non-Conforming
Parking along 95th Street (Main Center)	25'	2'-6"	14'-6" to 15'-6"	Reduces Non-conformity
Maximum Floor Area Ratio (F.A.R.) – SD-CR	0.25	0.32	0.31	Legally Non-Conforming
Maximum Floor Area Ratio (F.A.R.) – SD-NCR2	0.20	0.09	0.07	Complies
Height Limit – SD-CR	50' (max.)	32'	38'-6"	Complies
Height Limit – SD-NCR2	40' (max.)	24'	24'	Complies

Requested Deviations:

	Required	Existing	Proposed	Criteria
Interior Structure Setback	10'	0'	0'	Deviation Requested
Interior Parking Setback	10'	0'	0'	Deviation Requested

TRAFFIC:

- The traffic memo was provided for review by the Public Works Department detailing existing and proposed vehicular entry points, and trip generation for the AM and PM.

PARKING:

- Parking is provided throughout the site with the larger parking fields located to the south, east and west of the main center. A narrower parking lot is located along the north side of the main center.
- Per the Leawood Development Ordinance, parking within the SD-CR district is required at a ratio of 3.5 to 4.5 parking spaces per 1,000 sq.ft. of building area, except for food related businesses in which 1 parking space is required for every 2 seats, or by an alternative parking study.
- Per the Leawood Development Ordinance a minimum of 487 parking spaces is required for the retail businesses (3.5 parking spaces per 1,000 sq.ft.) and another 441 parking spaces for existing and proposed restaurants seating for a total of 928 parking spaces with this application. The applicant is proposing 933 parking spaces. The proposed number of parking spots is in conformance with the Leawood Development Ordinance. The total number of existing parking spaces is 846 (81 less than required).

ELEVATIONS:

- Elevations are reviewed and approved at the time of Final Plan application, however, the applicant has provided preliminary elevations and materials at this time.

South Elevation – Section A

- Section A of the southern elevation includes the building area to the west of Price Chopper.

- The main building entrances will face the south, and will be accessible via the covered sidewalk adjacent to the main entrances.
- Section A of the southern elevation is proposed to be 26'-6" (1-story) in height with a flat roof.
- The façade is composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- The façade is accented with wooden awnings in a natural tone, and semi-translucent glass panels that are open to the breezeway above the front walkway.
- Perforated metal screens serve as accents in signage areas.
- ACM aluminum composite panels serve as accent bands on columnar projections.
- The storefronts will be composed of clear, 1" insulated glass with 2" clear anodized frames.
- Rooftop units will be site obscured by the building parapet.

South Elevation – Section B

- Section B of the southern elevation includes Price Chopper.
- Section B of the southern elevation is proposed to be 28'-0" (1-story) in height with a flat roof.
- Price Chopper will be faced primarily with ACM aluminum composite panels. Dark gray brick will accent the pharmacy drive-thru area.
- A cementitious panel with integrated signage will surround the main entrance of the building. Wooden awnings will accent the main entrance.
- A canopied walkway will exist east of the main entrance and connect to the eastern corner of the main retail center. There is no covered walkway from the main entrance of Price Chopper to the tenant spaces located west of the proposed pharmacy drive-thru.
- Rooftop units will be site obscured by the building parapet.

South Elevation – Section C

- Section C of the southern elevation includes the building area to the east of Price Chopper.
- Section C of the southern elevation is proposed to be 24'-2" (1-story) in height with a flat roof.
- The façade is proposed to be composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- A break in the façade is located just east of Price Chopper, and is accented with a 13'-6" free-standing gateway faced with stone tile. This serves as the entryway to the pedestrian plaza space.
- A metal faced planter is proposed to wrap the corner of the eastern end, in front of the corner tenant space, and is used to separate the proposed patio space from the pedestrian sidewalk.
- Rooftop units will be site obscured by the building parapet.

West Elevation

- The façade is composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- The west elevation is proposed to be 24'-4" (1-story) in height with a flat roof.
- The façade is accented with wooden awnings in a natural tone, and semi-translucent glass panels that are open to the breezeway above the front walkway.
- A covered walkway spans the western façade.
- Rooftop units will be site obscured by the building parapet.

East Elevation

- The eastern façade is composed of two separate buildings – the eastern end of the main retail center and a newly constructed, two-story (38'-6" tall), retail and office building. The buildings are separated by a pedestrian plaza space.
- The eastern elevation has a flat roof.
- A covered walkway spans the eastern facades of both buildings.
- The facades are composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- Perforated metal screens with abstract patterns accent the façade for a modern architectural appeal.
- The two-story office/retail building will have a second-story balcony, with metal railing, overlooking the pedestrian plaza space.
- Rooftop units will be site obscured by the building parapet.

North Elevation

- The northern elevation is composed of two separate buildings – the northern side of the two-story office and retail building (38'-6" tall), and the northern side of the main retail center (24'-6" tall).
- The northern elevation has a flat roof.
- The facades are composed primarily of brick in dark gray, and stone tile in varying shades of light gray.
- Perforated metal screens with abstract patterns accent the façade for a modern architectural appeal.
- A covered walkway spans the northern facades of the main retail center.
- Rooftop units will be site obscured by the building parapet.

SIGNAGE:

- Ranch Mart has sign criteria recommended by the Planning Commission and approved by the Governing Body. Signage is reviewed administratively. No signage is proposed with this application.

LANDSCAPING:

- The applicant provided a preliminary landscape plan. Landscape plans are approved at the time of Final Plan.
- Perimeter street trees will be installed along 95th Street at a rate of 1 per 35 lineal feet. A continuous row of shrubs will be installed between the trees, in front of the 3' tall parking lot screen walls located along Mission Road and 95th Street.
- Additional trees will be provided in the new green space located south of the cemetery, providing screening from 95th Street.
- The applicant is proposing that parking lot islands will contain two trees where possible, and one within smaller islands.
- The pedestrian plaza space between buildings will be accented with trees, creating comfortable places to sit and interact.
- The existing trees on the north and east property lines (areas adjacent to single family residential) are to remain as existing.
- The following table summarizes landscaping requirements of the Leawood Development Ordinance adjacent to the public right-of-way:

	Mission Road		95th Street	
	Required	Proposed	Required	Proposed
Shade Trees	18	0*	35	35
Ornamental Trees	52	0*	103	0*
Shrubs	124	124	248	248

*Note: The landscaping at Ranch Mart is considered existing non-conforming therefore any increase in landscaping is considered a decrease in the non-conformity.

LIGHTING:

- Lighting is reviewed at the time of Final Plan.
- New 18' LED parking lot light fixtures are proposed throughout the parking field of the entire development.

PRELIMINARY PLAT:

- A Preliminary Plat for the Ranch Mart North shopping center was submitted for existing Tracts 1 through Tracts 6-2.
- The proposed Preliminary Plat encompasses all of the Ranch Mart North development, excluding the existing cemetery. The proposed Preliminary Plat will combine the existing Tracts into three lots.
- The Preliminary Plat of Ranch Mart North consists of the following:

Lot/Tract	Acres
1 (Main Retail Center & McDonalds)	11.96
2 (NBKC Bank & Parking)	3.65
3 (CareNow & Parking)	1.26

IMPACT FEES:

- **PUBLIC ART IMPACT FEE:** The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission, and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sq.ft. of finished floor area. This amount is subject to change by Ordinance.
- **PARK IMPACT FEE:** A park impact fee in the amount of $0.15/square foot of finished floor area is required prior to issuance of a building permit. This amount is subject to change by Ordinance.

INTERACT MEETING:

- The applicant held an Interact Meeting on Thursday, October 11, 2018. A summary and sign-in sheet from the meeting are attached.

GOLDEN CRITERIA:

- **The character of the neighborhood:**
  The subject property is a commercial development located at the northeast corner of 95th Street and Mission Road. Commercial developments exist at the other three corners of this intersection. A religious institution and school are located to the north. Single-family residential properties are located to the north and east. The character of the neighborhood is commercial uses mixed with institutional and residential land uses.

- **The zoning and uses of properties nearby:**
  The surrounding properties consist of single-family residential uses zoned R-1 (Planned Single Family Low-Density Residential) to the north and east, commercial and multi-family residential to the south within the City of Overland Park, and commercial uses to the west within the City of Prairie Village.

- **The suitability of the subject property for uses to which it has been restricted:**
  The subject property is a commercial development that has been in existence for over 50 years and is located at an intersection of two arterial streets with commercial development located on the other three corners of the intersection. The property is suitable for the uses to which it has been restricted.

- **The extent to which removal of the restrictions will detrimentally affect nearby property:**
  The project is suitable to this site, but the stipulations recommended for approval with this application are necessary to ensure a high quality development.

- **The length of time that the property has been vacant:**
  The property is not vacant. It has been developed as a retail shopping center since at least 1960.

- **The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:**
  The property is a commercial development that has existed for over fifty years. Denial of the application will not result in a relative gain to the public health, safety and welfare because the project does not propose any new uses, but proposes improvements and upgrades to the current development. The applicant proposes improvements to public health, safety and welfare by improving traffic circulation, improving the existing building conditions, and providing additional separation between the arterial streets and adjacent parking lots.

- **The recommendation of the permanent staff:**
  City Staff recommends approval of the application with the stipulations in the staff report.

- **Conformance of the requested change to the adopted master plan of the City of Leawood:**
  The Comprehensive Plan designates this property for retail uses. The zoning is SD-CR (Panned General Retail) and SD-NCR2 (Planned Neighborhood Retail 2). The uses conform to both the master plan and zoning of the City of Leawood.

STAFF COMMENTS:

- Staff recommends the trash enclosure for NBKC Bank be relocated from the west side of the drive-thru to the main building structure. Per the Leawood Development Ordinance, the trash enclosure shall be architecturally attached to the building. **(Stipulation 9) The Planning Commission modified Stipulation 9 to require that the trash enclosure be architecturally attached and integrated into the building and accented with appropriate landscaping, but removed the requirement to relocate the trash enclosure. The applicant provided revised plans and an exhibit (Exhibit A) that moved the trash enclosure from the west end of the drive-thru to the north side of the bank, attaching it to the north elevation with a single wall. A single parking space was removed to accommodate the trash enclosure. Staff is not supportive of the proposed design and recommends that at the time of Final Plan, the applicant shall work with staff to either relocate the trash enclosure to an area where it is closer to the businesses that it serves and can be integrated into the surrounding**

architecture, or integrates the trash enclosure into the drive-thru of the bank. Modification of the current stipulation will require an override of the Planning Commission recommendation.

- The applicant does not propose to plant street trees along Mission Road due to utility easements within the right-of-way. Staff recommends street trees be provided at a rate of 1 per 35 lineal feet along Mission Road per the Leawood Development Ordinance Section 16-4-7.3 B (1). **(Stipulation 17) The Planning Commission modified this stipulation to require that a landscape that meets the Leawood Development Ordinance be provided at the time of Final Plan.**
- Staff recommends that, along Mission Road, the applicant move the 3' tall parking lot screening wall to the west side of the sidewalk, and ensure that the top of the sidewalk matches the height of the parking lot curb **(Stipulation 18)**. This is to avoid a drop off between the screening wall and the parking lot, and to provide greater space between vehicles in the parking lot and the wall.
- The applicant does not propose parking lot screening along the entire McDonalds parking lot frontage. Staff recommends that a 3' tall screen wall be added along the entire McDonalds parking lot frontage, with landscaping viewable from Mission Road and 95th Street, to match what is proposed along the remainder of the parking lot frontages, per the Leawood Development Ordinance Section 16-4-7.3 B (3). **(Stipulation 20)**
- Staff recommends the applicant remove the two corner parking spaces closest to Mission Road, within the parking lot west of the main center, for circulation purposes. One corner parking space faces north and one corner parking space faces south. **(Formerly Stipulation 23) The Planning Commission removed this stipulation.**
- The applicant excluded Linwood Pioneer Cemetery from the Preliminary Plat. Staff recommends that the cemetery be included in the Final Plat for Ranch Mart North development, per Section 16-8-1.5 of the Leawood Development Ordinance. **(Stipulation 30)**
- KCATA has contacted the applicant and expressed interest in providing a bus stop along 95th Street. The applicant provided an exhibit (EXHIBIT B) showing a design for the bus stop. Staff recommends that at the time of Final Plan application, the applicant work with staff regarding the final design of the bus stop. If the Governing Body were to add this stipulation, it will require an override of the Planning Commission

City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax

MEMORANDUM

Date: October 18, 2018

To: Richard Coleman, Director of Community Development

From: Brian Scovill, P.E., City Engineer
Department of Public Works

Re: Ranch Mart North Shopping Center – Preliminary Plan
Case Number: 115-18

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) Traffic Study:
   a) The developer submitted a site comparison traffic study on the existing and proposed uses. With this proposed development the PM Peak traffic will increase by 9 trips and AM trips will increase by 25. Based on this comparison, the proposed redevelopment is expected to have negligible impacts to trip generation.
2) Storm Water Study
   a) The proposed pervious area is increasing from 13.4% to 18.3%, therefore no stormwater detention of treatment facilities are required.
   b) The developer shall provide a dedicated drainage easement for all public stormwater infrastructure.
3) The developer shall construct five foot wide sidewalks along Mission Road and along 95th Street. This sidewalk shall be widened to 6 foot if located adjacent to a wall. The sidewalk may be narrowed to 5' when against the wall to accommodate required street trees. The detail and locations of the narrowed sidewalk for street trees shall be coordinated prior to final engineering plan approval. The sidewalk easements will be determined at final engineering plan approval and shall be submitted prior to a Right-of-Way Permit for the proposed improvements.
4) Permanent structures, including monument signs, shall not be placed within the Right-of-Way or Public Easements

5) All public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards as developed by the Department of Public Works (latest revision).

6) The permit fee for plan review and construction observation shall be five (5) percent of the construction cost for all improvements within the Right-of-Way or Public Easement(s) granted to the City of Leawood. The fee will be charged and collected from the Contractor prior to issuance of the permit from the Department of Public Works.

7) The developer shall provide as-built storm sewer information in accordance with our standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flow line information at each structure, pipe size information, downstream structure numbers and type of structure. This information shall be provided to us on the Johnson County AIMS coordinate system. The spreadsheet for the data will be provided to the developer after the storm sewer improvements have been completed.

8) The Developer agrees to repair any damaged areas between the roadway and the Right-of-Way and Easements. This shall include street lighting equipment, traffic signal equipment, sidewalks, storm sewers, grass, etc.

9) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

10) The Temporary Certificate of Occupancy will not be approved until the above requirements have been met.

If you have any questions, please call me at (913) 339-6700, extension 134.

Jessica Schuller

From: Gene Hunter
Sent: Thursday, October 18, 2018 12:58 PM
To: Jessica Schuller
Subject: RE: Ranch Mart

This will do. Thanks, Gene

From: Jessica Schuller
Sent: Thursday, October 18, 2018 10:49 AM
To: Gene Hunter <geneh@leawood.org>
Subject: FW: Ranch Mart

See additional plan attached – forgot to attach it!

Thanks,

Jessica

ORDINANCE NO._____

ORDINANCE APPROVING A REZONING, PRELIMINARY PLAN, PRELIMINARY PLAT AND SPECIAL USE PERMIT [SUP] FOR RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT, LOCATED NORTH OF 95TH STREET AND EAST OF MISSION ROAD [PC CASE # 115-18]

WHEREAS, the applicant submitted a request for approval of a Rezoning to SD-CR (Planned General Retail), a Rezoning to SD-NCR2 (Planned Neighborhood Commercial Retail 2), Preliminary Plan, Preliminary Plat and Special Use Permit;

WHEREAS, the Planning Commission reviewed the application on October 23, 2018 and recommends approval of Case 115-18 with certain stipulations; and

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body on December 3, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION 1. ZONING. That the real estate described below is hereby zoned to SD-CR (Planned General Retail):

Legal Description:

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 34, Township 12, Range 25 in the City of Leawood, Johnson County, Kansas and being more particularly described as follows:
COMMENCING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 34; thence North 01°43'21" West, along the West line thereof, a distance of 40.00 feet; thence North 87°36'50" East, parallel with the South line of said Quarter-Quarter, a distance of 30.00 feet to the intersection of the North right of way of West 95th Street with the East right of way of Mission Road, as now exists, said point being the POINT OF BEGINNING; thence North 01°43'21" West, along the East right of way of said Mission Road, a distance of 623.46 feet (measured) to the intersection of said East right of way with the North line of the South one-half of the West one-half of said Southwest Quarter of the Southwest Quarter of said Section 34; thence North 87°41'42" East, along the north line thereof, a distance of 631.88 feet (measured) to the Northeast corner of the South one-half of the West one-half of the Southwest Quarter of the Southwest Quarter of said Section 34, said point being the Southwest corner of lot 1382, Leawood, Lots 1361 to 1404; thence North 87°36'50" East, parallel to the South line of the Southwest Quarter of the Southwest Quarter of said Section 34 and along the South line of said Lot 1382, a distance of 330.73 feet (measured, 330.00 feet, deed) to the Southeast Corner thereof; thence South 01°43'21" East, parallel to the West line of the East one-half of the Southwest Quarter of the Southwest Quarter of said Section 34, and along the Westerly line of Lot 1369, Leawood, Lots 1361 to 1404, a distance of 85.49 feet (measured, 85.5 feet, deed) to the Southernmost corner thereof and Southwest corner of Lot 1368, said Leawood; thence North 87°32'59" East (measured, North 87°36'50" East, calculated from deed and plat) along the South line of said Lot 1368, a

distance of 280.81 feet (measured, 281.28 feet, deed) to the Southeast corner thereof, said point being the Northwest corner of Lot 1352, Leawood Lots 1302 -1360; thence South 01°45'33" East, along the Westerly line of said Leawood, Lots 1302-1360, a distance of 363.03 feet to a point 214.36 feet (measured, 214.5 feet deed) north of the South line of said Quarter-Quarter; thence South 87°36'50" West, parallel to the South line of said Quarter-Quarter, a distance of 405.90 feet; thence South 01°45'33" East, a distance of 174.36 feet (measured, 174.50 feet deed) to a point on the North line of West 95th Street as now exists; thence South 87°36'50" West, a distance of 837.87 feet to the POINT OF BEGINNING and containing 679,710.53 square feet, more or less.

SECTION 2. ZONING. That the real estate described below is hereby zoned to SD-NCR2 (Planned Neighborhood Commercial Retail 2):

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 34, Township 12, Range 25 in the City of Leawood, Johnson County, Kansas and being more particularly described as follows:
COMMENCING at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 34; thence North 01°43'21" West, along the West line thereof, a distance of 40.00 feet; thence North 87°36'50" East, parallel with the South line of said Quarter-Quarter, a distance of 30.00 feet to the intersection of the North right of way of West 95th Street with the East right of way of Mission Road, as now exists; thence continuing North 87°36'50" East, along the North line of said West 95th Street, a distance of 837.87 feet to the POINT OF BEGINNING; thence North 01°45'33" West, a distance of 174.36 feet (measured, 174.50 feet deed); thence North 87°36'50" East, a distance of 405.90 feet to the West line of Leawood, Lots 1302-1360; thence South 01°45'33" East, along the Westerly line of said Leawood, Lots 1302-1360, a distance of 174.36 feet (measured, 174.50 feet deed) to a point on the North line of said West 95th Street; thence South 87°36'50" West, along said North line, a distance of 405.90 feet to the POINT OF BEGINNING and containing 70,767.94 square feet, more or less.

SECTION 3. OFFICIAL ZONING MAP AMENDED. That the Director of Community Development is hereby directed to amend the Official Zoning Map of the City of Leawood, Kansas, as provided for and adopted pursuant to the provisions contained within the 'Leawood Development Ordinance.'

SECTION 4. REINCORPORATION OF OFFICIAL ZONING MAP AS AMENDED. That the Official Zoning Map of the City, as amended by the provisions of this ordinance is hereby reincorporated and declared to be the official zoning map of the city of Leawood, Kansas, as provided for and adopted pursuant the provisions contained within the 'Leawood Development Ordinance.'

SECTION 5. PRELIMINARY PLAN APPROVAL GRANTED. Pursuant to Section 16-3-10 of the Leawood Development Ordinance, permission is hereby granted to use the above described property, in the manner set forth in the Preliminary Plan on file with the Leawood Planning Department, 4800 Town Center Drive, Leawood, Kansas, 66211, and in accordance with Sections 16-2-6.2 and 16-2-6.3 of the Leawood Development Ordinance, subject to all other

laws and regulations, and subject to the stipulations recommended by the Planning Commission set forth in Section 8 below.

SECTION 6. PRELIMINARY PLAT APPROVAL GRANTED. Pursuant to Section 16-8-2 of the Leawood Development Ordinance, permission is hereby granted to use the above described property, in the manner set forth in the Preliminary Plat and Final Plat on file with the Leawood Planning Department, 4800 Town Center Drive, Leawood, Kansas, 66211, and in accordance with Sections 16-2-6.2 and 16-2-6.3 of the Leawood Development Ordinance, subject to all other laws and regulations, and subject to the stipulations recommended by the Planning Commission set forth in Section 8 below.

SECTION 7. SPECIAL USE PERMIT GRANTED. Pursuant to Section 16-4-3 of the Leawood Development Ordinance, permission is hereby granted to use property described Section 1, above, but only in the manner set forth in the Special Use Permit as requested for the Price Chopper tenant, and is authorized to construct and maintain a drive-thru pharmacy in compliance with the approved plans on file with the Leawood Planning Department, 4800 Town Center Drive, Leawood, Kansas, 66211, and in accordance with Sections 16-2-6.3 and 16-4-3 of the Leawood Development Ordinance, and subject to the conditions and stipulations in Section 8 below, and all other laws and regulations.

SECTION 8. CONDITIONS AND STIPULATIONS. The Rezoning granted in Section 1, the Rezoning granted in Section 2, the Preliminary Plan granted in Section 5, the Preliminary Plat granted in Section 6 and the SUP granted in Section 7, above, are hereby approved and adopted subject to the following conditions and stipulations:

1. This approval is limited to 27,597 sq.ft. of new construction, site improvements, and a total of 217,366 building sq.ft. for the Ranch Mart North development, located on 17.23 acres for an F.A.R. of 0.31 within the SD-CR zoning district and an F.A.R. of 0.07 in the SD-NCR2 zoning district.
2. The Special Use Permit shall be issued to Ranch Mart North, LLC and per the Leawood Development Ordinance, shall be limited to a term of 20 years from the date of Governing Body approval.
3. The applicant shall be responsible for the following impact fees:
    a) The applicant/owner shall be responsible for a public art impact fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $0.15/sq.ft. of finished floor area, prior to issuance of a building permit. This amount is subject to change by Ordinance.
    b) A park impact fee in the amount of $0.15/square foot of finished floor area is required prior to issuance of a building permit. This amount is subject to change by Ordinance.
4. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any new construction,

subject to the applicant and Governing Body entering into a memorandum of understanding on existing tenant space, prior to Final Plan.

5. All utility boxes, not otherwise approved with the final development plan, with a height of less than 55 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Planning as being in compliance with the Leawood Development Ordinance.
6. All utility boxes, not otherwise approved with the final development plan, with a height of 55 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body.
7. Per the Leawood Development Ordinance all pedestrian crosswalks shall be demarcated from the adjacent street pavement with a different material and color.
8. The project includes the following deviations:
   a) 0' Interior parking setback
   b) 0' Interior building setback
9. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to and integrated with the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.
10. All buildings within this development shall conform to the architectural type, style, and scale of the buildings approved by the Governing Body at Final Plan.
11. All downspouts shall be enclosed.
12. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The architectural treatment screening the utilities shall be at least as tall as the utilities they are to screen.
13. Per the Leawood Development Ordinance, all parking lot light fixtures associated with this project shall be a maximum of 18' in height from grade, including base.
14. Material boards shall be submitted at the time of Final Plan application.
15. A 3D model(s) of the development shall be submitted at the time of Final Plan application.
16. At the time of Final Plan, the photometric study meeting the requirements of the Leawood Development Ordinance shall be required. The photometric study shall include the pedestrian plaza.
17. At the time of Final Plan the applicant shall provide a landscape plan that meets all of the requirements of the Leawood Development Ordinance.
18. Along Mission Road, the applicant shall move the 3' tall parking lot screening wall to the west side of the sidewalk, and ensure that the top of the sidewalk matches the height of the parking lot curb.
19. Per the Leawood Development Ordinance, at the time of planting, plant material screening the ground mounted utilities shall be a minimum of 6" taller than the utility it is to screen, with lower shrubs in the foreground to eliminate any gaps in screening.
20. Per the Leawood Development Ordinance, the perimeter area of all on-site open parking areas shall be screened from the view of adjacent properties and streets to a

minimum height of 3 feet by the use of a combination of berms and/or walls accented with plant material.

21. All landscaped areas shall be irrigated.
22. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo dated October 18, 2018 on file with the City of Leawood Planning and Development Department, prior to recording the plat.
23. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal's memo October 18, 2018 on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.
24. Signage is not approved with this application. All signage shall meet all the requirements of the Leawood Development Ordinance and sign criteria for the Ranch Mart development.
25. A Sign Permit shall be required from the City of Leawood Community Development Department prior to installation.
26. All restaurant patio sound systems and/or televisions shall be demonstrated to meet the maximum noise level of 60 decibels at the property line, per the Leawood Development Ordinance.
27. All outdoor televisions shall be faced away from residential neighborhoods.
28. The Owner/Applicant shall establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.
29. A cross access/parking easement for the entire development shall be recorded on the plat with the Johnson County Registrar of Deeds prior to issuance of a building permit.
30. The Linwood Pioneer Cemetery shall be included with the Final Plat of Ranch Mart North development.
31. The City and the applicant shall reconsider the traffic flow around McDonald's at the southwest corner of the project.
32. This Preliminary Plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the Governing Body to request an extension of this time period. The Governing Body may grant one such extension for a maximum of 12 months for good cause shown by the developer.
33. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through thirty-three.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication as required by law.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

(SEAL)

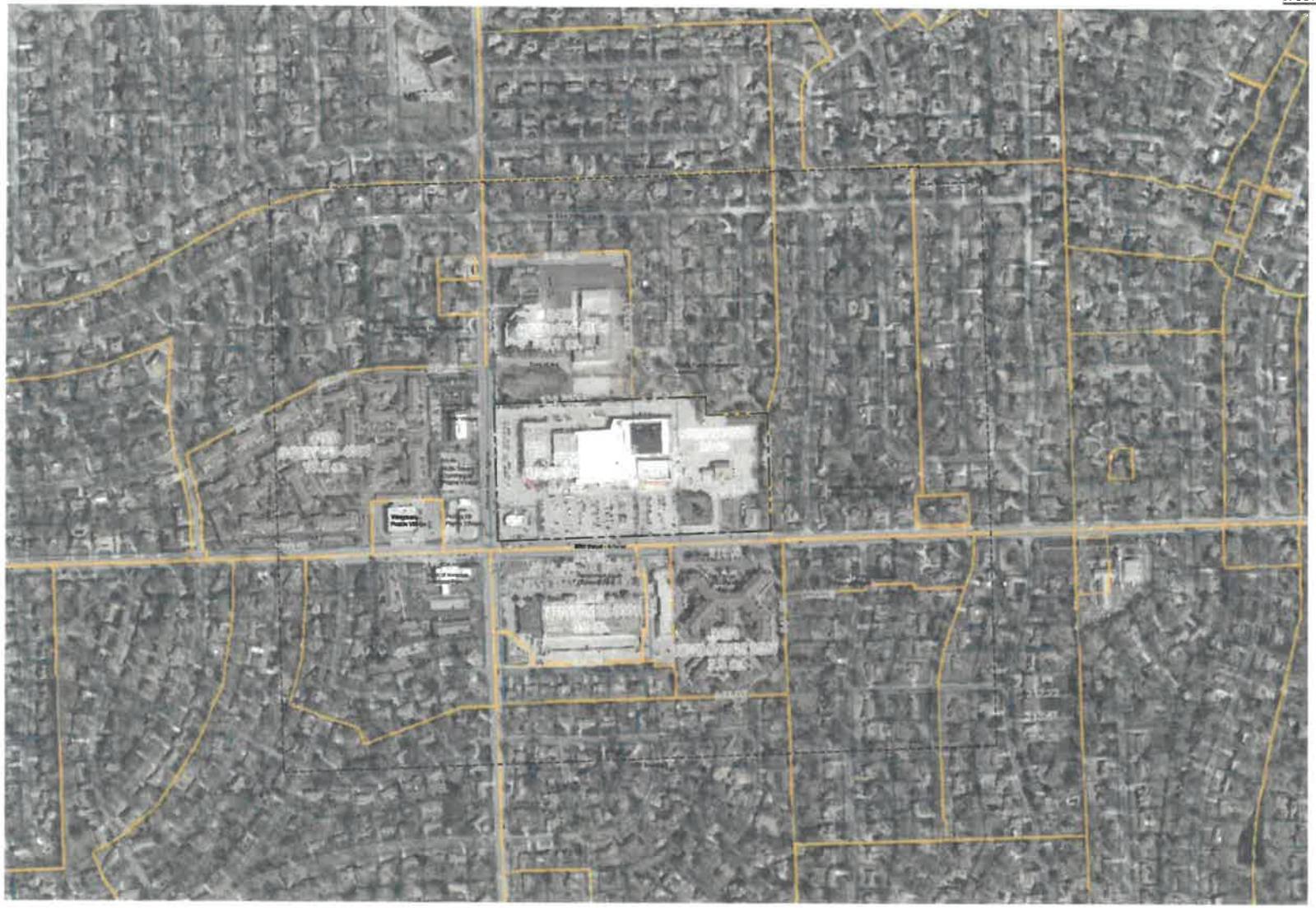
Peggy J. Dunn, Mayor

ATTEST:

Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

Andrew K. Hall, Assistant City Attorney



1 1000' Context Map
scale: 1" = 200'-0"
north

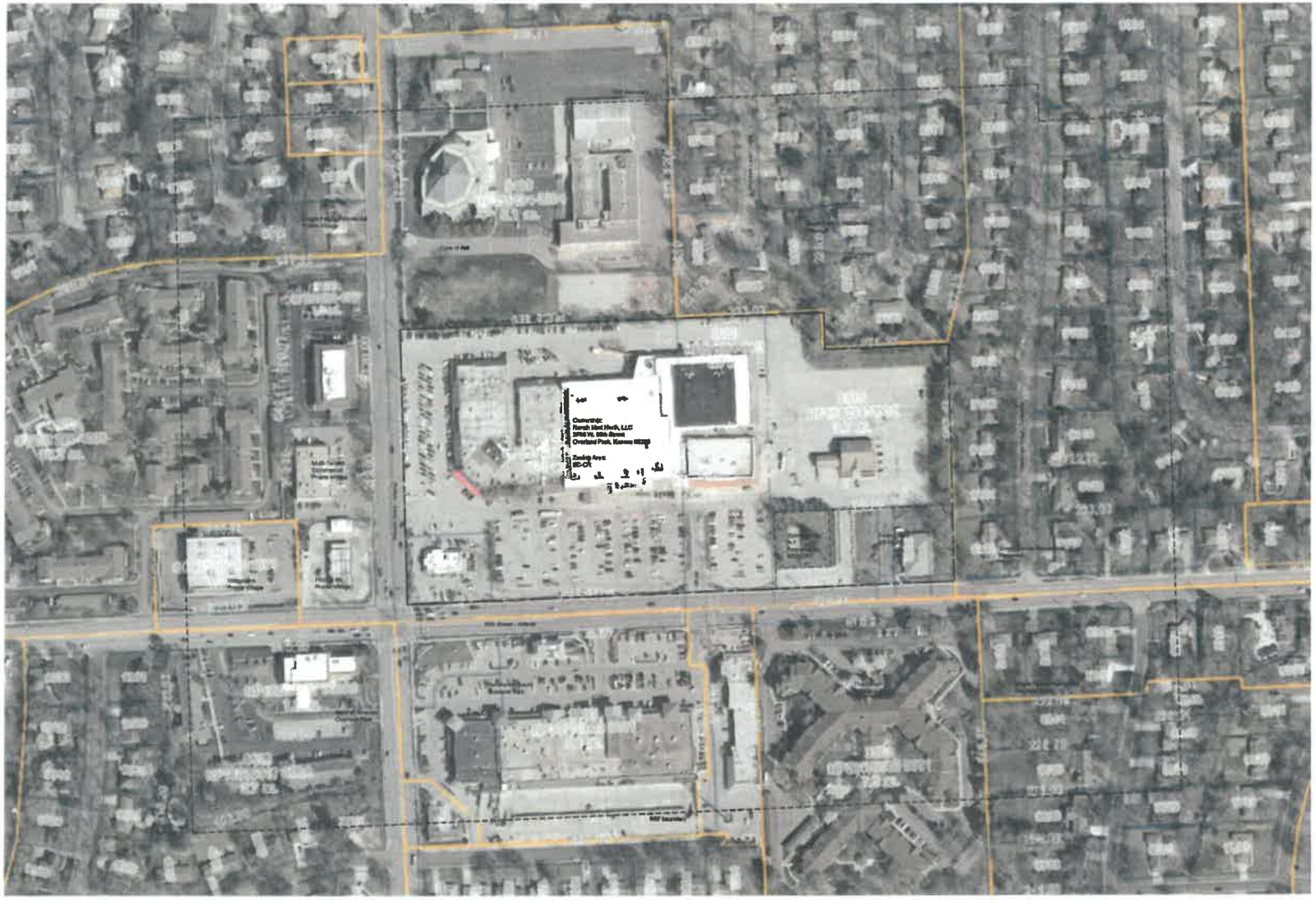
davidson
architecture & engineering

a redevelopment for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

date
09.18.2018
drawn by
dAE
checked by
dAE
revisions

10.05.2018	1
10.18.2018	2

sheet number
A0.1
drawing type
preliminary site plan
project number
16231



1 500' Detail Map
scale: 1" = 100'-0"

north

davidson

a redevelopment for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

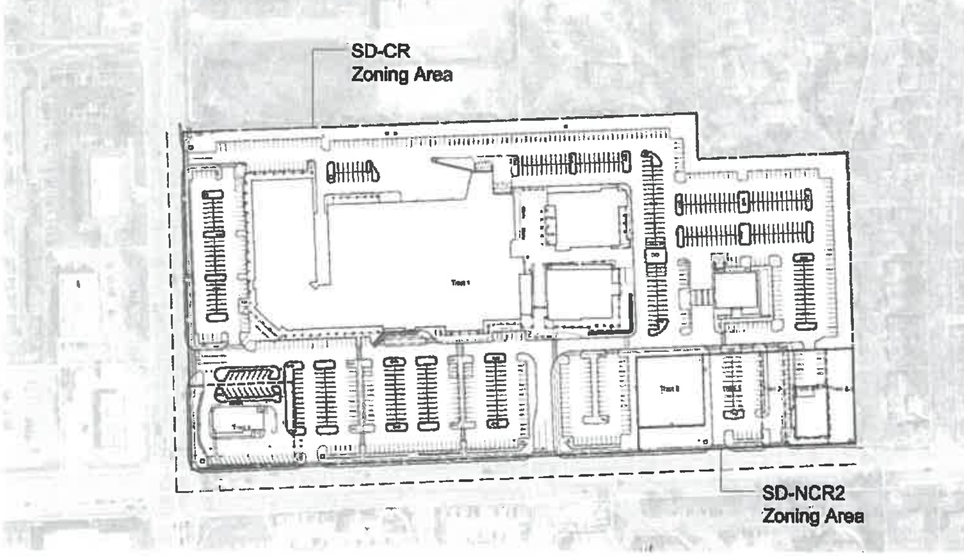
date
09.18.2018
drawn by
dAE
checked by
dAE
revisions

10.05.2018	1
10.18.2018	2

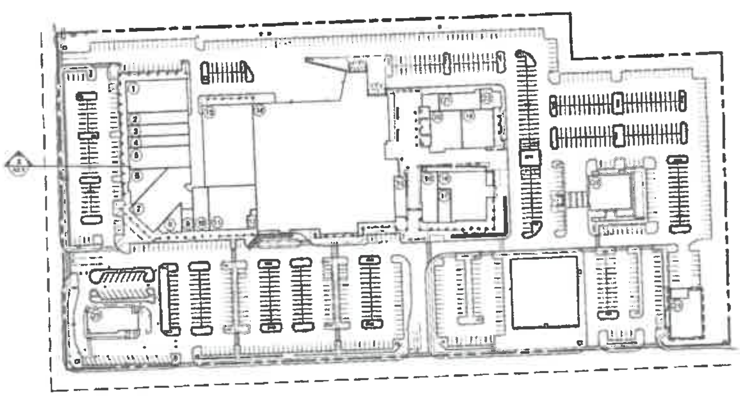
sheet number
A0.2

drawing type
preliminary site plan

project number
16231



1 Site Plan
scale: 1" = 100'-0"
north



2 Building Use Plan
scale: 1" = 100'-0"
north

Notes

Reference sheet A1.1 for note location on site plan.

1. Recovered public sidewalk with connection from north.
2. New concrete sidewalk and integrated screen wall along Mission Road for length of parking field.
3. Reconfigure vehicular entry along Mission Road.
4. New landscape islands and 90 degree parking configuration on west side of retail center.
5. Stamped herringbone pattern concrete pedestrian boardwalk with sentinel ribbon on each side (typ).
6. Relocate existing McDonald's monument sign along Mission Road to accommodate sidewalk.
7. Additional parking along 95th in McDonald's parking lot based on relocated vehicular entry point further east.
8. Island definition of parking field on north side of McDonald's parking lot.
9. Relocate existing McDonald's monument sign along 95th Street to updated entry island.
10. Updated parking configuration, screen walls and pedestrian paths into development along 95th Street.
11. Removal of existing road to the south of the cemetery, replaced with additional landscaping.
12. Existing McDonald's and associated drive thru to remain.
13. Existing CareNow building to remain.
14. Reconfigure parking field on east side of development to meet 25'-0" parking buffer requirements.
15. See sheet A1.2 for existing and proposed deviation requests.
16. Reconfigure parking field around NBKC bank.
17. NBKC bank existing to remain.
18. New islands provided for bank teller lanes.
19. New consolidated trash enclosure with materials to match new facade updates.
20. Reconfigure parking field on north side of development to meet 25'-0" parking buffer requirements.
21. Existing dock wall and delivery area for Price Chopper to remain.
22. Demo existing building in northeast corner of retail center and replace with 2-story mixed-use (office / restaurant / retail) building.
23. Screen wall provides public sidewalk to south and east of outdoor patio space of corner restaurant.
24. Screen wall along plaza provides screening to existing utilities located on north wall of existing retail building.
25. Demo portion of existing retail building to provide pedestrian access to plaza.
26. Maintain vehicular access to plaza at east entry.
27. Plaza features per perspective detailing provided with Preliminary Site Plan submission.
28. Existing covered grocery delivery area connection to pharmacy pick up.
29. Dashed line represents second floor overhang of outdoor and office space.
30. Reduction of drive width to delivery area for minimizing visual impact behind retail center.
31. Removable stainless steel pipe bollards to protect east plaza entry.
32. Integrated planter boxes for vehicular protection at south and north plaza entries.
33. LED illuminated stainless steel pipe bollards along frontage of Price Chopper entry.
34. LED site lighting with 18' max height maximum (including base, from grade) shown throughout parking lot.
35. Bicycle parking location.
36. Sight distance triangle along 95th St. at restricted access points: 230' clear line of sight.
37. Sight distance triangle along 95th St. at full access point: 450' clear line of sight.
38. Sight distance triangle along Mission Rd. at full access point: 180' clear line of sight.
39. Switchgear box per KCPL.
40. Sectionalizer per KCPL.
41. Transformer per KCPL.
42. Remove existing sign along Mission Road.
43. Low screen wall along Mission Road & 95th Street to remain outside of sight distance triangle. 3'-0" tall masonry wall per architectural detailing provided.
44. Existing retaining wall to remain along 95th Frontage of CareNow building.
45. Speed table crosswalk to Price Chopper entry.
46. Sight distance triangle within parking lot: 200' clear line of sight.

Tenant Use	Area	Seating	Parking Required
1. O'Neills	6,890 sq. ft.	136 seats	68 spaces
2. Fox's	3,832 sq. ft.	66 seats	34 spaces
3. [illegible]	2,437 sq. ft.		8 spaces
4. [illegible]	2,496 sq. ft.		9 spaces
5. Tap Drawer	4,463 sq. ft.		16 spaces
6. [illegible]	3,278 sq. ft.		11 spaces
7. [illegible]	7,324 sq. ft.		26 spaces
8. [illegible]	1,230 sq. ft.		4 spaces
9. [illegible]	850 sq. ft.		3 spaces
10. [illegible]	1,754 sq. ft.		8 spaces
11. Ranchmart Wine	8,178 sq. ft.		29 spaces
12. [illegible]	739 sq. ft.		3 spaces
13. [illegible]	12,330 sq. ft.		44 spaces
14. Price Chopper	62,320 sq. ft.		222 spaces
15. Dark Donuts	1,763 sq. ft.	22 seats	11 spaces
16. [illegible]	2,828 sq. ft.		10 spaces
17. [illegible]	1,502 sq. ft.		5 spaces
18. Meat Mitch	6,582 sq. ft.	248 seats	124 spaces
19. Rest. A	4,102 sq. ft.	164 seats	82 spaces
20. Rest B	4,267 sq. ft.	170 seats	85 spaces
21. Retail A	2,336 sq. ft.		8 spaces
22. Office	13,960 sq. ft.		48 spaces
23. NBKC	4,836 sq. ft.		17 spaces
24. CareNow	4,884 sq. ft.		17 spaces
25. McDonald's	3,610 sq. ft.	74 seats	37 spaces
Total:	188,581 sq. ft.	942 seats	935 spaces required

Note: All existing basement space in the shopping center is used exclusively as storage space. No tenants have rights to access the basement. This space has not been included in the parking count.

Schedule

Total area of the site:	750,401 sq. ft., 17.23 acres
Tract 1 site area:	658,348 sq. ft.
Tract 2 site area:	7,851 sq. ft.
Tract 3 site area:	24,340 sq. ft.
Tract 4 site area:	28,475 sq. ft.
Tract 5 site area:	16,883 sq. ft.
Tract 5-1 site area:	13,919 sq. ft.
Tract 5-2 site area:	4,894 sq. ft.
Gross building area:	217,380 sq. ft.
CareNow:	4,858 sq. ft.
NBKC Bank:	4,836 sq. ft.
McDonald's:	3,610 sq. ft.
Price Chopper:	63,320 sq. ft.
Retail:	57,608 sq. ft.
Mixed Use Building:	27,807 sq. ft.
Basement Storage:	46,901 sq. ft.
Floor area:	157,457 sq. ft.
Floor area ratio:	0.21
Building coverage:	21%
Open space:	142,825 sq. ft. / 750,401 sq. ft. = 19%
Required int. landscape:	75,040 sq. ft., 10%
Provided int. landscape:	88,821 sq. ft., 12%
Existing green space:	100,873 sq. ft., 13%
Proposed green space:	137,397 sq. ft., 18%
Existing impervious:	649,528 sq. ft., 87%
Proposed impervious:	613,004 sq. ft., 82%
SD-CR site area:	623,045 sq. ft.
SD-CR open space:	127,368 sq. ft., 20%
SD-NCR2 site area:	73,578 sq. ft.
SD-NCR2 open space:	10,030 sq. ft., 14%

Required parking:		
	CareNow (4,858):	17 spaces
	NBKC (4,836):	17 spaces
	Price Chopper (63,320):	222 spaces
	Retail (51,943):	182 spaces
	Office (13,960):	48 spaces
	McDonald's (74)	37 spaces
	Fox's (66):	34 spaces
	O'Neill's (136):	68 spaces
	Meat Mitch (248):	124 spaces
	Dark Donuts (22):	11 spaces
	[illegible]	167 spaces
	Total:	925 spaces

Provided parking: 934 spaces

Number of dwelling units: Not applicable

Building and parking setbacks for all sides

North:	25' parking setback & 125' building setback (adjacent residential)
South:	25' parking setback & 40' building setback
East:	25' parking setback & 125' building setback for SD-CR zoned portion, 75' building setback for SD-NCR2 zoned portion (adjacent residential)
West:	25' parking setback & 40' building setback

Height of each building (stories and feet)

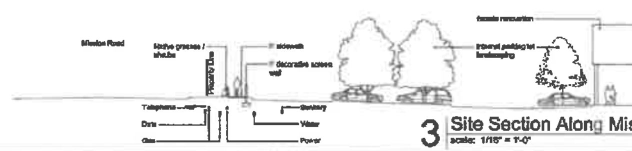
CareNow:	One story, 24'-0"
NBKC Bank:	One story, 22'-0"
McDonald's:	One story, 18'-0"
Price Chopper:	One story, 28'-0"
Retail:	One story, 28'-0"
Mixed Use Building:	Two stories, 36'-5"

Plaza / Pedestrian Space Requirements:
934 spaces
934 / 125 = 7.472
7.472 x 1,000 = 7,472 sq. ft.
7,472 x 50% = 3,736 sq. ft. green

Plaza / Pedestrian Space Provided:
10,718 sq. ft.
2,318 sq. ft. green space within plaza

Legal Description

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 34, Township 12, Range 25 in the City of Leawood, Johnson County, Kansas and being more particularly described as follows:
Beginning at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 34; thence North 01°43'21" West, along the West line thereof, a distance of 663.31 feet (measured, 663.66 feet, deed) to the Northwest corner of the South one-half of the West one-half of said Southwest Quarter of the Southwest Quarter of said Section 34; thence North 87°41'42" East, along the north line thereof, a distance of 661.86 feet (measured, 661.94 feet, deed) to the Northeast corner of the South one-half of the West one-half of the Southwest Quarter of the Southwest Quarter of said Section 34, said point being the Southwest corner of lot 1362, Leawood, Lots 1361 to 1404; thence North 87°35'30" East, parallel to the South line of the Southwest Quarter of the Southwest Quarter of said Section 34 and along the South line of said Lot 1362, a distance of 330.73 feet (measured, 330.88 feet, deed) to the Southeast Corner thereof; thence South 01°43'21" East, parallel to the West line of the East one-half of the Southwest Quarter of the Southwest Quarter of said Section 34, and along the Westerly line of Lot 1369, Leawood, Lots 1361 to 1404, a distance of 85.49 feet (measured, 85.5 feet, deed) to the Southernmost corner thereof and Southwest corner of Lot 1368, said Leawood; thence North 87°32'09" East (measured, North 87°39'50" East, calculated from deed and plat) along the South line of said Lot 1368, a distance of 288.41 feet (measured, 287.28 feet, deed) to the Southeast corner thereof, said point being the Northwest corner of Lot 1353, Leawood Lots 1302 - 1360; thence South 01°49'33" East, along the Westerly line of said Leawood, Lots 1302-1360, a distance of 577.36 feet to the South line of the Southwest Quarter of the Southwest Quarter of said Section 34; thence South 87°28'57" West, along said South line, a distance of 1273.30 feet to the POINT OF BEGINNING less and except the South 40 feet and West 30 feet thereof dedicated for roadway purposes and containing 750,475.47 square feet or 17.23 acres, more or less.



3 Site Section Along Mission
scale: 1/16" = 1'-0"

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4301 Indian Creek Parkway
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a redevelopment for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

date
09.18.2018
drawn by
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checked by
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revisions △

10.05.2018	1
10.18.2018	2
11.28.2018	3

sheet number
A1.0

drawing type
preliminary
project number
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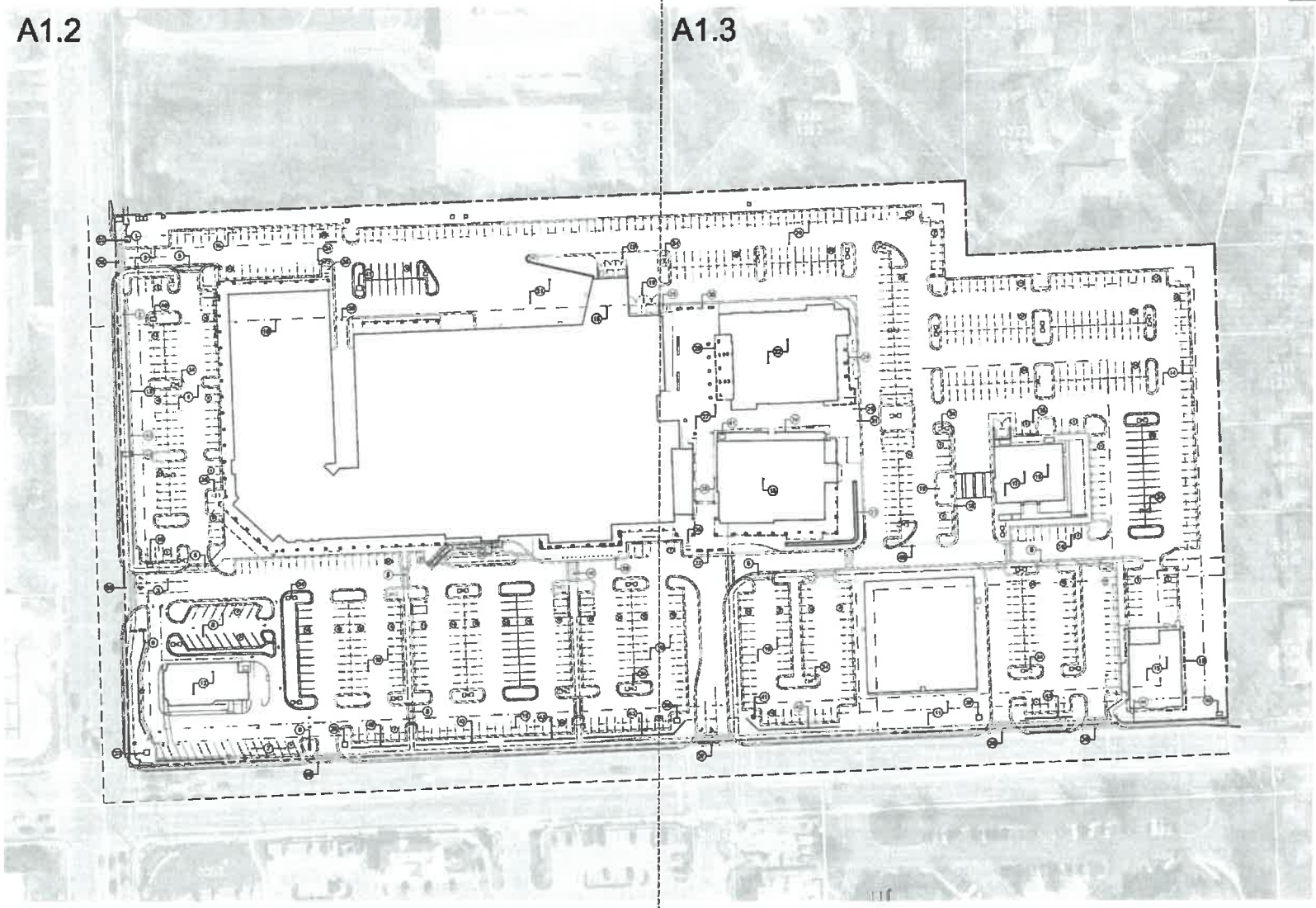

1 Site Plan
scale: 1" = 50'-0"
north

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4801 Indian Creek Parkway
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10.18.2018	2
11.26.2018	3

sheet number
A1.1

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preliminary

project number
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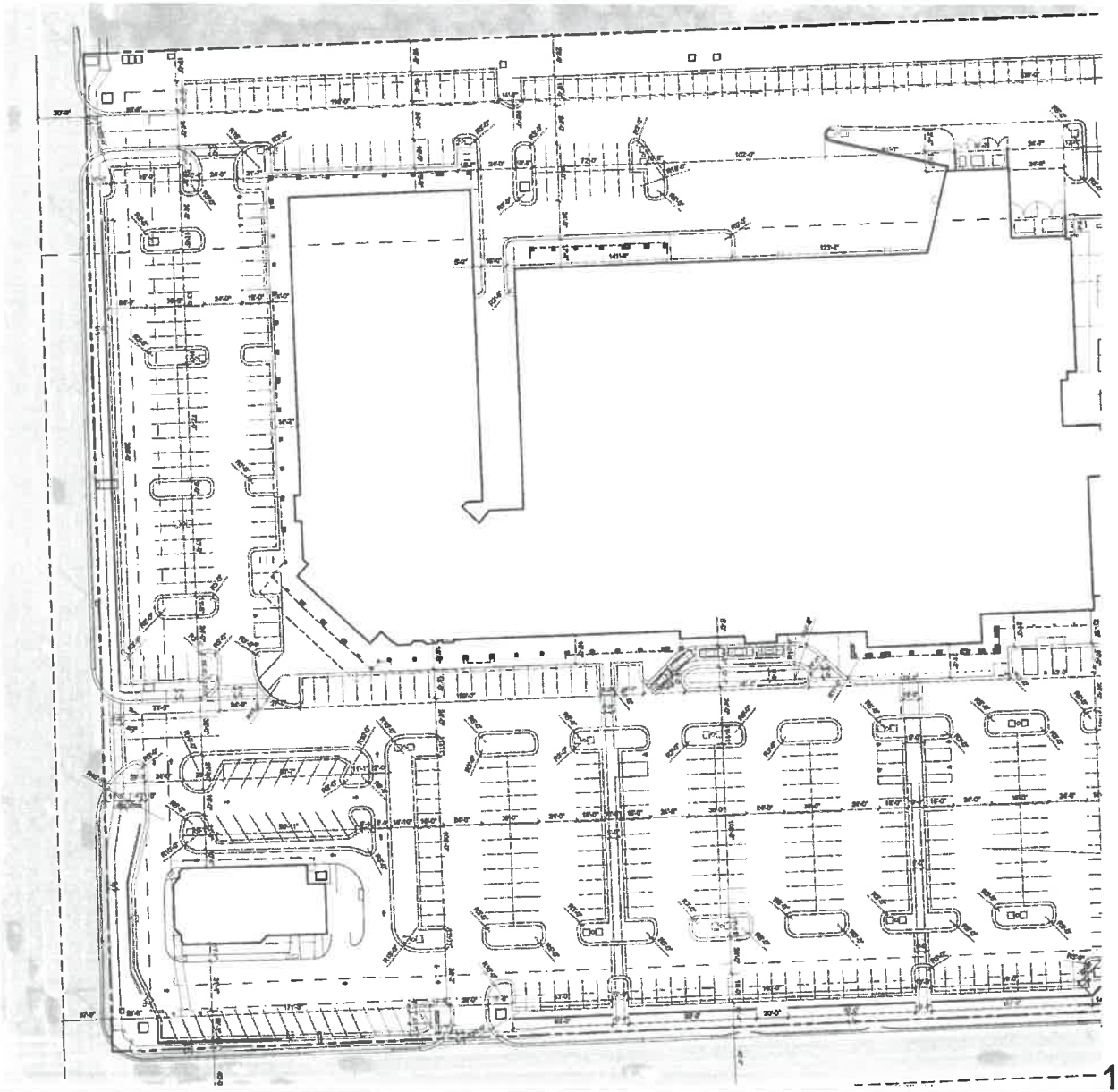

1 Site Plan
scale: 1" = 30'-0"
north

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sheet number
A1.2
drawing type
preliminary
project number
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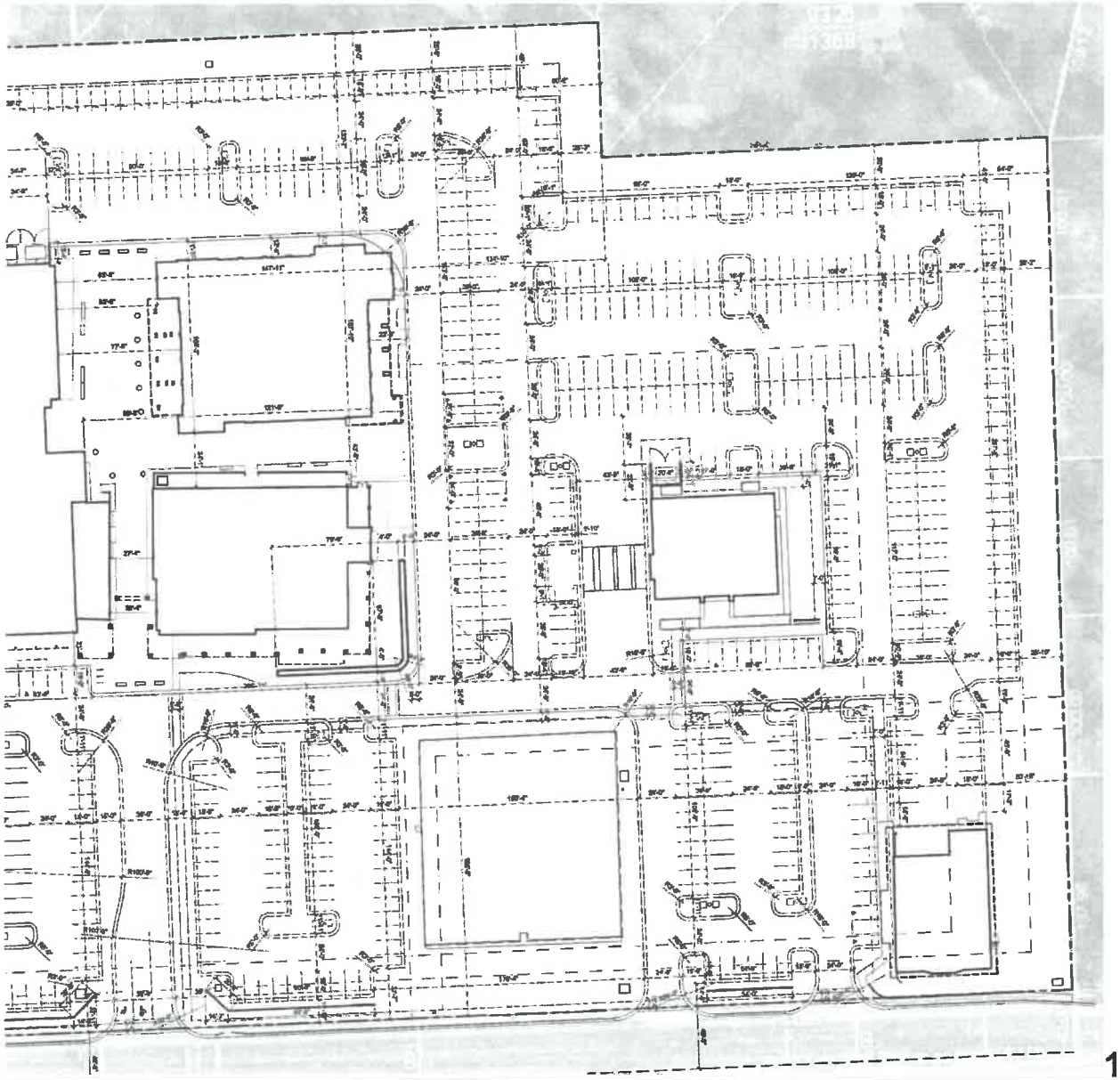

1 Site Plan
scale: 1" = 30'-0"

north

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A1.3

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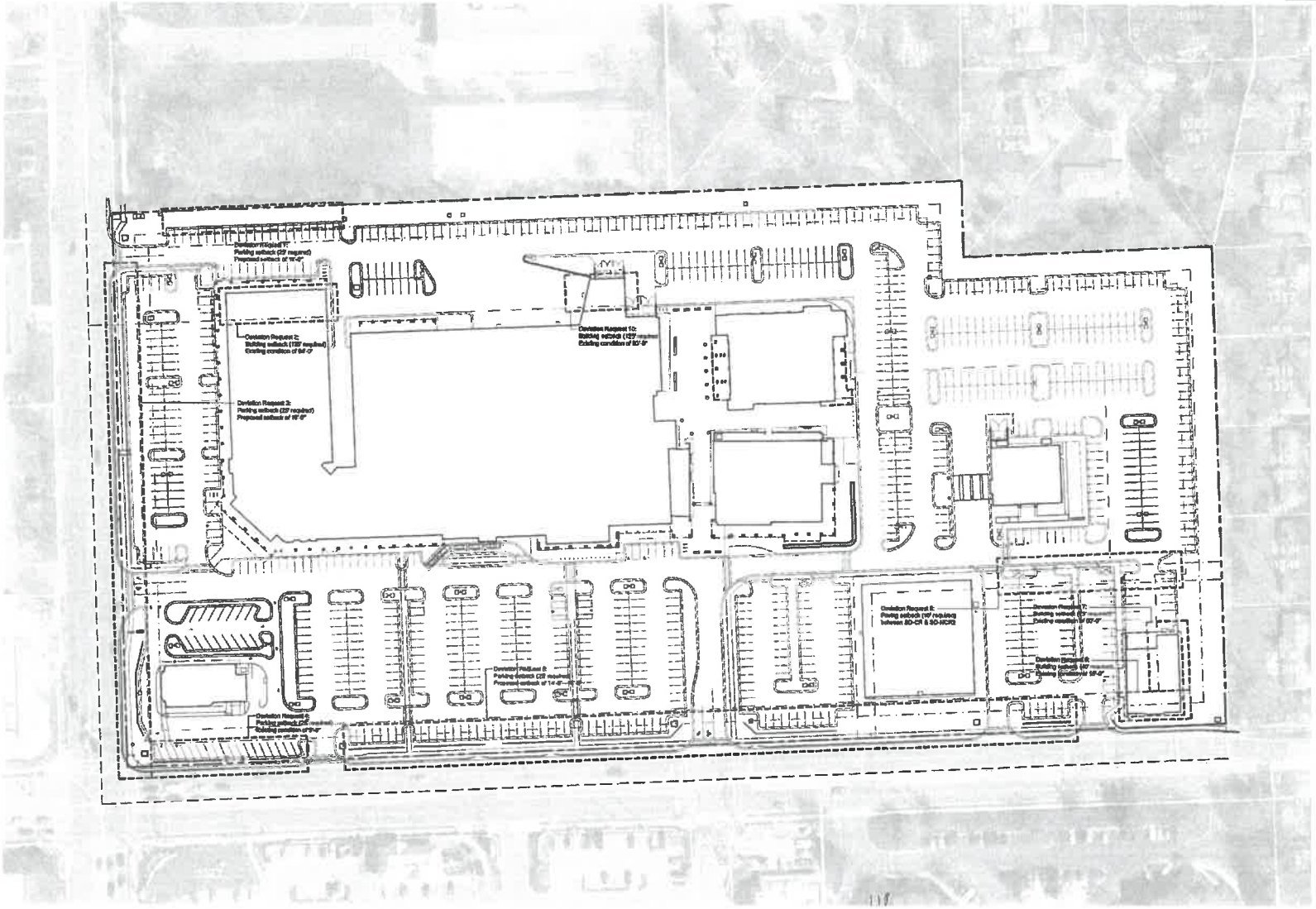

1 Deviation Requests
scale: 1" = 50'-0"

north

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4201 Indian Creek Parkway
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phone 913.491.[illegible]
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A1.4

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preliminary

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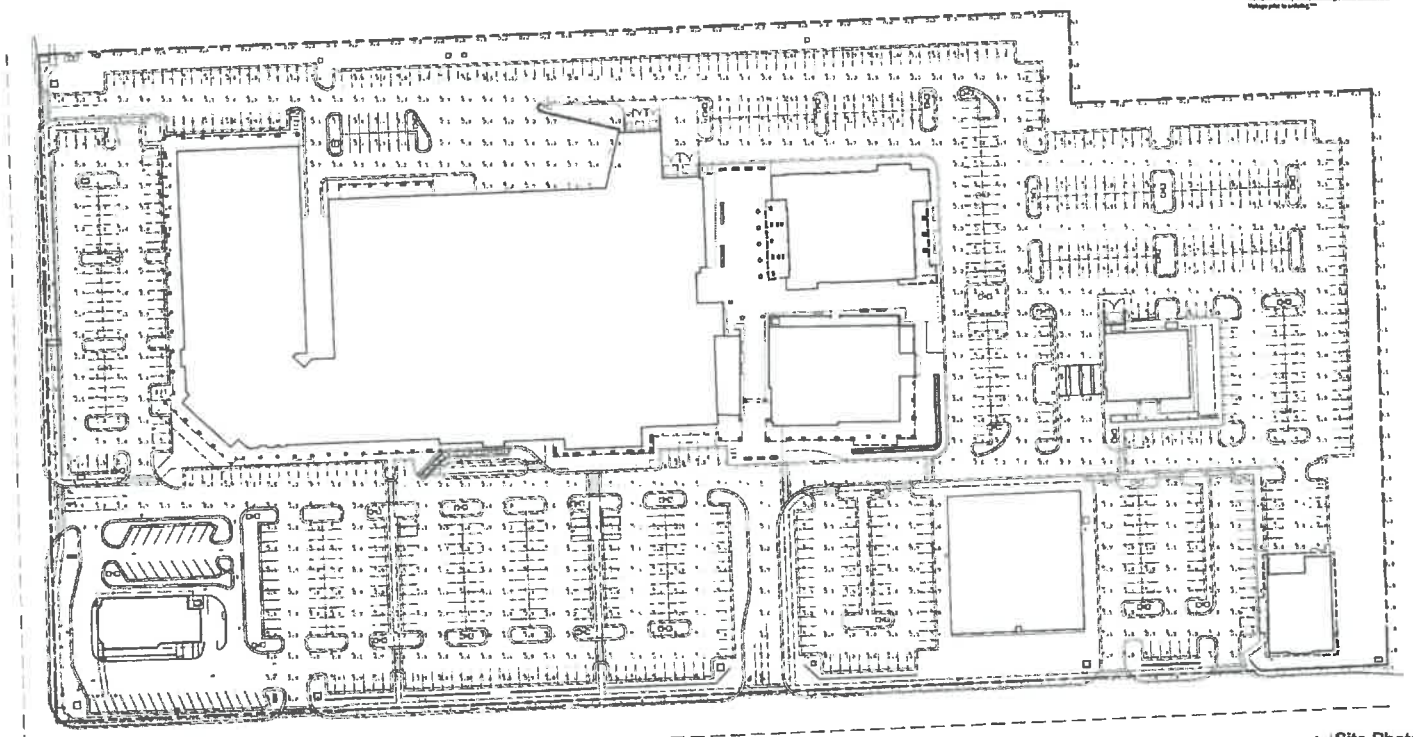

1 Site Photometric Plan
scale: 1" = 50'-0"

north

CREE

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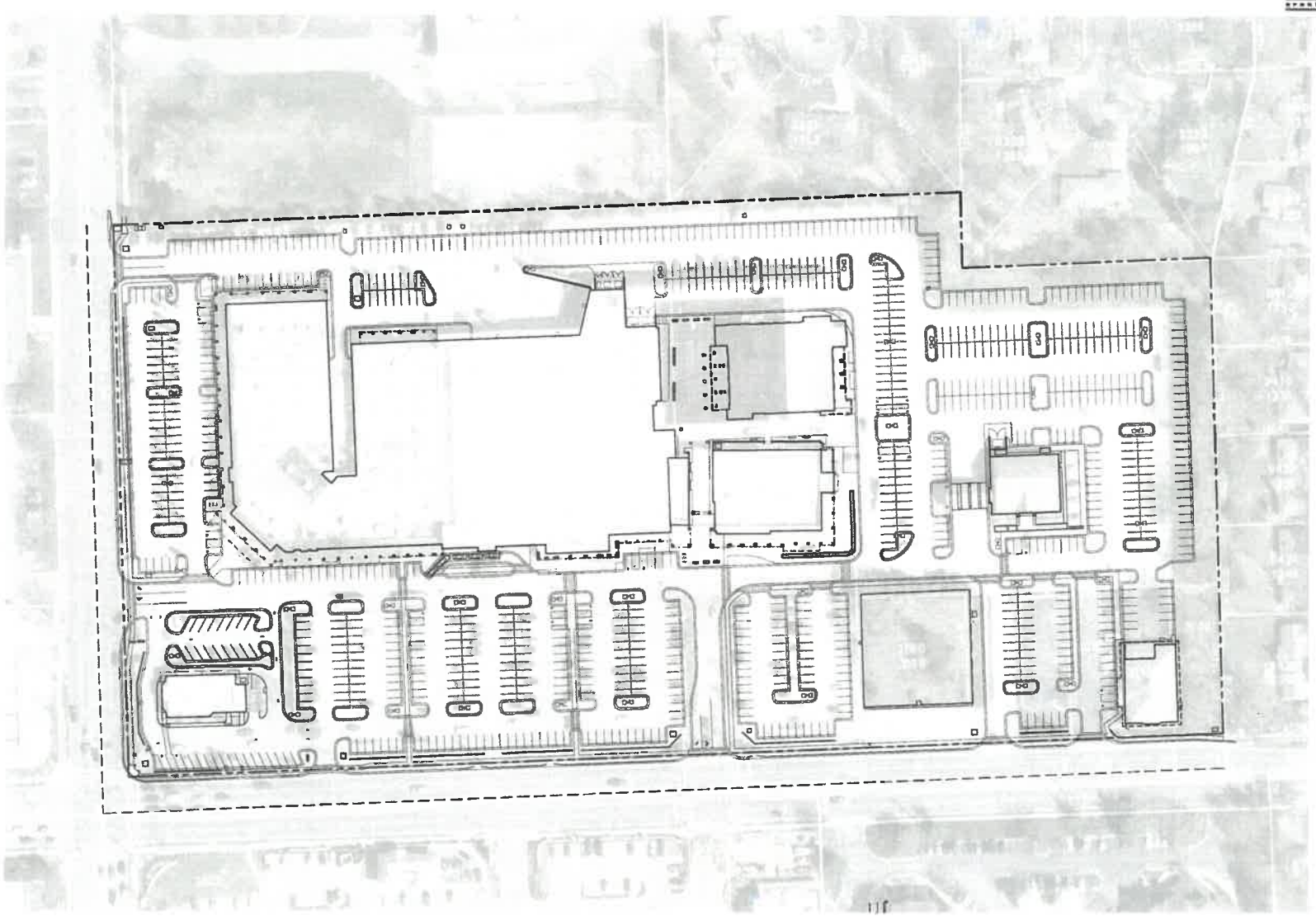
A1.5
drawing type
preliminary
project number
18231



1 Site Plan
scale: 1" = 50'-0"
north

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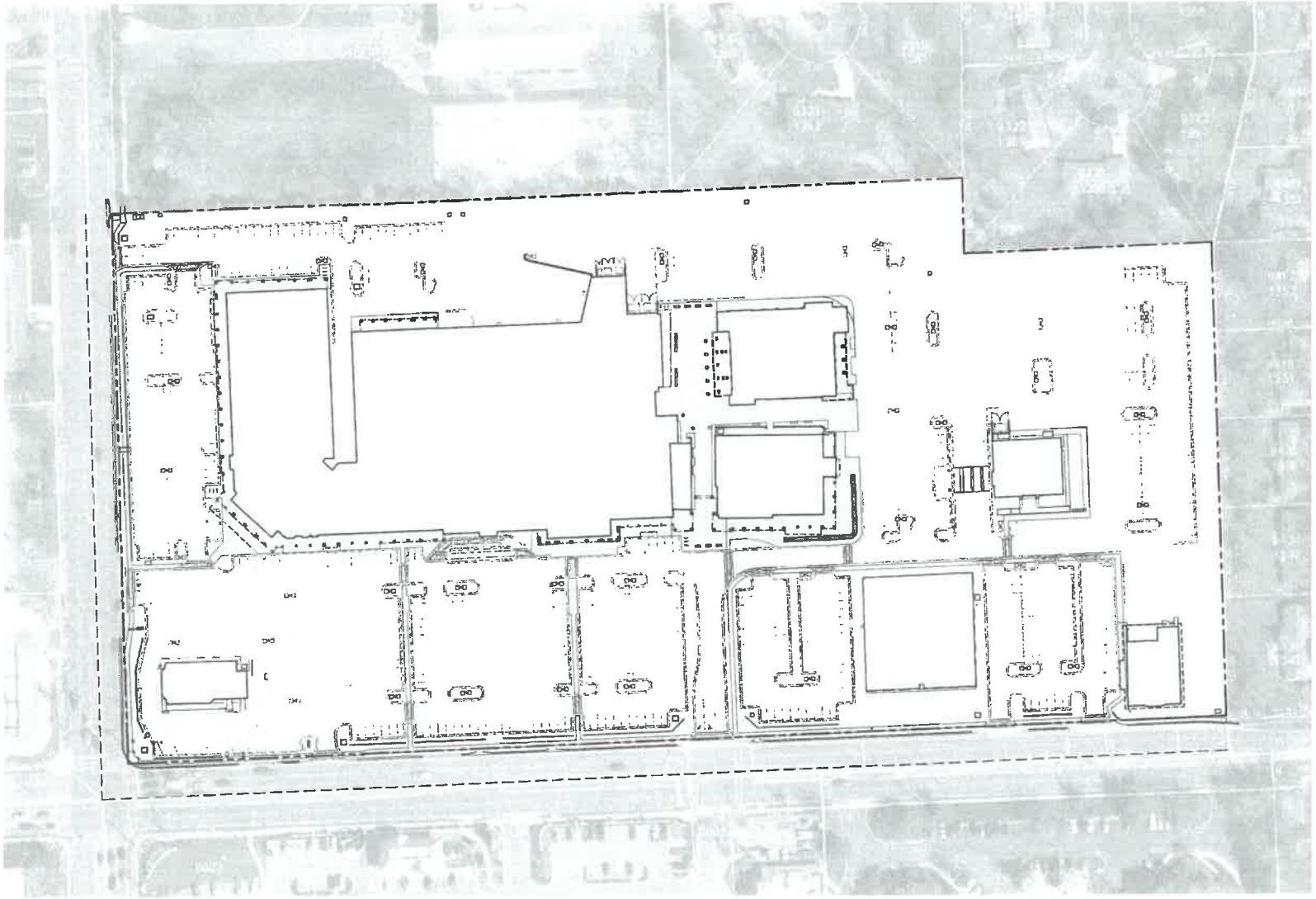
sheet number

A1.6

drawing type
preliminary

project number
16231



1 Pedestrian Site Plan
scale 1" = 50'-0"
north

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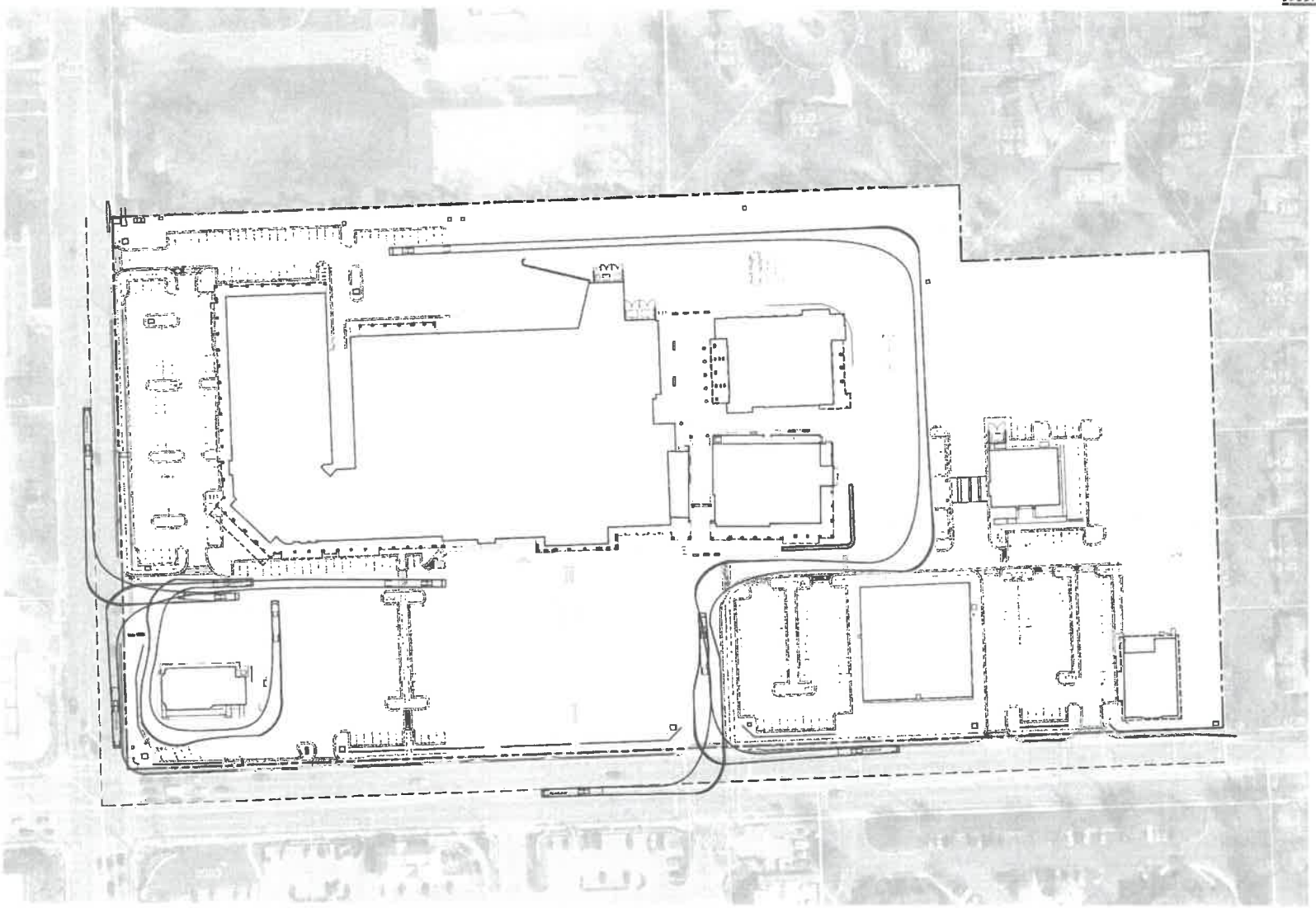
preliminary
project number
18231



1 Truck Movement Site Plan
scale: 1" = 50'-0"

north

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preliminary

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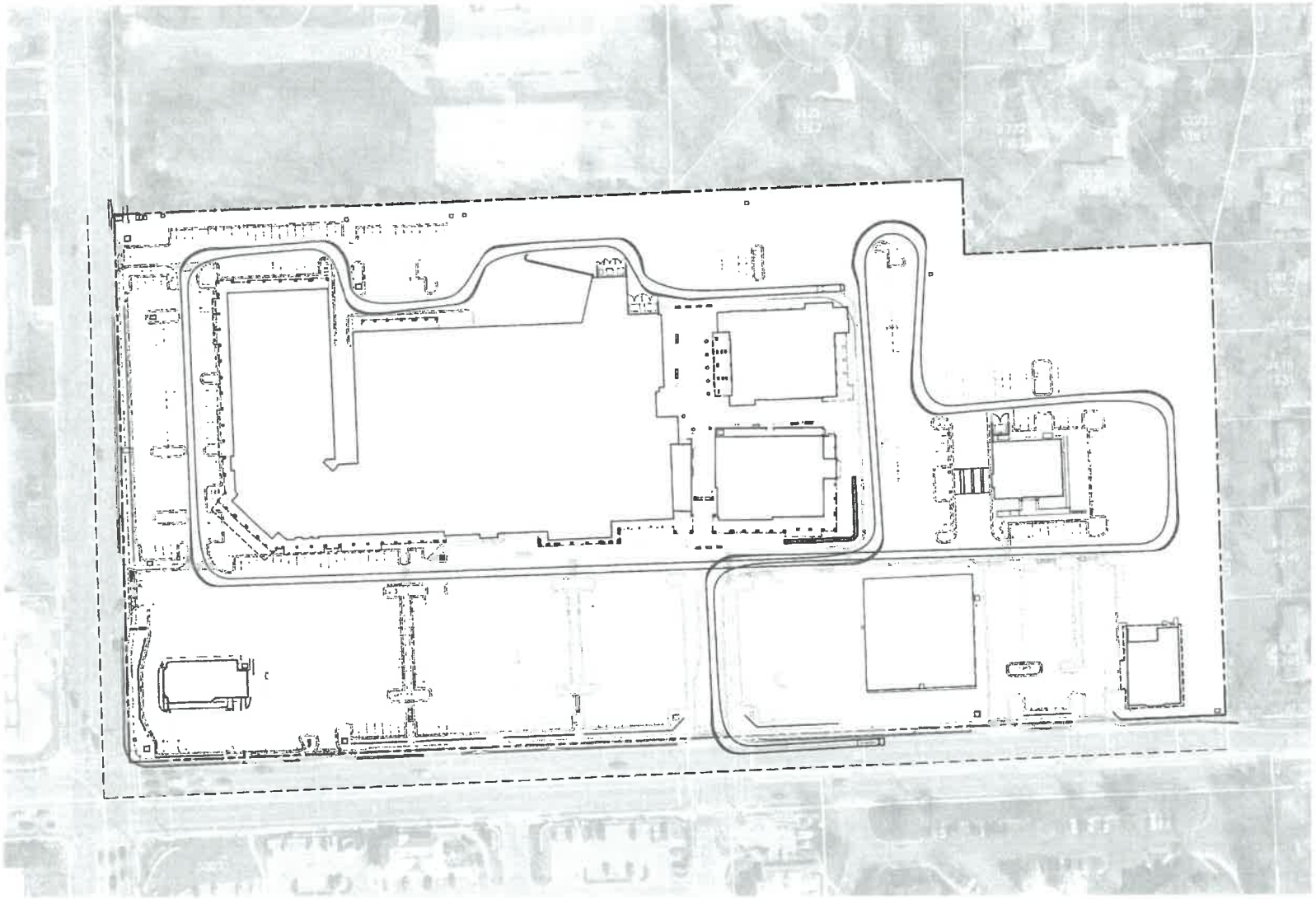

1 Truck Movement Site Plan
scale: 1" = 50'-0"
north

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10.18.2018	2
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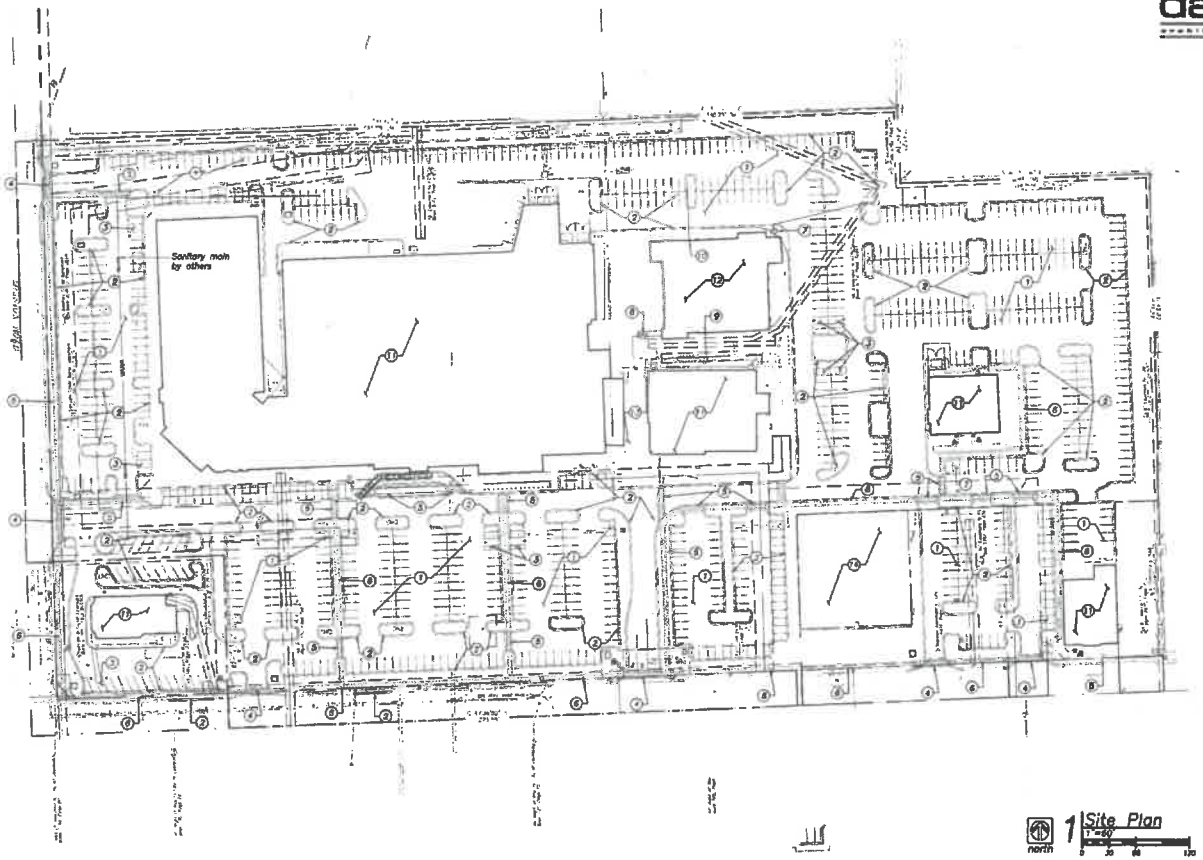

Construction Legend

- concrete sidewalk

Property Legend

- right of way
- property lines
- easements
- setbacks

Grading Legend

- existing minor contour
- existing major contour
- proposed minor contour
- proposed major contour

Utility Legend

- existing
- proposed

Linetypes

- sanitary main
- sanitary service
- storm sewer (existing)
- storm sewer (solid wall, proposed)
- storm sewer (solid wall, proposed)
- storm sewer (perforated, proposed)
- water main
- water service (fire)
- water service (domestic)
- water service (irrigation)
- natural gas main
- natural gas service schematic
- underground primary electric
- underground secondary electric
- underground cable/phone/data
- underground cable/phone/data service
- fence – chainlink
- fence – wood
- fence – barbed wire
- treeline

Symbols

- sanitary manhole
- service cleanout
- force main release valve
- rectangular structure
- circular structure
- fire hydrant
- water valve
- water meter
- backflow preventer
- natural gas meter
- service transformer (pad mount)
- primary switch gear
- light pole
- cable/phone/data junction box
- street light
- pedestrian street light
- electric pole
- guy wire
- end section

ONE CALL KANSAS 811
Know what's below. Call before you dig.

Construction Notes

1. Mill and Overlay existing asphalt, typ.
2. Proposed standard curb and gutter.
3. Proposed required signage and striping for ADA parking stalls.
4. Construct concrete commercial entrance.
5. Proposed stamped concrete pedestrian crosswalk.
6. Proposed concrete sidewalk.
7. Install primary electric and transformer pad.
8. Install sanitary service and grease interceptor.
9. Install gas service.
10. Install water service.
11. Existing Building to remain.
12. Proposed building. Demo existing building.
13. Demo portion of existing building to provide pedestrian access.
14. Existing cemetery.

a redevelopment for

Ranchmart North

3700 W. 95th Street
Leawood, Kansas

date
09.16.2016
drawn by
LDM
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DAE
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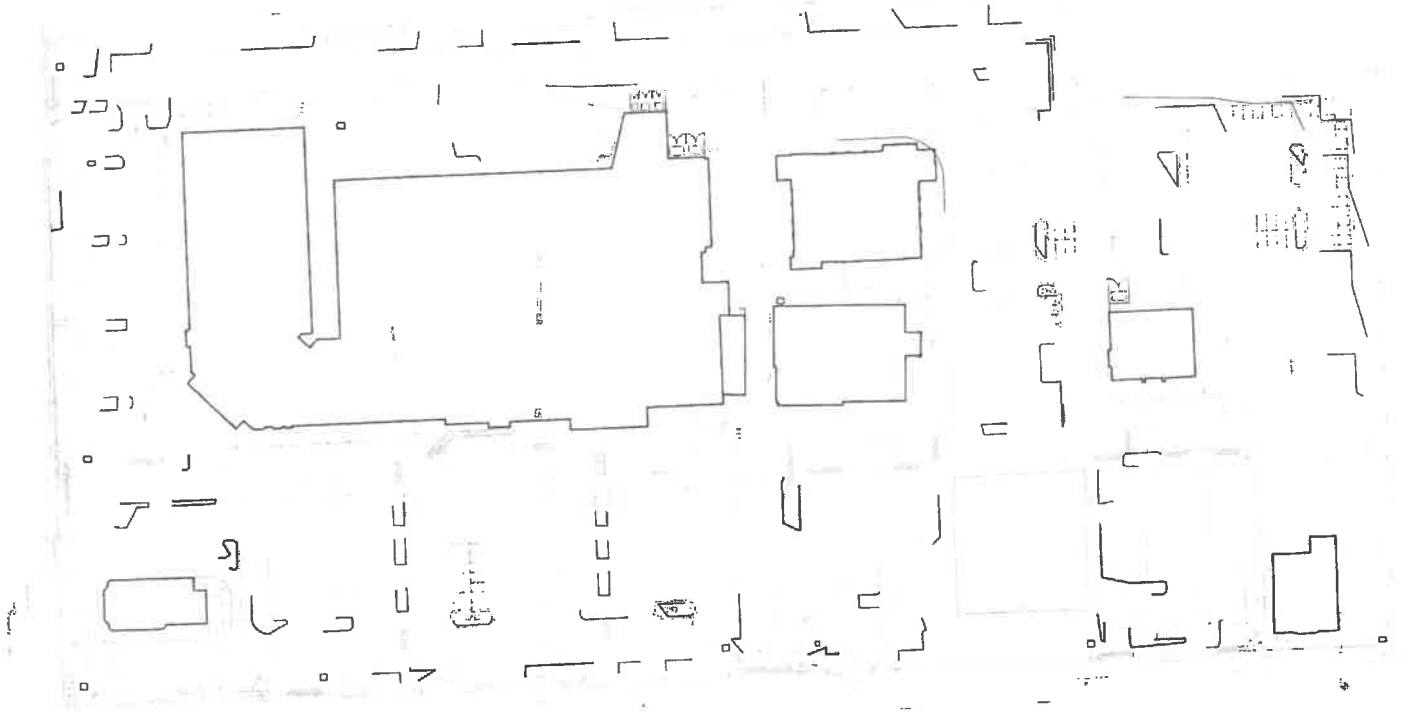
10.05.2016	1
10.18.2016	2
11.28.2016	3

sheet number
C1.1

drawing type
Preliminary
project number
16231



Symbols

- sanitary manhole
- service cleanout
- force main release valve
- rectangular structure
- circular structure
- fire hydrant
- water valve
- water meter
- backflow preventer
- natural gas meter
- service transformer (pad mount)
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Property Legend

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- property lines
- easements
- setbacks

Grading Legend

- existing minor contour
- existing major contour
- proposed minor contour
- proposed major contour

Utility Legend

- existing
- proposed

Linetypes

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- water service (domestic)
- water service (irrigation)
- natural gas main
- natural gas service schematic
- underground primary electric
- underground secondary electric
- underground cable/phone/data
- underground cable/phone/data service
- fence – chainlink
- fence – wood
- fence – barbed wire
- treeline

ONE CALL KANSAS

811 Know what's below. Call before you dig.

north

1 Grading Plan

1"=30'

0 25 50 100

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Ranchmart North

3700 W. 95th Street
Leawood, Kansas

date
09.18.2018
drawn by
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checked by
DAE

revisions	△
10.05.2018	1
10.18.2018	2
11.28.2018	3

sheet number

C2.1

drawing type
Preliminary
project number
18231

ANTICIPATED PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPACING & REMARKS
	OVERSTORY TREES				
Ac	Acer rubrum 'Bowhall'	BOWHALL RED MAPLE	1.5" CAL	B&B	SPECIMEN QUALITY
GD	Gymnocladus dioicus 'Espresso'	KENTUCKY COFFEETREE	1.5" CAL	B&B	SPECIMEN QUALITY
TA	Tilia americana 'TIF TOWER'	LEGEND AMERICAN LINDEN	1.5" CAL	B&B	SPECIMEN QUALITY
UP	Ulmus x 'Pioneer'	PIONEER ELM	1.5" CAL	B&B	SPECIMEN QUALITY
QA	Quercus alba	WHITE OAK	1.5" CAL	B&B	SPECIMEN QUALITY
QB	Quercus bicolor	SWAMP WHITE OAK	1.5" CAL	B&B	SPECIMEN QUALITY
	UNDERSTORY TREES				
AG	Acer ginnala	FLAMEGOLD MAPLE	2" CAL	B&B	SPECIMEN QUALITY
CV	Cercis canadensis	REDBUD	2" CAL	B&B	SPECIMEN QUALITY
MV	Magnolia virginiana	SWEET BAY MAGNOLIA	2" CAL	B&B	MULTI-STEMMED
	DECIDUOUS SHRUBS				
HD	Hydrangea quercifolia	OAKLEAF HYDRANGEA	7 HT	CONT	3' O.C.
RA	Rhus aromatica	GRO LOW SUMAC	7 HT	CONT	3' O.C.
RF	Rhododendron x 'PJM'	PJM RHODODENDRON	7 HT	CONT	3' O.C.
VB	Viburnum dentatum	ARROWWOOD VIBURNUM	7 HT	CONT	3' O.C.
	EVERGREEN SHRUBS				
BM	Buxus microphylla 'Green Mountain'	LITTLELEAF BOXWOOD	7 HT	CONT	3' O.C.
IG	Ilex glabra 'Nigra'	INKBERRY HOLLY	7 HT	CONT	3' O.C.
JC	Juniperus chinensis 'Sea Green'	CHINESE JUNIPER	7 HT	CONT	3' O.C.
TM	Taxus x media 'Densiformis'	DENSIFORMIS YEW	7 HT	CONT	3' O.C.
	PERENNIALS				
AR	Aquilegia canadensis	WILD COLUMBINE	#1	CONT	1'-6" TRIANGULAR SPACING
EF	Eryngium yuccifolium	RATTLESNAKE MASTER	#1	CONT	1'-6" TRIANGULAR SPACING
LS	Liatris spicata	BLAZING STAR	#1	CONT	1'-6" TRIANGULAR SPACING
RG	Rudbeckia fulgida 'Goldsturm'	GOLDSTURM BLACKEYED SUSAN	#1	CONT	1'-6" TRIANGULAR SPACING
PA	Pennisetum alopecuroides 'Hameln'	HAMELN FOUNTAIN GRASS	#1	CONT	1'-6" TRIANGULAR SPACING
	GRASSES				
CL	Chasmanthium latifolium	NORTHERN SEA OATS	#1	CONT	1'-6" TRIANGULAR SPACING
JE	Juncus effusus	SOFT RUSH	#1	CONT	1'-6" TRIANGULAR SPACING
PVUP	Panicum virgatum 'Purple Tears'	PURPLE TEARS SWITCH GRASS	#1	CONT	1'-6" TRIANGULAR SPACING
PV S	Panicum virgatum 'Shenandoah'	SHENANDOAH RED SWITCH GRASS	#1	CONT	1'-6" TRIANGULAR SPACING
SS	Schizachyrium scoparium	LITTLE BLUESTEM	#1	CONT	1'-6" TRIANGULAR SPACING
SO	Sorghastrum nutans	INDIAN GRASS	#1	CONT	1'-6" TRIANGULAR SPACING

LEGEND

- EXISTING TREES TO REMAIN
- OVERSTORY TREE
- UNDERSTORY TREE
- SHRUB
- PLANTING BED
- EXISTING LANDSCAPE TO REMAIN
- TURF

LANDSCAPE REQUIREMENTS

PERIMETER LANDSCAPING ADJACENT TO RIGHTS-OF-WAY
(PER LEAWOOD DEVELOPMENT ORDINANCE SECTION 16-4-7 LANDSCAPING AND SCREENING REQUIREMENTS)

** 95TH STREET (1,249 LF)
- *REQUIRED SHADE TREES (1 PER 35 LF):
  - SHADE TREES / 2.5" CAL. - 36
- PROVIDED SHADE TREES:
  - SHADE TREES / 2.5" CAL. - 36
- *REQUIRED ORNAMENTAL TREES (1 PER 12 LF):
  - ORNAMENTAL TREES / 1.5" CAL. - 91
- PROVIDED ORNAMENTAL TREES:
  - ORNAMENTAL TREES / 1.5" CAL. - 0
  - (UNABLE TO FIT ORNAMENTAL TREES DUE TO SPACE CONSTRAINTS AND PEDESTRIAN CIRCULATION ISSUES)
- *REQUIRED SHRUBS (1 PER 5 LF):
  - SHRUBS / 2' HT. - 249
- PROVIDED SHRUBS:
  - SHRUBS / 5' HT. - 549

** MISSION ROAD (623 LF)
- *REQUIRED SHADE TREES (1 PER 35 LF):
  - SHADE TREES / 2.5" CAL. - 18
- PROVIDED SHADE TREES:
  - SHADE TREES / 2.5" CAL. - 18
- *REQUIRED ORNAMENTAL TREES (1 PER 12 LF):
  - ORNAMENTAL TREES / 1.5" CAL. - 52
- PROVIDED ORNAMENTAL TREES:
  - ORNAMENTAL TREES / 1.5" CAL. - 0
  - (UNABLE TO FIT ORNAMENTAL TREES DUE TO SPACE CONSTRAINTS AND PEDESTRIAN CIRCULATION ISSUES)
- *REQUIRED SHRUBS (1 PER 5 LF):
  - SHRUBS / 2' HT. - 124
- PROVIDED SHRUBS:
  - SHRUBS / 2' HT. - 124

PERIMETER LANDSCAPING ADJACENT TO RESIDENTIAL ZONING
(PER LEAWOOD DEVELOPMENT ORDINANCE SECTION 16-4-7 LANDSCAPING AND SCREENING REQUIREMENTS)

** EXISTING TREE LINE TO REMAIN PROVIDES SCREENING NOT LESS THAN 6' HEIGHT ALONG THE ABUTTING PROPERTY LINES

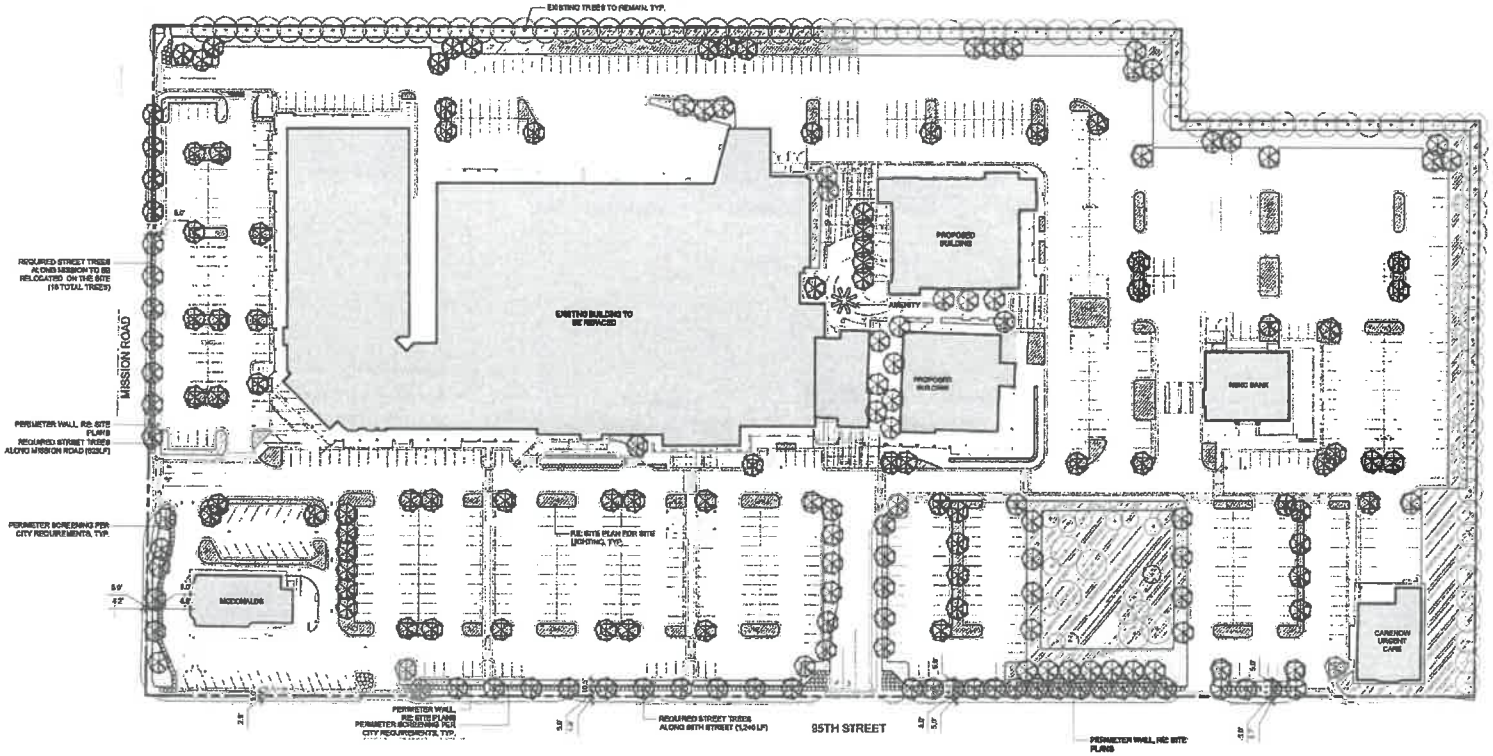
INTERIOR LANDSCAPING
(PER LEAWOOD DEVELOPMENT ORDINANCE SECTION 16-4-7 LANDSCAPING AND SCREENING REQUIREMENTS)

** LANDSCAPED AREA
- TOTAL AREA OF THE SITE: 729,489 SQ FT
- *REQUIRED LANDSCAPED AREA (10%): 75,043 SQ FT
- PROVIDED LANDSCAPED AREA (10%): 76,209 SQ FT
- *ADDITIONAL TREES REQUIRED (1 TREE PER 3,000 SQ FT) - 25
- PROVIDED ADDITIONAL TREES (1 TREE PER 3,000 SQ FT) - 25

** PARKING LOT TREES
- TOTAL PARKING PROVIDED: 435 STALLS
- *REQUIRED SHADE TREES (1 PER 10 PARKING SPACES):
  - SHADE TREES / 2.5" CAL. - 93
- PROVIDED SHADE TREES:
  - SHADE TREES / 2.5" CAL. - 93

PLANTING NOTES:

1. ALL AREAS NOT SHOWN TO BE PAVED SURFACES, LANDSCAPE BEDS, OR NATIVE VEGETATION SHALL BE TURF.
2. ALL LANDSCAPE BEDS MUST CONTAIN 60% LIVING MATERIAL.
3. ALL LANDSCAPE BEDS SHALL BE IRRIGATED.
4. ALL LANDSCAPING SHALL MEET THE SCREENING REQUIREMENTS OF SECTION 16-4-7.3c (2), PROPERTIES ADJACENT TO RESIDENTIAL.



01 LANDSCAPE PLAN

davidson
architecture engineering inc

8801 Indian Creek Parkway
Overland Park, KS 66210
phone: 913.491.9888
fax: 913.491.8911
www.davidsonarc.com

CONFLUENCE

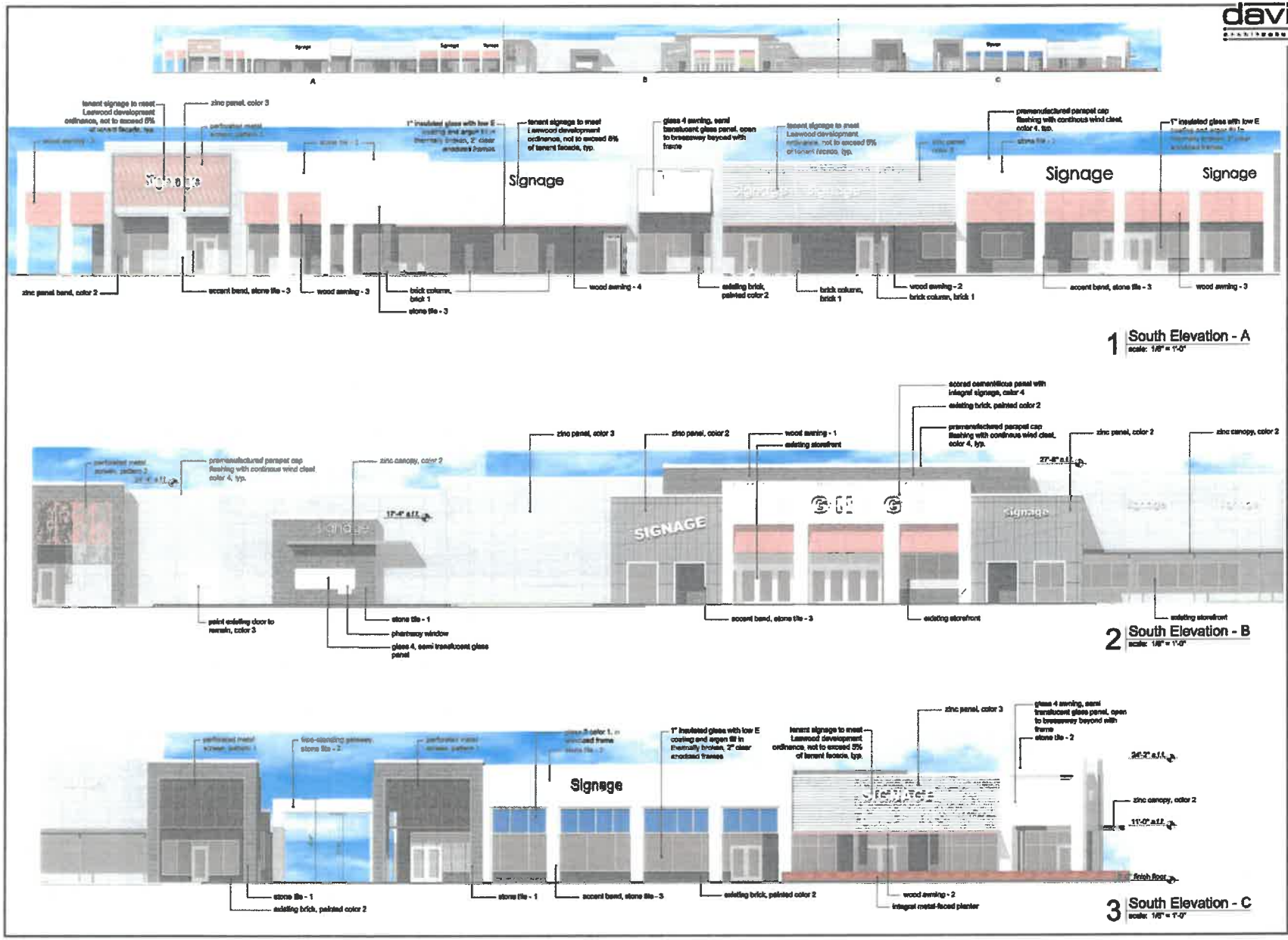
LANDSCAPE ARCHITECT
CONFLUENCE
417 DELAWARE STREET
KANSAS CITY, MISSOURI 64105
PH: 816.931.7227

a redevelopment for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

date
11.28.2016
drawn by
MS
checked by
JC
revisions

sheet number
L1.0

drawing type
preliminary
project number
16231



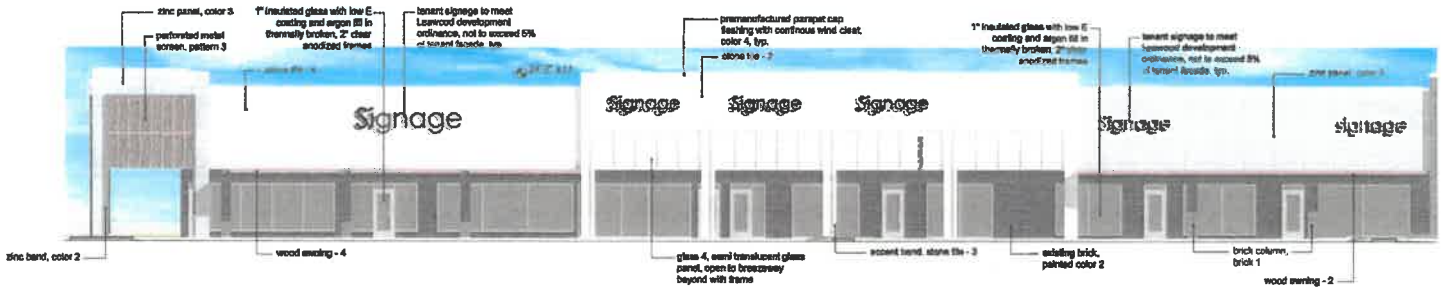
davidson
architecture engineering

a facade renovation for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

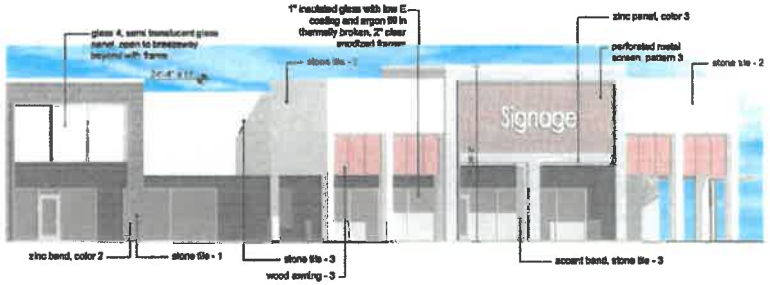
date 09.18.2018
drawn by DAE
checked by DAE
revisions 10.05.2018 1

sheet number
A3.1
drawing type a redevelopment for
project number 16231

1 Overall West
scale: 1/16" = 1'-0"



2 West Elevation - A
scale: 1/8" = 1'-0"



3 West Elevation - B
scale: 1/8" = 1'-0"

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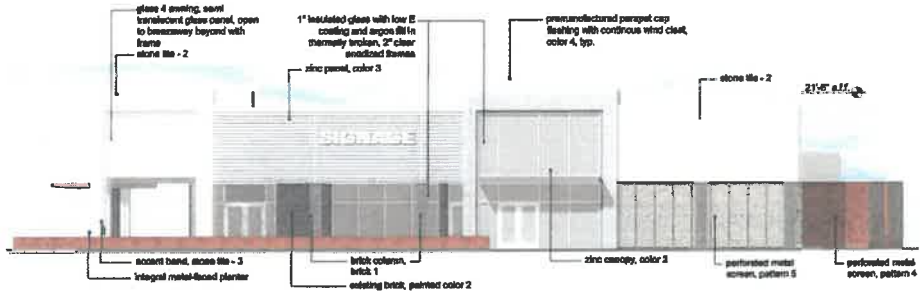
architecture & engineering

a facade renovation for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

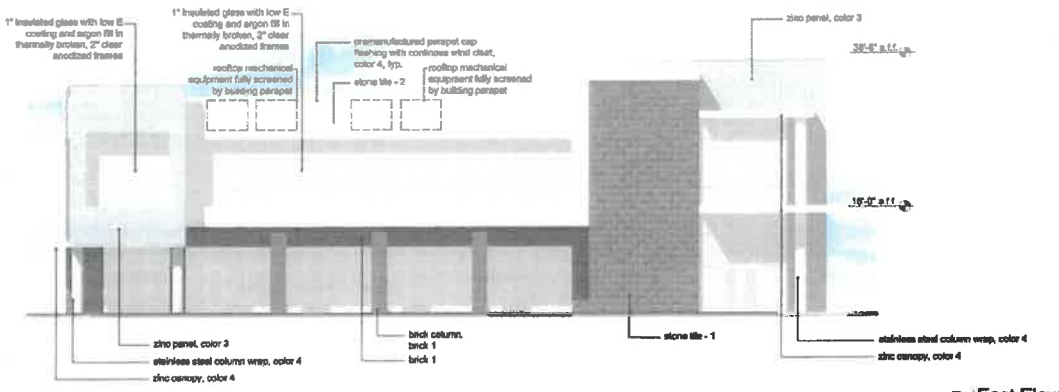
date
09.18.2018
drawn by
DAE
checked by
DAE
revisions
10.08.2018 1

sheet number
A3.2
drawing type
a redevelopment for
project number
18231

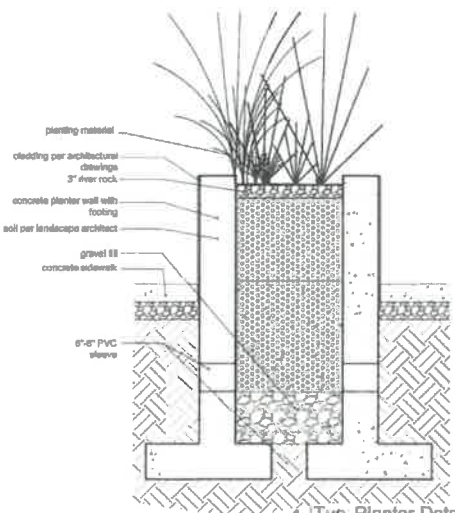
1 Overall East
scale: 1/16" = 1'-0"



2 East Elevation - A
scale: 1/8" = 1'-0"



3 East Elevation - B
scale: 1/8" = 1'-0"



4 Typ. Planter Detail
scale: 1" = 1'-0"

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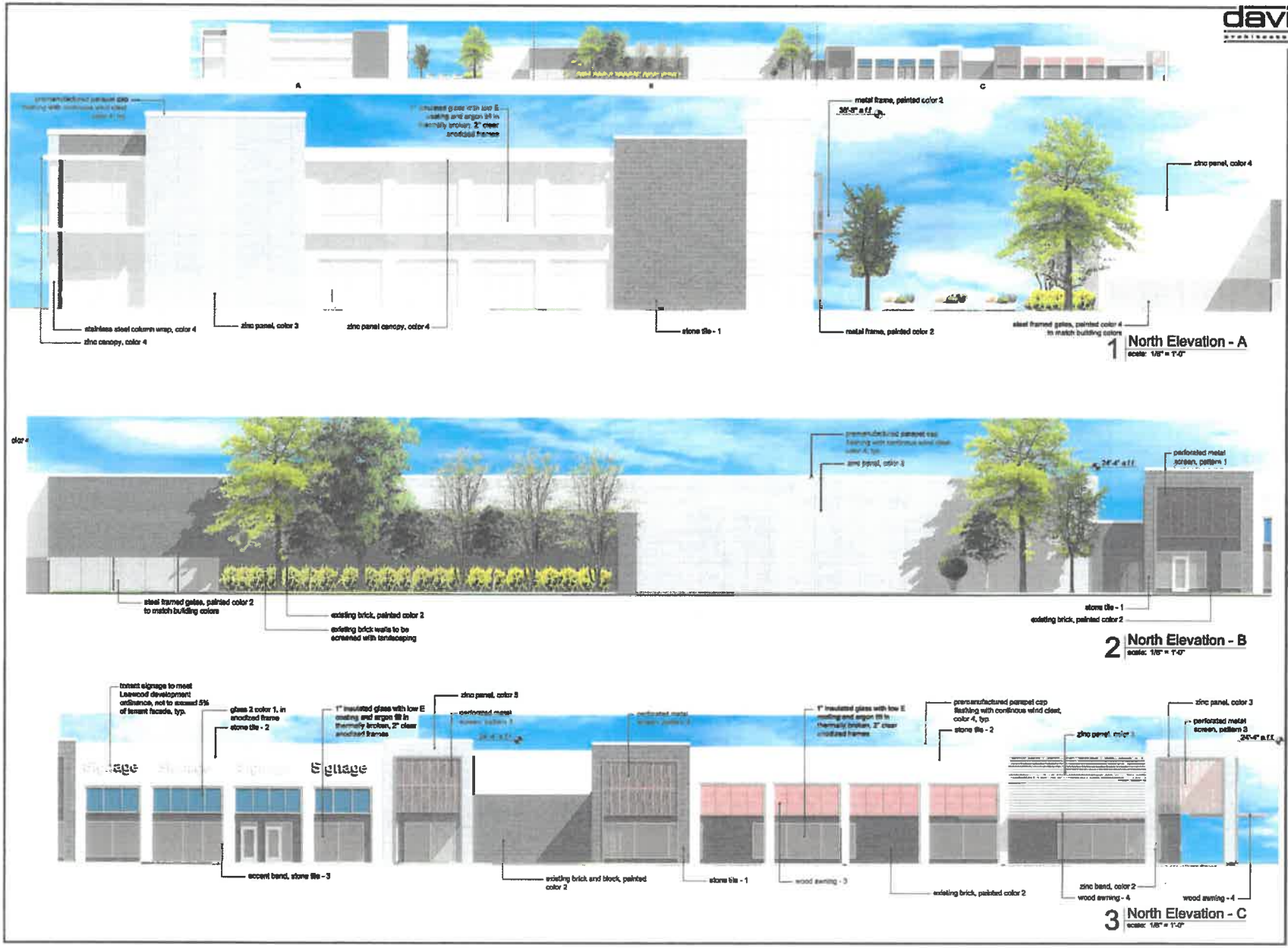
a facade renovation for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

date
09.18.2018
drawn by
DAE
checked by
DAE
revisions
10.06.2018 1

sheet number
A3.3
drawing type
a redevelopment for
project number
16231



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a facade renovation for

Ranchmart North

3700 W. 95th Street
Leawood, Kansas

date
09.18.2018
drawn by
DAE
checked by
DAE
revisions
10.05.2018 △ 1

sheet number
A3.4

drawing type
a redevelopment for

project number
16231

Ranchmart North Building Materials

Glidden Mountain Slate Blue

Benjamin Moore Trout Gray

Benjamin Moore Thundercloud Gray

Benjamin Moore Bunny Gray

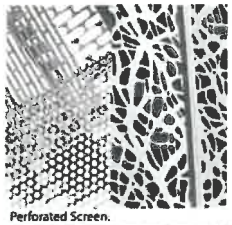
Benjamin Moore Distant Gray

Benjamin Moore Chadwick Brown

Zinc Panels (colors per elevations)

Stainless Steel Cladding

Dark Gray Brick - Brick 1



Perforated Screen.
pattern 1, pattern 2, pattern 3, pattern 4 tbd

Scored Cementitious Panels

Wood Element

Painted Metal Framing

Stone Tile - 1

Stone Tile - 2

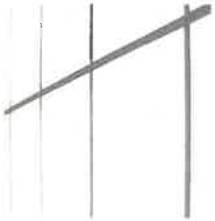
Stone Tile - 3

Stone Tile - 4

Clear Glass - Glass 1 (1" Insulated Glass)

Back Painted Glass - Glass - 2

Fritted Glass



Backlit Semi-Transclucent Panel - Glass 4

Fabric Awning (location and colors to be determined)

davidson
architecture engineering

4301 Indian Creek Parkway
Overland Park, KS 66207
phone: 913.491.9090
fax: 913.491.9091
www.davidsonae.com

a facade renovation for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

date
09.18.2018
drawn by
DAE
checked by
DAE
revisions
10.05.2018 1

sheet number
A3.5
drawing type
a redevelopment for
project number
16231

view looking southeast

view looking northeast

view looking northeast

view looking north

view looking north at the plaza

view looking northwest

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a facade renovation for

Ranchmart North

3700 W. 95th Street
Leawood, Kansas

date
06.18.2018
drawn by
DAE
checked by
DAE
revisions

sheet number
A3.6

drawing type
a redevelopment for

project number
16231

view looking northwest at mixed use building

view looking southwest at mixed use building

view looking south in the plaza

view looking east in the plaza

aerial view of the plaza and mixed use building

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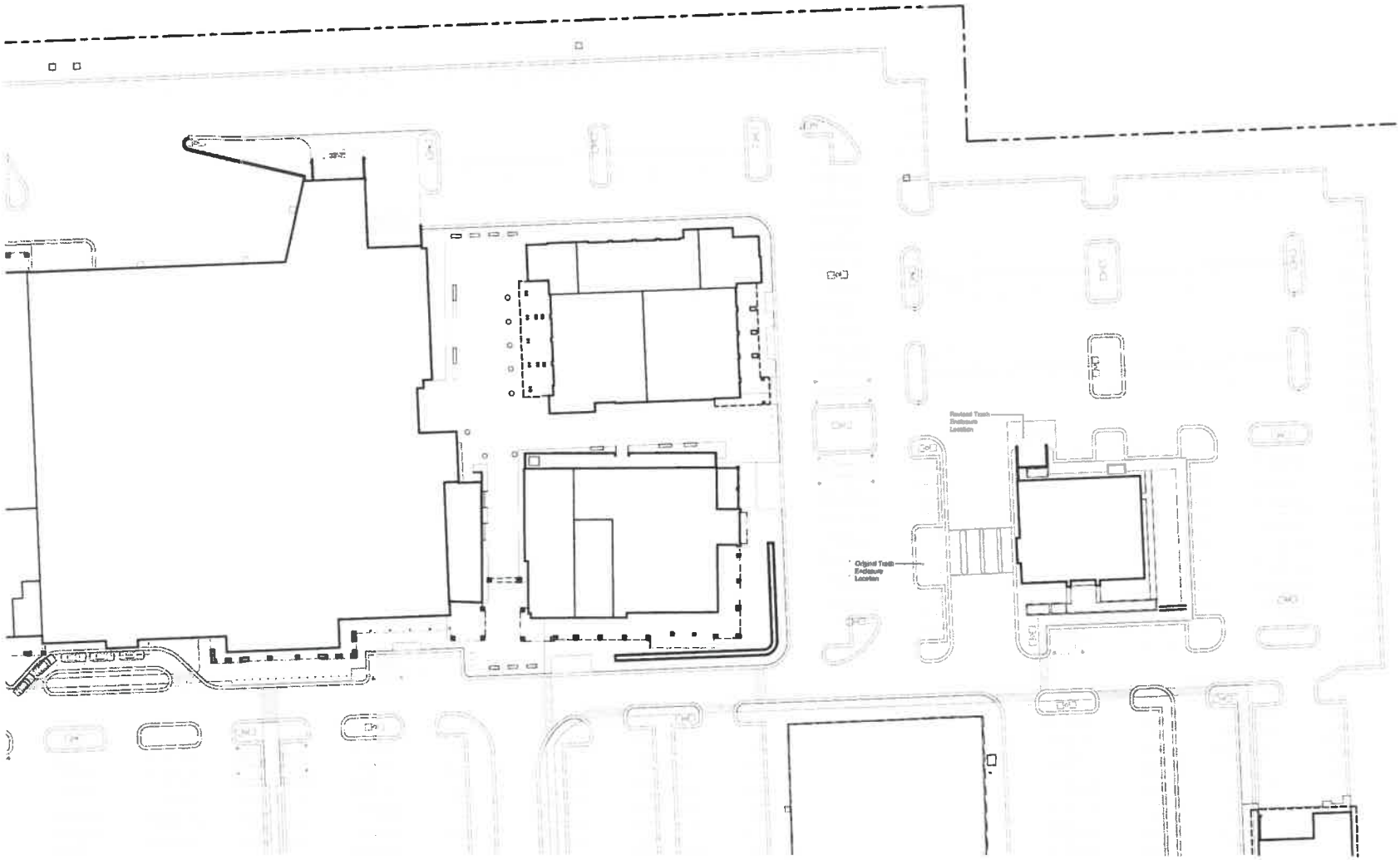
a facade renovation for
Ranchmart North
3700 W. 95th Street
Leawood, Kansas

date
06.15.2018
drawn by
DAE
checked by
DAE
revisions
△

sheet number
A3.7
drawing type
a redevelopment for
project number
16231

EXHIBIT A

davidson
architecture&engineering
4501 Indian Creek Parkway
Overland Park, KS 66207
phone 913.451.8250
fax 913.451.8251
www.davidsonae.com



1 Trash Enclosure Exhibit
scale: 1" = 30'-0"
north

a redevelopment for
Ranchmart North
3860 W. 95th Street
Leawood, Kansas

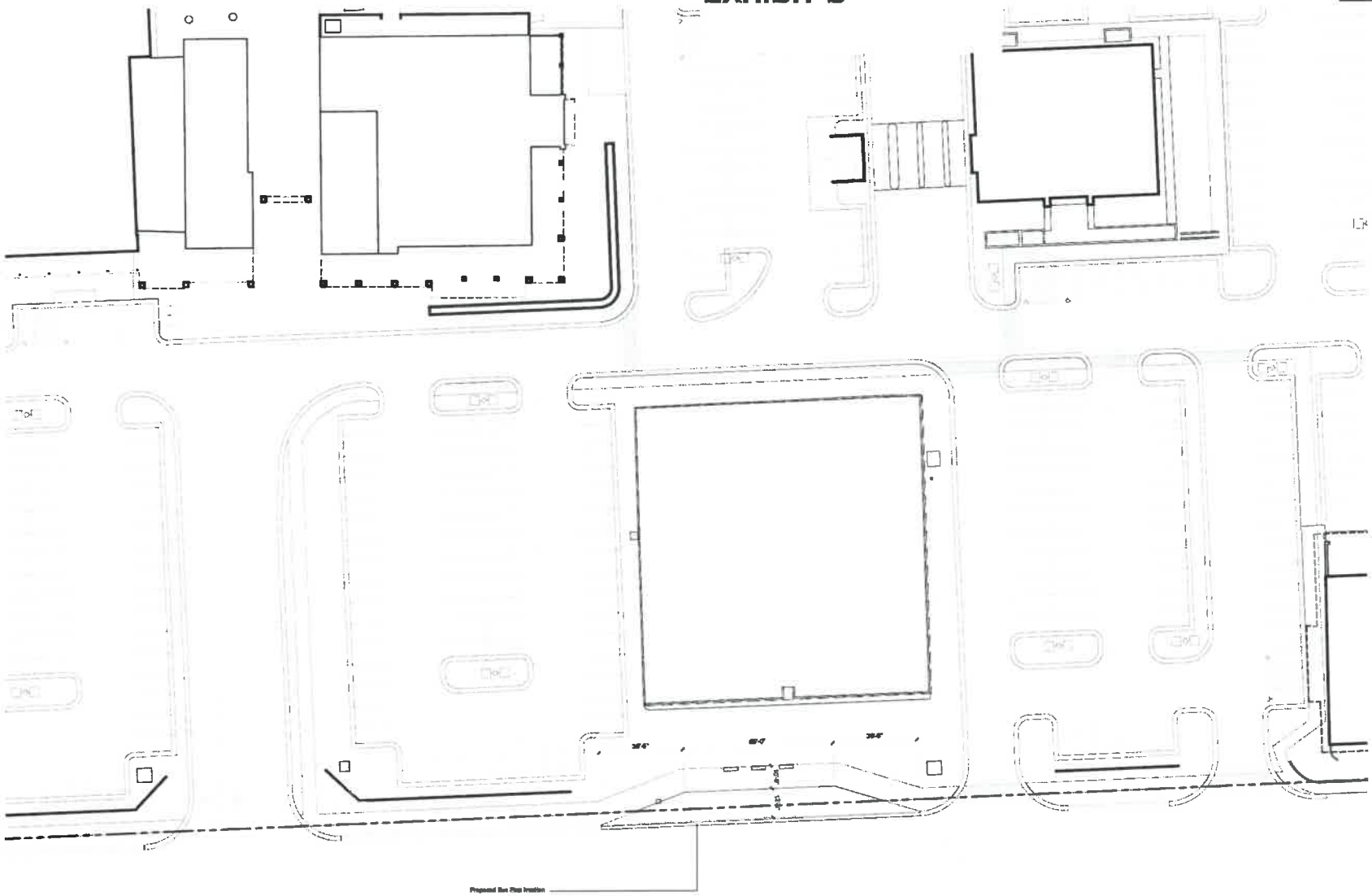
date
11.20.2018
drawn by
dAE
checked by
dAE
revisions

sheet number
Ex. 1

drawing type
preliminary

project number
15231

EXHIBIT B



1 KCATA Site Exhibit
scale: 1" = 20'-0"
north

davidson
architecture & engineering

4801 Indian Creek Parkway
Overland Park, KS 66207
phone: 913.451.8080
fax: 913.451.8081
www.davidsonas.com

a redevelopment for
Ranchmart North
3860 W. 95th Street
Leawood, Kansas

date
11.20.2018
drawn by
dAE
checked by
dAE
revisions

sheet number
Ex. 1

drawing type
preliminary

project number
16231

BOLLARD
& LIGHT COLUMNS
SERIES

Product Overview and Technical information >>

PHILIPS
LUMEC

BOLLARD
& LIGHT COLUMNS
SERIES

The art of design options / Bollards and Light Columns add a measure of refinement and originality to any design. They complete a setting and tie-in architectural elements to create a harmonious effect that sets projects apart. They are perfectly suited to embellish and enhance the comfort of parks, walkways, recreational activity sites and building entryways.

DETAILS AND DESIGN FLEXIBILITY

Appreciated for their elegance, Philips Lumec's Bollard and Light Column Series have quickly become a classic, if not indispensable element of design. Regardless of location, people are impressed by how well these luminaires blend attractive design, sturdy construction, and ease of maintenance. With different models available, decision makers have a vast selection to choose from. Our Bollards and Light Columns have designs that range from those that complement traditional settings to those that complement contemporary.

ADAPTABLE DESIGN INTEGRATION

Created to be architecturally adaptable, the luminaires from the Bollard and Light Column Series are set apart by their ingenious design, quality materials, and robust construction. In addition to offering a wide range of models suited for different settings, some Bollards and Light Columns have been specifically designed to harmonize with other Philips Lumec product families, enabling decision makers to create fully visually integrated outdoor environments. >>

Priority
ENGINEERS

October 12, 2018

Mr. Chris Hafner, AIA
Davidson A+E
4301 Indian Creek Parkway
Overland Park, KS 66207

RE: Ranchmart North Trip Generation Letter – Leawood, KS

Dear Mr. Hafner,

As requested, Priority Engineers, Inc. has estimated the trip generation for the proposed Ranchmart North redevelopment. The redevelopment will involve demolition of the eastern portion of the main building which previously has housed a bowling alley and other retail uses. The eastern portion of the main building will be replaced with two separate structures with a pedestrian plaza. The proposed buildings are expected to contain a variety of retail and offices uses. The Bank located near the northeastern corner of the site will also be removed and replaced with a new freestanding building. The redevelopment will create a slight reduction in overall square footage.

The vehicle trips generated were estimated using the Institute of Transportation Engineers' Trip Generation Manual, 10th Edition for both the existing and redeveloped site. Table 1 below illustrates the difference in trip generation for this site.

Table 1: Trip Generation								
			AM Peak			PM Peak		
Land Use	***Intensity***	***Daily***	***Total***	***In***	***Out***	***Total***	***In***	***Out***
Existing								
Shopping Center	187,486 SF	9,218	176	109	67	865	415	450
Bowling Alley	30,410 SF		25	24	1	35	23	12
Drive-In Bank	4,836 SF	483	46	27	19	99	49	50
Proposed Building								
Shopping Center	193,744 SF	9,426	182	113	69	886	425	461
General Office Building	18,786 SF	210	44	38	6	23	3	20
Drive-In Bank	4,836 SF	483	46	27	19	99	49	50
Total Existing Trips			**247**	**160**	**87**	**999**	**487**	**512**
Total Proposed Trips			**272**	**178**	**94**	**1008**	**477**	**531**
Trip Change			**25**	**18**	**7**	**9**	**-10**	**19**

The proposed redevelopment would be expected to generate 25 additional trips in the AM Peak Hour, and 9 in the PM Peak Hour. This represents increases of approximately 9% and 1% respectively, and will not result in a significant traffic impact on the adjacent streets.

In addition to the demolition and reconstruction of buildings within the site, a number of improvements and updates to the access to the site will be made. The two western most entrances on 95th Street are being consolidated. The proposed entrance will increase the distance between Mission Road and the first access point onto 95th Street. This entrance, like the existing entrances it will replace, will be restricted to right-in/right-out access by the concrete median on 95th Street.

The signalized entrance located approximately 700' east of Mission Road will remain at the same location, but the throat length will increase from approximately 25' to approximately 180'.

Both access points along Mission Road will be more clearly defined. The access north of McDonald's will have an increased throat length along the northern side of the drive, while maintaining the existing McDonald's access to the south. The northern most access point will be narrowed and the throat length increased to approximately 70'.

Please let me know if you have any questions or require additional information. I can be reached at (816) 738-4400.

Sincerely,

PRIORITY ENGINEERS, INC.

Kristin L. Skinner, P.E., PTOE
President

attachments

Ranch Mart North Shopping Center
October 11, 2018 Interact Meeting

Attendance:
Bob Regnier, Owner
Trip Ross, Cadence Commercial
Len Corsi, Johnson County Management
Chris Hafner, Davidson Design
Amy Grant, Polsinelli PC

See sign-in sheet for residents: approximately 10 people in attendance. Also in attendance were Councilwoman Debra Filla, Councilman Andrew Osman, and Councilman Jim Rawlings.

The meeting began at 6:00 p.m. Mr. Ross made some introductory remarks regarding the overall vision for the redevelopment. Mr. Hafner than walked through the site plan explaining the proposed improvements including, but not limited to, new sidewalks and crosswalks to improvement pedestrian walkability, potential speed table top in front of the Price Chopper to help control the speed of vehicles through the center, the burial of power lines with landscaping and screening elements along the street edge, improvements to the parking lot and drive aisles, and new pedestrian plaza in northeast corner of the site. Mr. Hafner also explained that several tenants were choosing to undergo interior renovations as well. This includes the Price Chopper grocery store, who would like to convert the existing grocery pick-up to a pharmacy pick-up area. Mr. Hafner then walked through the proposed changes to the building architecture.

The following is a summary of the question and answer portion of the meeting.

1. Please explain the Rezoning request that was identified in the notice letter?
Response: The rezoning item is simply "cleaning up" the zoning of the property from previous years. City staff asked us to do this and we have agreed to do so. The zoning will no changed the allowed uses within the project.

2. Will the Developer be seeking any variances to height – with regard to the 2-story office building?
Response: No, the current zoning allows for this use and height. The height of the new building will be approximately 39 feet in height. However, an individual on the second floor of the building will be approximately 16 feet in height at the finished floor level.

Comments from the Developer: In addition, we would point out that the existing light poles within the center are at 24 feet in height and we are reducing those to 18 feet in height with LED lighting and shielded light source.

3. Many of recall the history of the BBQ restaurant that wanted to occupy what is now the CareNow use. Tell us a bit about the new proposed restaurant space at the east end of the building?
Response: This proposed restauranteur is a well-organized group with excellent operations. We are visiting with them about proper ventilation and overall operations of the facility.

4. How is leasing today?
Response: The center is currently 90% leased. We will be working on leasing the new 2-story building and few spaces along the west side of the Center facing Mission Road.

5. How big will the new 2-story building be?
Response: The floor plate is approximately 13,000 square feet.

6. Have you found a space to re-locate the dentist tenant?
Response: Not yet. We are still working on that.

7. What is construction timeline?
Response: Our goal is to start the renovation in the Spring of 2019 with total construction taking approximately 8 to 10 months.

8. How will trucks access the north side of the grocery store?
Response: Similar to today, they will access the site from the northern most drive along Mission Road.

The meeting concluded at 6:45 p.m.

MEETING SIGN-IN SHEET	
Project: Ranch Mart North	Meet Date: Thursday, October 11, 2018
Facilitator: Cadence/Johnson County Management	Place/Room: Leawood City Hall-Maple Room
Application #: NC 115-18	

Name	Address	Email Address
Debra Filla	8505 Belinder Rd	dafilla@attglobal.net
Ken Bell	9323 Mohawk	kbell@blissappraisal.com
Andrew Osman	3312 W 86th Leawood Ks	OZMAN34@AOL.com

MEETING SIGN-IN SHEET	
Project: Ranch Mart North	Meet Date: Thursday, October 11, 2018
Facilitator: Cadence/Johnson County Management	Place/Room: Leawood City Hall-Maple Room
Application #: NC 115-18	

Name	Address	Email Address
Martha & Terry Sabin	9404 Cherokee P.	gas1sgreen@gmail.com
Chris Myers	3705 W. 95th	cmyers@JCMRE.com
Bob Kolicht	9401 Mission Rd	BobKolicht@curcofars.com

From: B Sack [mailto:barb.sack@gmail.com]
Sent: Monday, October 29, 2018 5:38 PM
To: Committees - City Council
Subject: Ranch Mart development

Good evening,

I learned about the proposal regarding the changes/redevelopment of the north side of 95th St., which I learned about via the Nextdoor app. I am not likely to have been one of the residents notified of the proposal, but as a Leawood resident and lifelong area resident I would like to offer some feedback. I replied to the original poster on NextDoor, but doubt that the city council will see that so I will re-iterate here:

The roof on this part of the shopping center is a complete embarrassment and undoubtedly a fire hazard. If a homeowner's roof looked like that I would expect a visit from the codes enforcement department. And I cannot fathom putting something like the renderings shown in that spot when they did a nice updating of the south side of the street that is a glaring contrast. It's as if they just pulled a generic "modern strip mall" rendering out of a file without any thought to the surrounding architecture. As to whether it should receive public funding - I'd be a big fat NO on that. Please. I understand that any developer today is going to go for that because hey, why not? All they can do is say no. And why not go for 2 stories? More space to rent! All they can do is say no - IF anyone is paying attention. There are several area developments that started out much larger and taller than ultimately was approved. Shoot for the moon I guess. It is not as if Bob Regnier cannot finance this without public money. I'm sure he is a good person and I believe he has also been philanthropic. But he's able to be because he is first a businessman looking to maximize his potential investment (profit). I personally find the proposed renderings repulsive for that setting.

I just turned 60 and grew up in Prairie Village, so I have seen the growth and development of Leawood all my life. It is unfathomable to me that the city would even allow the proposal as shown in the article in the Shawnee Mission Post. How on earth would that blend in or complement the surrounding homes and development in ANY WAY?

You've gotten some unfiltered feedback based on my cut and paste from my NextDoor reply, but I think you'll find that many others felt the same way. I did not see one positive comment on the thread.

The site NEEDS updating. Badly. And I doubt many people would oppose a significant change. But good grief! The rendering might reflect something that would look good in a completely ultra-modern development, but in an area surrounded by a lot of RANCH style development and named RANCH MART, for heaven's sake show some self-awareness and send this proposal to the junk heap unless/until dramatically improved.

Thank you,

Barb Sack
10504 Ensley Ln
barb.sack@gmail.com

City of Leawood
Planning Commission Meeting
October 23, 2018
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160

CALL TO ORDER/ROLL CALL: Hunter, Belzer, Pateidl, Elkins, Strauss, Coleman, Block, and Stevens. Absent: Hoyt,

APPROVAL OF THE AGENDA

Chairman Elkins: If staff has no revisions or additions, I would entertain a motion.

A motion to approve the agenda was made by Strauss; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

APPROVAL OF MINUTES: Approval of the minutes from the September 25, 2018 Planning Commission meeting.

Comm. Coleman: On Page 1, it refers to Chairman Elkins instead of Pateidl on two different lines.

A motion to approve the revised minutes from the September 25, 2018 Planning Commission meeting was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

CONSENT AGENDA:
Chairman Elkins: Is there anyone who wishes to hear an in-depth presentation of Case 118-18? If not, I would entertain a motion.

CASE 118-18 – NALL VALLEY SHOPS – BURG & BARREL PATIO – Request for approval of a Final Plan, located north of 151st Street and east of Nall Avenue.

A motion to approve the Consent Agenda was made by Stevens; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

NEW BUSINESS:

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Chairman Elkins: Mr. Olsson, does that raise any concern to you or your clients?

Mr. Olsson: That is totally acceptable.

Chairman Elkins: Is there a motion?

A motion to recommend approval of CASE 114-18 – TOWN CENTER PLAZA – LOT 4 REDEVELOPMENT – Request for approval of a Preliminary Plan, Final Plan, and Final Plat, located north of 119th Street and east of Nall Avenue – with enclosed stipulations, including the modification of No. 12 to include the requirement to extend the northern sidewalk to Rosewood Street – was made by Belzer; seconded by Pateidl. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

CASE 115-18 – RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit, located north of 95th Street and east of Mission Road. **PUBLIC HEARING**

Staff Presentation:
City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 115-18 – Ranch Mart North Shopping Center – Redevelopment – Request for approval of a Rezoning, Preliminary Plan, Preliminary Plan, and Special Use Permit for a pharmacy drive-through. Ranch Mart North is generally located east of Mission Road and north of 95th. Before I proceed, I do have a correction to make to stipulations as well. No. 17 should be removed, as it is a duplicate of No. 21. No. 34 should be changed to read, ". . . 1-33." On No. 24, the date of the memo should read October 18th rather than October 19th.

The applicant proposes to rezone the entire Ranch Mart North development into two zoning districts. The main retail center, the bank, and McDonald's will be zoned SD-CR (Planned General Retail). The Care Now, the cemetery, and associated parking will be zoned SD-NCR2 (Planned Neighborhood Retail 2). The applicant proposes to redevelop the entire parking lot of the center, consisting of a mill and overlay and updating the parking lot islands, landscaping, and lighting. Additional islands are proposed just north of the McDonald's parking lot for improved circulation through that area. The applicant proposes to eliminate one of the existing driveways on 95th Street between the McDonald's entrance and the stoplight to the east. The applicant is proposing 5' sidewalks along 95th Street and Mission Road as well as connections from the main center to the perimeter sidewalks. The applicant proposes street trees, shrubs, and 3' parking lot screening walls along 95th Street. Along Mission Road, the applicant is proposing a 3' screen wall and shrubs but does not propose street trees due to a number of utilities within the right-of-way. However, staff is recommending that the applicant would plant street trees along Mission as well, working with staff to avoid conflicts with utilities at the time of Final Plan. There is also a portion of the McDonald's parking lot frontage that is not screened by the 3' wall as required by the LDO. Staff recommends

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that this be added where necessary by making adjustments to parking lot curbs where needed to make it fit. The applicant proposes updating the facades and the roofs of the main retail center. The materials generally consist of grey-tone brick and tile accented with natural wood tones on the awnings and some metal screens as accents as well. The applicant is proposing a pharmacy drive-through in approximately the same location as the existing grocery store pickup location. The applicant is proposing to demolish a portion of the main retail center for use as a pedestrian plaza area on the eastern side of the building. The plaza space would include landscaping, seating, and lighting. An architectural gateway features proposed on the southern façade entrance to the plaza area to serve as an entry gateway. In the northeast corner of the center where the previous bowling alley was located, the applicant is proposing to demolish that portion of the building and construct a two-story, 27,597 sq. ft. office and retail building. The proposed building will have a second-story balcony that overlooks the plaza space. The overall square footage of the Ranch Mart development is actually decreasing from 221,552 square feet to 217,366 square feet. The existing structures of McDonald's, the bank, and the Care Now buildings will remain; although, their parking areas and sidewalks will be updated.

Ranch Mart was originally developed prior to the adoption of our current ordinance, so a number of the setbacks on the site do not comply with today's LDO, but they are considered legal, nonconforming. The applicant, however, is not increasing the nonconformity anywhere on the site, so it is still in compliance with the ordinance. The approval of this plan will include two deviations: one to the interior parking setback and one to the interior building setback, which will go down to 0'. Staff recommends approval of Case 115-18 with the stipulations outlined in the Staff Report.

Chairman Elkins: Thank you. Questions for staff?

Comm. Pateidl: I'm curious about the legal, nonconforming position we've taken on a number of the existing improvements. Yet, there is a section on Page 5 entitled Requested Deviations, which deal with the interior structure setback and the interior parking setback. The existing is 0, and deviations cannot be requested. What is the difference on these two items that they are not considered grandfathered or legal, nonconforming to begin with?

Mr. Klein: The deviations have to be specifically listed in the LDO. The particular deviation with regard to zero-line setback for the parking and buildings is specifically listed in the Deviations section in Article 3 of the LDO. The other elements that are legal, nonconforming are existing, and there is not a deviation offered by the LDO. It is a recognition that the building is there, and the only other way to do it would be to tear down part of the building. The LDO allows legal, nonconforming as long as they were constructed legally at the time they were put in place and that they don't increase the nonconformity. In this case, the majority actually decrease the nonconformity. They can't do anything about the buildings because they would have to be moved, but for some of the parking setbacks, they are reducing in nonconformity and increasing the parking setback or open space.

Comm. Pateidl: Does that mean that the deviations, as requested, are basically a given as far as the project is concerned?

Mr. Klein: It is always up to the Planning Commission and City Council. The two deviations that they are requesting are very common within commercial developments. If there is a property line running between, rather than requiring the parking lot to be broken up with a 10' buffer between them to create a 10' parking setback, it makes more sense to allow the zero-line setback. Property lines also go through buildings. Park Place has a lot of them with a common wall, which is a zero-line setback as well.

Comm. Block: I see that McDonald's is currently zoned Agriculture. How does that get missed? What does that mean?

Ms. Schuller: It means that there wasn't a formal zoning ordinance on that as we have embarked on the project to make sure we have an ordinance on everything. At the time it came in, it was never formally included, so it is being included now to correct that.

Comm. Block: The labeling doesn't have any implications as to how they are assessed real estate taxes to this point?

Ms. Schuller: I am not aware of that.

Mr. Klein: That is the county.

Comm. Coleman: Can you just specifically show us on the map what is being demolished? I know it is the east side. I know Seasonal Concepts was over there. I just want to get the dividing line.

Ms. Schuller: *(Referring to plan)* Everything on the north side of the alley is being taken out with this going in. Additionally, the tenant space just east of Dunkin Donuts is being taken out to provide the pedestrian space. The corner space is the proposed restaurant use.

Comm. Coleman: The building you pointed to will remain?

Ms. Schuller: Correct.

Comm. Strauss: With respect to McDonald's and the egress out of the northwest access point, this site seems very similar to the McDonald's at 119th and Roe. At that location, they have modified it to be an ingress only with an egress farther to the east. The concern is that people exiting there could get stuck behind a queue or pull out when someone is pulling in to Ranch Mart. It just seems like a high accident location that we rectified at 119th and Roe. Was that considered here?

Mr. Ley: We worked quite a bit with the developer on this, trying to figure out the access to the Mc Donald's. Currently, it is pretty wide open. We tried to limit it. This was the best way to keep the vehicles from driving through parking lots. If vehicles head

northbound to exit, they would end up having to drive through more parking lot with more pedestrians. We felt that, if they had to wait to make a left, they would just queue up on McDonald's property. We didn't think that was as big of an issue.

Comm. Strauss: It seems like it could be just like 119th and Roe, where it is an entrance, and the eastern access point was the exit. Vehicles would turn left and pass 4-5 parking spaces to the north. It just seems like a safety hazard that has been rectified in one place but is still present here. I agree that the whole Site Plan has really improved traffic circulation and pedestrian circulation except for that one location.

Mr. Ley: We can continue to look at that when they come back for the Final Plan.

Comm. Strauss: My other question is related to pedestrian movement. Again, there are some great enhancements. The one concern seems like there is no pedestrian sidewalk or demarcated space along the north side of the property. To walk from the Irish Pub to the new office building, a pedestrian would walk through the parking lot. Is that correct?

Mr. Klein: There is a gap there. There is a service driveway with the loading dock as well. It was tough to be able to transition through that.

Comm. Strauss: There is some retail close to the loading dock, I realize. I just wonder if you could get a path to allow people to not walk within the traffic stream.

Mr. Klein: We can certainly work with the applicant when they come back with a Final Plan.

Comm. Pateidl: It was alluded to earlier with regard to the curb trees along Mission Road and the utility easement. To my recollection within the last 2-3 years, there has been some major utility work done along that particular strip. Can you tell us what utilities are there and the likelihood of trees not creating a problem inside that easement?

Mr. Ley: I believe most of the utilities are overhead in that location, including KCP&L, AT&T, and Time Warner. We have not received a utility plan for burying those power lines.

Comm. Pateidl: Sewer and water along in there was where they had a huge project that lasted forever. I don't see where there will be room for trees along Mission Road. I also have a question about moving the wall to the west side of the sidewalk. Could you expand on your reasoning behind that?

Mr. Ley: Staff proposed to have the retaining wall on the west side of the sidewalk, and then they could raise the grade. There would be filling on top of the existing ground, and that would give them room to plant trees in that area. Plus, it would provide more of a physical barrier between Mission Road and the sidewalk.

Comm. Pateidl: To plant trees, it would have to be lifted by 5'.

Mr. Ley: The east end would be raised up 2'-3'.

Comm. Pateidl: I guess that is grading we would have to see on some elevations. I'm just looking at the practicality, but I would also like to know what the reasoning is for moving it from the east to the west side.

Mr. Ley: If the retaining wall goes on the east side, it would need a handrail because there would be a 2' drop adjacent to the sidewalk because of the grade difference between Mission Road and the parking lot.

Comm. Pateidl: It is for grading purposes.

Mr. Ley: The retaining wall is, yes.

Comm. Pateidl: Does that create more difficulty as far as the placement of street trees? I see the wall is now adjacent to Mission Road.

Mr. Ley: There would be approximately 8.5'-10' between back of curb on Mission Road to the retaining wall.

Comm. Pateidl: There certainly isn't now.

Mr. Ley: With the new plan, there would be.

Comm. Pateidl: The new plan will give up that much of the parking area?

Mr. Ley: They are reconfiguring the parking lot. Currently, there is one parking bay against the building, two parking bays, and then a parking bay against Mission Road. They are only going to have three of those parking bays. They're bringing the curb in to the east. On Mission Road, we moved the curb and gutter over 2.5' to the west this past summer. We measured from back of curb to the building. That is how we came out with 8.5'. We are pretty confident they will be able to get that 8.5'-10'.

Comm. Pateidl: We've belonged to Nativity Parish for 14 years, and my kids went to school there. In all that time, I would never walk on the sidewalk along Mission Road because of the traffic that was on it. From what's being said or what I could understand from the plans, I didn't realize that you were bringing in the parking lot that far. Are they deeding some of that land to the city for right-of-way?

Mr. Coleman: Just the sidewalk easement. By making these changes, it will create green space and a place to plant the trees. It will greatly improve the whole visual aspect of that area.

Comm. Pateidl: The other part I read is that these barrier walls for sight barrier have to be incorporated with greenery, and there are talks about putting a hedge of shrubs

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adjacent to that wall. If we move that wall to the west side, what does that do to that whole concept of the greenery? Does it even allow for it to be practically be part of this deal?

Mr. Coleman: You would have 8'-10' of green space for the trees and for foundation plantings along the wall on the west side. The view from Mission would be a green strip with trees, not the sidewalk.

Comm. Pateidl: So, you see the room for the shrubbery and the trees to the west of the wall even though the wall is moving to the west of the sidewalk?

Mr. Coleman: Correct.

Chairman Elkins: Other questions for staff? I would invite the applicant to step forward.

Applicant Presentation:
Curtis Petersen, Polsinelli Law Firm, 6201 College Blvd., appeared before the Planning Commission and made the following comments:

Mr. Petersen: I'm representing Ranch Mart North, LLC and several related entities that own pieces of the center. Our architect is Chris Hafner with Davidson a&e. Lynn Corsi and Tripp Ross are here as well. Usually, we have to draw straws for who on the development team is coming. Not every project is created the same. This is something that has great nostalgia for many of us who grew up here. We get excited when we talk about Ranch Mart. We think we finally landed on something compelling and real. With that, I would say that this shopping center has been here for almost 60 years. The thought is to create something that is not only going to have nostalgia for the next 50 years but also something that we will all be very proud of. Chris will walk through the plan. I will come back at the end with a few tweaks and suggested revisions to a few stipulations. Both of us will be available to answer questions.

Chris Hafner, Davidson Architecture and Engineering, 4301 Indian Creek Parkway, Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Hafner: *(Refers to presentation throughout)* Thank you for the time. We're excited to be here. I'm going to walk through our plan and put a little flavor and color on what we've provided. The Site Plan calls out the two zoning areas, building use, parking lot, and analysis. The section added to Sheet A1.0, Detail 3 really shows Mission Road to the west side of our shopping center. It describes some of those utilities. I share the same concern about street trees being planted along there. The aerial shows the existing shopping center and a line that shows the work happening over and above. The building that attaches to Price Chopper will be removed. The building will be set back at least 125' from the residential neighbors. The building will have some potential restaurant use and office use, looking down into that plaza we're all excited about. We were tasked with pedestrian safety, vehicular safety, and movement through the site. In the parking lot,

there are not many islands or dedicated drive lanes through the site. We wanted to increase throat depth where we could, make the intersections a little more accident-free coming off Mission and 95th Street, and get pedestrians into the site and move them safely from any of the streets to the shopping center. I appreciate staff's time and continued support and communication to help us work through some of those items. At one time, the parking was one-way, angled parking. We've changed it to 90-degree parking. We've done analysis with our client to understand how to increase the amount of parking we can provide on that west side. We are obviously tight between Mission Road and the existing building. We found that this change increases the ability to park there. The same can be said about the south face of Price Chopper. We have gotten rid of that secondary access road, for lack of a better term, that ran north of 95th from McDonald's down to the Care Now building in front of the cemetery. We have created islands and increased throat depth to bring those cars to a safer point to exit and move through the site. We also got rid of the drive in front of the old cemetery, which adds to green space in that area. In the area where Seasonal Concepts used to be and where our current tenant is now is some sort of visual break that is really important to us and the existing building. We are demolishing a portion of the retail center to get views back into what we consider to be a really exciting part of the site. It all is, but this pedestrian plaza is really exciting for us. A lot of programming ideas are floating around the management company about what we could do in that space with events. Moving east, right now, the parking lot is a big sea of asphalt. We are trying to define lanes, define parking spaces, and work around the existing bank building and Care Now building. We are trying to provide as much 90-degree normalized drive lane opportunities on this site as possible. We worked with staff on pedestrian connectivity and provided connectivity both east and west and north and south on this site. I will point out that we have the drive-through. Currently, there is an antiquated grocery pickup area with a huge canopy. It sticks out into the drive and makes the drive loop south around it. We worked with Price Chopper, who is looking at renovation because of the shopping center getting redone. This will become a pharmacy. We had shorter stacking and were able to get the five in there. That is tied to the Special Use Permit for this being repurposed into something that will be used. We have grocery pickup, but it is more of a mobile setup happening just to the east of the front entry where we have ADA spaces as well. We have been working with the Price Chopper team pretty closely about how all of that works. Important to note, along our north property line, the existing parking is actually farther north than it is shown in this plan. We were able to pull down and consolidate some of that to create a little more buffer along that north line. We push out on the east side and the northeast corner, but we still stay within the LDO setback requirements. We have new lighting with 18' high LED lighting. It will make it safe, and our photometric studies indicate we won't have light spillage into the residential neighborhood. We had an Interact Meeting on October 11th. It was well attended, and we got positive feedback. I did not hear one negative comment about the project or the redevelopment.

We have what we like to call a paradigm shift from what Ranch Mart North looks like currently. You recognize the long eaves, overhangs, and shake roofs. The design concept was to really leave the outer limits of the tenant space where they are currently, except the new building, and just work from the façade of that building out with new and exciting architecture. It has a lot of clean lines and interesting materials that all meet the

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LDO requirements. We worked closely with Price Chopper. They have bought in on the elevation we have for their section of the building. They're excited about the renovation. We have a lot of other tenants that are doing the same thing with your blessing tonight. We are keeping building heights normalized. The view on the east side shows the Seasonal Concepts and the two-story restaurant/office building, which is what is visible from the east parking lot. The north elevation goes around the Price Chopper loading area. I recall a comment about pedestrian connectivity on the north side. The challenge is we need a large field of asphalt for maneuverability for loading and unloading for the anchor tenant of the shopping center. We reviewed that, and our preference would be to keep pedestrian traffic away from that section because of all the deliveries they get.

We have a general material list and color palette. We're keeping it fairly tonal. We don't want to date the center with a lot of bright colors that might be popular now. We're in this for the long haul. We're doing a significant upgrade to materials to try to make it stand the test of time.

Off 95th, we are trying to create a visual pathway back to our new building as well as the pedestrian pathways. We continue to refine our elevations with our client every week. I'd love to hear feedback on the architecture and Site Plan. I have a couple other exhibits as well. We did a site rendering for our Interact Meeting to give a better understanding of the green space, which we are increasing. We would like to talk about Mission Road. I'm not opposed to trees. I love trees and love to put them in projects. My challenge is not a horizontal issue with the space from Mission Road to our new curb line; it is the number of things that happen underground. We have been working with KCP&L on burying the overhead power lines as part of the project. We are working with them on locations of switch gears, sectionalizers, and transformers along 95th and Mission as well as on our site. At the end of the day, whatever is above, we are trying to get below. I want to make sure we have a conversation about it so we're all on the same page. Again, my main issue is the number of utilities underground. It is really tight and cluttered for any type of tree, let alone shade trees with the root diameter required for sustainable growth along that frontage. My hope was that we could put in decorative walls and landscaping at the pedestrian level and let our trees that we're putting within the parking lot and great architecture be visually impactful from Mission without trying to put trees in a spot that could have long-term impacts on utilities. We are doing it along 95th, so it is not a total refusal; it is just a tight space with a lot of things happening underground.

Staff asked for one of the parking stalls to be removed from the north and south sides of our west parking. That side of the site is heavily used, which is great. Currently, I have a parking stall running straight in from the drive lane. I haven't had a chance to share this with staff yet, and I apologize for that. I looked at moving those over and giving ourselves a little buffer so if a car did park in that location, it would have the ability to back out and not be up against the curb. Our request would be to shift everything over instead of losing the two stalls. We have enough island room east of there but give more room to allow that movement to happen.

Currently, the break in the Seasonal Concept happens with an existing tenant. We continue to explore the right location based on tenant leases. The break still provides great visual impact to visitors of the shopping center to the building we have back in the plaza as well as the plaza itself.

One other comment that came up was the trash enclosure. We originally had them located in the northeast corner of our site as a consolidated trash location. Staff was quick to point out that it needed to be architecturally integrated into buildings. We were able to take the grouping of trash enclosures and get them put on the north side of the Price Chopper building and some of our other buildings over there. I couldn't get them all to fit, though. I integrated one into the columns of the teller canopy. Our approach was to be able to extend off the masonry that matches the bank building and provide a trash enclosure in that location. We looked at a lot of other locations around the bank building to try to do this. The north side is covered completely with required exits, windows, and condensing units on either side that are screened in masonry. We didn't have an opportunity to put those there. Based on our restaurant user and trying to tie it in architecturally to this building was our solution.

I wanted to point out those three alternatives and show you some color of the project. With that, I might let Mr. Petersen come back up and talk to the stipulations, and then we can answer questions.

Chairman Elkins: Thank you. We'll do it a little differently. Before Mr. Petersen steps up, I'll give the commission the opportunity to ask you questions about your presentation.

Comm. Belzer: Are there current tenants in the part that is going to be demolished – the indoor baseball facility? Is that still there?

Mr. Hafner: It is still there. I would love to have our management team be able to talk to that more. Their plan would not be an indoor baseball facility in the new Mixed-Use building. I could have someone else speak to the tenants and lease.

Comm. Belzer: Driving through that center can be very challenging, and I like what you're proposing with the throughways and taking out all the angled parking. I like the way you've streamlined and made it easier to navigate the center. Is Ranch Mart North a part of the Ranch Mart on the other side of 95th Street?

Mr. Hafner: I will also let them answer that.

Chairman Elkins: We'll give Mr. Petersen a chance to answer those. Additional questions?

Comm. Belzer: I don't know if this is the right time, but do you have tenants secured for the new spaces that you are proposing?

Mr. Hafner: We are working closely with tenant relocation, new tenants, especially at the east end of the old Seasonal Concepts building with the restaurant. I've done a permanent-level plan for the space next to it for a new tenant as well. We are actively marketing the building on the northeast. Tentatively, we laid the parking count out for two restaurants. One would be in the southeast corner; one would be in the southwest corner. They would spill out into the plaza with maybe a small retail use to the north of

that and then an office tenant ideally taking the floor plate of that second floor. We're not marketing that right now, though.

Comm. Hunter: I live in northern Leawood, so I am excited about a proposed redevelopment of this part of Ranch Mart. In talking about the parking by O'Neill's, it looks like there is a significant number of spots that have been removed. Is there enough for those tenants?

Mr. Hafner: There are. Actually, 90-degree parking is more efficient than angled parking. We did that analysis, and this number increases the spots, even with eliminating a row.

Comm. Hunter: The exit from the parking lot by O'Neill's is a busy sidewalk area with kids from school. We just talked about putting up a wall. Are there issues with visibility?

Mr. Coleman: The wall would not obstruct the traffic triangles. It will actually be safer for the kids because it will protect them from the traffic.

Mr. Hafner: We have a line drawn. I would assume that is a low fence with some landscaping to break it up. I don't think we want to put one long, 3' wall along that frontage. We want to break it up visually. I want to be careful that I make a claim that the wall will stop an accident or stop something from happening. That is not the goal of this wall; it is more of a visual break from the parking field to the public way. We looked at the site distance triangles and kept them pulled back from that. There is a good, clear line of sight. I share your same concerns.

Comm. Hunter: On the east side of the parking lot, does this affect the neighbors?

Ms. Schuller: The setbacks along that side are the same as well as the vegetation screening the homes.

Mr. Hafner: We would just be consolidating the site lighting and things like that and bringing it to a more normal pole height.

Comm. Stevens: Mr. Hafner, to clarify because it is a stipulation of the removed parking on the corner and you showed a diagram how you are improving that, are you doing the same to the south corner?

Mr. Hafner: Yes, it was done for both.

Comm. Stevens: So, both would cover that stipulation.

Mr. Hafner: If acceptable, yes.

Chairman Elkins: Other questions? If not, Mr. Petersen, you have the floor.

Mr. Petersen: Commissioner Belzer asked about ownership. Ranch Mart North and South are different legal entities but the same family.

Comm. Belzer: I was just wondering if the architectural treatment would be similar to what is across the street on 95th.

Mr. Petersen: I am not an architect, but I would call it complementary but not matching. I hope to talk about some conforming clarifications we would put before you for your consideration. On behalf of the applicant, we would say stipulation Nos 1-33 are acceptable to the applicant with the following adjustment: No. 4 is the stipulation that addresses utilities along Mission Road. The stipulation says that they must be buried prior to final occupancy. We would like to change that to, ". . . final occupancy of any portion of the new construction." Since we have current tenants, we don't want any confusion of the record that somehow, existing tenants can't be there.

Chairman Elkins: Would staff care to respond to the proposed change?

Mr. Klein: The final occupancy is with regard to the improvements they're doing on the center. It wouldn't keep existing tenants from being there; however, before they get final occupancy for any of the portions they are changing, the stipulation would to into effect. The only concern with limiting it to just the two-story building is if that building got put off, the burial of the power lines could be put off along with that. We are looking for the power lines to get dropped as the development gets improved.

Mr. Petersen: We would respectfully say we would like to leave it how we put it because the city will still have all the leverage to be sure that the utilities are buried partly because of the public-private partnership that will take place. Also, just knowing that, during the time of this construction project, as we are working on the façade, we can't be in a position where we can't rent tenant spaces. We could have a tenant that leaves and could have a national tenant that wants to go in. If we have to bury the utilities before we could put that tenant in, we could lose a great tenant. We would ask for your consideration of the language we put on the table.

Mr. Coleman: I agree with Mark's interpretation of this. We would be concerned that they are buried during the construction of the project and that the lines would generally be one of the first things of the project. It might be something that is taken up later. I would recommend leaving it as it is now, and if there is a Memorandum of Understanding with Governing Body on this issue, they could address that.

Chairman Elkins: We'll come back to commission questions after you go through these. Let's move on to your next point.

Mr. Petersen: Sure thing. Stipulation No. 9 talks about trash enclosures. Chris showed how we tried to comply with the code. It was built into the overhang structure of the bank. For the functional reasons, he discussed about how we felt it was best for the restaurant and best for the bank. As a team, we discussed that we knew it would look nice

because we're bringing in a great restaurant tenant with a patio that overlooks this direction. We know it will have to look excellent. For these functional, pragmatic reasons, we would ask that the last line of No. 9, which reads, "At the time of Final Plan, the applicant shall relocate the proposed trash enclosure at the bank," be struck. We hope that you could find a way to support our design.

Mr. Klein: Staff would be more comfortable leaving it as it is because it gives us a bit more flexibility at the time of Final Plan. We have always required the trash enclosures to be attached directly to the buildings so they can be maintained a little better. It also allows them to be more visually integrated into the design as opposed to just being stuck on the end of the building. Staff would prefer that it remain as is.

Chairman Elkins: I guess I'm not sure how this gives any more flexibility than if it were not in there. You still have the flexibility to change it at the time of Final Plan.

Mr. Klein: We are just concerned that, if it is taken out, the applicant will come and say that they already have it approved at that location.

Chairman Elkins: Don't they have the same risk that you will come back at the time of Final Plan application?

Mr. Klein: This is a requirement of the LDO, so there is not a deviation to it. We would be looking to ensure that the criterion is met.

Chairman Elkins: Is their proposal not attached to the bank building?

Mr. Klein: I believe it is on the end. It might be attached to the pillars themselves, but it is not integrated in with the building architecturally.

Mr. Coleman: They said themselves that there is no trash enclosure at the bank currently. These enclosures that are freestanding are for the restaurant. There are no trash enclosures provided for the new building that is going to have those restaurants. That is where these should be located. We would be glad to work with them between now and Final Plan to locate those.

Mr. Petersen: With all due respect, we'd like to deal with this now because when we kick things further down the road, there is less flexibility. We feel it is not that complicated. As a point of clarification on what this trash enclosure is used for, this would be used for the restaurant. It became a functional problem. We're not going to put it in our beautiful pedestrian area. The bank does not currently have a trash enclosure. They traipse across to a dumpster on the north side. We have walked around this entire site, and we believe that, aesthetically and functionally, this is the best way to do it. Speaking to the code, it says that it shall be architecturally attached to the individual buildings. I know from experience both in this city and other cities, when we talk about the structure with masonry columns and footings in the ground, it is treated as part of the building, and we are attaching to that.

Chairman Elkins: In your view, you would be attached to the building.

Mr. Petersen: Absolutely.

Chairman Elkins: Let's go to your third stipulation.

Mr. Petersen: Because of the utility infrastructure you saw on the ground, we would suggest that, instead of having the sentence in Stipulation No. 18 that refers to following the LDO's requirements on street trees along both 95th and Mission, the new language says that we will follow the code provisions with respect to 95th Street; however, when it comes to Mission Road, because we truly believe it would be a mistake to try to jam trees into that beehive of utility infrastructure, we would like to ask you to restate the stipulation to require us to allocate all those required trees along Mission Road to other parts of the project. That is what we have done in the plan. We think we're going to have a great site on Mission.

Mr. Coleman: Some of those utilities they are showing in that location have not been placed yet. Those utilities can be moved over underneath the sidewalk or closer to the curb. I worked on planting trees all over, and we have planted trees on 12th Street downtown, where there are more utilities than there are here and underground vaults. We have been able to get trees in successfully. I think we could work with the utility companies and the applicant to get them adjusted so the trees could be planted there. The roots of the trees are not going down 10'. Most tree roots are in the first 3' of the ground.

Mr. Petersen: I don't want to be overly repetitive. I know we talked to KCP&L, and they had a strong preference that we not do this. I think the argument is pretty intuitive. Whether we can try to do it is not the question; the question is if this is pragmatic for trees that are going to grow for 20-30 years. I'm not an arborist, but whether you're talking about ornamental or shade trees, they have a significant root infrastructure, which is why the utility company is concerned.

Chairman Elkins: Does the utility right-of-way cover not only where the proposed trees will go but also where the sidewalk is?

Mr. Petersen: What I don't know for sure is whether or not we're dedicating the full 5' or some of the sidewalk or all of the sidewalk. There will be placement for it.

Chairman Elkins: Do you want to go to your fourth stipulation?

Mr. Petersen: Yes, sir. I'm going to mention No. 21 just because it's on the page. Staff said this was a duplicate, and we agree with that. The final suggestion has to do with No. 23, speaking to the two stalls on the west side. We would like to remove this stipulation. Because of Chris's design to bump it out on the west side of the parking lot, we think those are functional parking spaces. We would ask that you allow us to keep those.

Mr. Ley: We're fine with removing those. It gives them room to put a tree in those locations.

Chairman Elkins: Thank you. Anything else, Mr. Petersen?

Mr. Petersen: Sometimes, it is tempting to defer architectural discussion to Final Plan, but similar to a previous plan that we talked about, it can be hard on a design team and the owner's time and resources. You have been able to hear Chris present about elevations. We would love to hear about that as we move forward with the city in a public-private partnership. We invite you to offer comments.

Chairman Elkins: Thank you. Questions for Mr. Petersen?

Comm. Strauss: Staff said we could address some things during Final Plan. I'd like to hear your thoughts on someone working in the office building and wants to go to O'Neill's. How do they safely get over there?

Mr. Olsson: If you're working in that new building, you're going to walk through this exciting new public plaza that we have. We have a sidewalk system that runs the entire length of the building and is covered all the way to that point. When it is raining or snowing, you are under cover for the vast majority of that walk over to O'Neill's.

Comm. Strauss: I think people look for the shortest distance between two points. You talked about how you pulled the parking south, creating a sidewalk up there to have people get across the development.

Mr. Hafner: I understand your point. I try to keep pedestrian traffic from commercial development away from some of those things if we can, if we can accommodate it other directions. I think your point is well taken between the retail and the connection. I think we could work on a crosswalk to make that happen. I don't think getting patrons and people across the drive, along the residential property and the school, and back down is a path that people would take more than being part of the active environment with loading docks and trucks.

Comm. Strauss: The other question was about the McDonald's circulation.

Mr. Hafner: I had a conference call with McDonald's corporate, working through this Site Plan. There are positives and negatives to the plan for them. Right now, they have a dedicated entrance off 95th Street. Consolidating that was a discussion and a concern. I think we tried to do our best everywhere we could to increase throat depth and safety. It's a huge thing. How do we slow people down? We're using speed tables and crosswalks. I think we can continue to refine, but I don't know if we're going to be able to essentially make that a one-way access based on the user inflow and how this site works. I understand the McDonald's at 119th and Roe and how that works. This one is just slightly different in how it operates. We're still working through some of the operational challenges McDonald's has with this layout. We're going to continue to refine that plan.

Mr. Petersen: Just to add context, the reason we're having these conversations is any change that is happening here is happening as a cooperative group. What Chris is implying is that so far, everyone has been cooperative, but anything that, we couldn't be sure that would be supported.

Chairman Elkins: Commissioner Belzer, have you gotten your questions answered, or do you care to put them back to the applicant?

Comm. Belzer: I'm curious what tenants you've secured for the new structures.

Mr. Petersen: You're going to get the ever-exciting answer that is sincere. At this point, there's nothing I can share because of confidentiality. I think you'll be happy with what this huge remake will do to the offerings to the public.

Mr. Hafner: You asked about ownership and architectural style. This isn't the same. I like Ranch Mart South. This is a big paradigm shift from the architecture of Ranch Mart South. It retained the big overhangs, shake roofs, and craftsman style. This is much more modern, much different materiality. I would put this more in the architecture style of Apple and Crate & Barrel at 119th and Roe.

Mr. Petersen: Just like Camelot is not the same at One Nineteen. They are complementary but not the same.

Chairman Elkins: Any other questions for the applicant?

Comm. Stevens: Approval of the landscape is not really part of this right now, but to go back to the stipulation that you're proposing on No. 18 with the offset of trees along Mission and increasing those 18 trees and 52 ornamental trees, to be clear, the current internal number of trees is just meeting the requirements. This would be an addition of trees in landscaped areas within the internal site?

Mr. Petersen: That is a good clarification. We anticipated this and already distributed those. The 18 and 52 trees called for on Mission Road are distributed through the rest of the site. We are going beyond code internally.

Mr. Klein: I want to make a clarification as far as landscaping with street trees. There isn't a deviation in the LDO for this. I don't believe Planning Commission or City Council has the ability to approve removal of the street trees under this process. We talked with Public Works. It is our understanding that we have this condition of street trees along frontages throughout the city. A lot of utilities are running through there as well. Additionally, they will add some dirt on top of some of these, which will make it a bit easier. I wanted to make sure everybody understands the process.

Chairman Elkins: What is the LDO reference?

Mr. Klein: It is Section 16-4-7.3(b)1.

Mr. Petersen: This is a pretty important point, I think. With respect to code interpretation, 16-3-9A is where we believe there is the ability for this body to recommend a deviation. I'll stop there, but I'm happy to go deeper if you would like.

Mr. Ley: Can I talk to that a bit? If you give this deviation, you will give this deviation to every development and every resident along the property within Leawood. There are utility lines in the right-of-way in front of everybody's property. This is something we deal with all the time. As a matter of fact, we're burying the power lines north of Ranch Mart, and KCP&L is actually boring those underneath the existing trees. AT&T and Time Warner will do the same. It is something utilities deal with all the time. We have never had pushback from the utilities with boring. It is actually required if there are street trees. As far as staff is concerned, it is not an issue that we would have concerns with the utilities. Their cross-section is not really accurate. It shows the curbs on the parking lot as the same elevation as Mission Road, and the curbs on the parking lot sit down about 1.5'. That is where we get into being able to fill on top of that area where the trees will be planted by close to 2' to give enough dirt for the trees to grow.

Comm. Pateidl: In an effort to move this along, Mark, frequently, we will see applications like this come before us where we have a stipulation that a Landscape Plan acceptable to both parties will be submitted prior to Final Plan. I don't think we are going to resolve this issue as far as the trees being there or not being there during the course of this meeting. I don't want to hold up the application. Is there a practical solution we can use with an alternate stipulation?

Mr. Klein: Typically, we would say that they have to come back with a Landscape Plan that meets the requirements of the LDO. That is what we would be looking for. With regard to Section 16-3-9(A)1, part of that is that the deviation does not violate the general purposes, goals, and objectives of this ordinance and the regulations subject to the deviation and other replicable regulations. Part of that is the whole point of having street trees is to have tree-lined streets. As David indicated, we see this all the time on different commercial developments. You can see it would make a big difference if none of them had street trees.

Mr. Petersen: We have no ulterior motive. This is not a money issue. We want it to be done well. We'd like to figure it out now, but it seems like there are factual questions that need to be nailed down. If there is some way to move it along with some acknowledgement that there may be utility conflicts and we will all work together to find out if that's true, we would be great with that.

Comm. Pateidl: I think there is a way to move this application along. Whether or not we are qualified to tell you if there is conflict with utility lines, we are qualified to interpret the rules and regulations as far as our LDO is concerned and look for alternatives to move the application along. Mark, while I appreciate you clarifying the section on the deviation, I'll ask you again if we can incorporate that standard stipulation regarding the

Landscape Plan, and then you can figure out what this is in the right forum? This is not the forum to get to the resolution for this problem?

Mr. Klein: As you said, landscaping is approved at the time of Final Plan, and they just have to meet the LDO. Typically, that is the stipulation.

Comm. Pateidl: If we struck No. 21 and incorporate the standard stipulation in its place, would that be acceptable to the planning department?

Mr. Petersen: Our point is if a deviation is ultimately needed, we are asking to look at the facts carefully outside of this body. If the deviation is justified because of conflicts, we would ask for support. If it's not, it's not.

Chairman Elkins: From what I'm reading and doing it on the fly, I think there is a valid question as to whether this would fall within the deviation under the LDO.

Mr. Petersen: I don't think you want me to argue, but I could argue right now in support and explain it. I'm only holding back out of respect.

Chairman Elkins: I appreciate that. Why don't you step back, and we'll go to the Public Hearing?

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

Chairman Elkins: That takes us to discussion. I'll first entertain a discussion of the proposed plan, saving the question about the stipulation changes. Let's begin by talking about the proposed plan.

Comm. Strauss: The general comment is this is a great opportunity that Leawood has been waiting for to update the other half of Ranch Mart. We appreciate this opportunity before us.

Comm. Pateidl: I'll sum it up in one word: outstanding.

Chairman Elkins: I agree with that, and I appreciate the work that both the ownership team and design team have done. This is a challenging space. As Mr. Petersen said, we've waited a long time. This is a positive step in the right direction with respect to that particular piece of property. Let's go to the stipulations in question. I'm going to take them in order and get a decision from the commission on each of them. Then we'll go to a final motion that incorporates the decisions that are made on those. For the record, I would ask that this sheet be included in the record of tonight's proceedings (*referring to summary of stipulations being challenged provided by the applicant)*. Let's start with No.

4 with reference to the burial of utilities and power lines and the condition of a final occupancy permit. The applicant has suggested that it be qualified to the new construction that is proposed here.

Comm. Strauss: The way it is currently written in our packet, could existing businesses turn over and have new occupancy? I think that is the concern of the developer.

Mr. Klein: This has to do with this particular project before you. These stipulations are attached to the improvements they are doing on this application. It doesn't mean they can't change tenants. Staff's primary concern is if you place the requirement on a specific building and the building doesn't get constructed, then they never get buried.

Comm. Strauss: They've started redevelopment, and maybe burying is one of the last tasks, but existing developments can turn over during construction.

Mr. Klein: They would be doing parking lot improvements and landscaping as part of this overall site. We would think that would be when the power lines would be dropped.

Chairman Elkins: The problem with that is that it's not what No. 4 says. It says that this must be done prior to final occupancy of any building within the project. We've already established the project includes the re-sheathing, if you will, of existing buildings. If that's the case and they lost a tenant, no other occupant could go in that space until the power lines are buried. I think there is a fair question there. I understand the city might interpret that differently and apply it differently, but based strictly on the language in here, no building in the project can be occupied until the lines are buried.

Mr. Coleman: I kind of agree with that. There is certainly some way to get this worked out. I understand they will be under construction in part of this and have a change in tenant in another part. We wouldn't want to hold that up. There's a lot to this whole project. That is why I mentioned a Memorandum of Understanding (MOU). Maybe this says something that they agree to work out an MOU prior to some date set for the burial of power lines, or we may need to get more specific about the burial of the power lines on Mission Road.

Chairman Elkins: Do you think it's reasonable that an MOU could be achieved before Governing Body considers this proposal?

Mr. Coleman: It's possible.

Chairman Elkins: Or at least before Final Plan comes before us?

Mr. Coleman: I would think so. I think we could work it out.

Mr. Petersen: That's a great point. I try not to say things that are superfluous for this body, but there is a public-private partnership that has already been discussed. There is a formal process that happens. There will be a development agreement, which I can

promise based on experience with Camelot that burial of the power lines will 100% be a condition. We are required to do this. The key part that you just triggered in my brain is that the Final Plan, which should be done per normal city process, on or about the same time as the development agreement, so there may be something to what you are getting at, which is this may be documented by the city by the time we get to Final Plan.

Mr. Coleman: I'd be okay with that.

Comm. Block: Staff is asking for any building; the applicant is asking for the last building. Why don't we just put in the second sentence, "This must be done prior to final occupancy of any new building"? It sounds like that's what staff is actually getting at.

Chairman Elkins: I think staff is concerned about the highly unlikely event that the new building is not constructed.

Comm. Block: There are two buildings, and I thought the concern was the two-story building and the back would not be constructed.

Chairman Elkins: I think it's either one. Again, I think it's very unlikely. If we can get this approved, it is going to happen.

Mr. Coleman: I think putting something in there about the MOU being developed prior to the time of Final Plan approval, it would provide for the burial of the power lines along Mission and 95th. This is our standard language, and this isn't probably a standard project.

Chairman Elkins: Mr. Pateidl, do you have some language to offer up?

Comm. Pateidl: I would modify the last sentence, "This must be done prior to the final occupancy of the new construction,' which is really what the applicant is asking for, "subject to applicant and Governing Body entering into a Memorandum of Understanding on existing tenant space prior to Final Plan."

Mr. Petersen: I was thinking the MOU, which will actually be a development agreement, would be the subject of burial of the utility lines versus the existing tenant space, but I know we're on the same page.

Comm. Pateidl: I think we're pushing the edge of the envelope.

Mr. Petersen: You think we're saying the same thing?

Comm. Pateidl: No, I think what I interpret your concern is that you don't want to be restricted from doing business in the normal course of business with the existing facilities that you have. You have new construction coming in, and you're saying it will all be buried before you get to that. I don't want to get into the issue of buried utilities; I only want to get into the issue of your doing business. I'm leaving you the opportunity with

this alteration to enter into a Memorandum of Understanding regarding your ability to function as you should on the tenant space, should new tenants be required in that regard so that you're not locked out of occupancy.

Mr. Petersen: That is a great clarification. We are in agreement to keep business going. We just need to make sure the language says that. We agree.

Chairman Elkins: It sounds like we have an agreement, in principle, between staff and the applicant with respect to No. 4. At this time, I would entertain a motion with respect to the commission approving that change to Stipulation No. 4.

A motion to amend Stipulation No. 4 to include the verbiage: "This must be done prior to the final occupancy of the new construction, subject to applicant and Governing Body entering into a Memorandum of Understanding on existing tenant space prior to Final Plan." – was made by Pateidl; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

Chairman Elkins: The next stipulation in question deals with the trash enclosure. Comments from the commission?

Comm. Pateidl: I actually have a question for staff. I'm not sure I understood some of the earlier comments regarding this trash enclosure. Are we talking about a trash enclosure for the bank or everything else?

Mr. Klein: Currently, the bank doesn't have a trash enclosure. They originally came in with a big bank of trash enclosures along the north property line. This is, in large part, for other tenants within the development.

Comm. Pateidl: This is not an issue related to the bank itself?

Mr. Klein: The applicant might be able to clarify a bit more.

Comm. Pateidl: Let me ask in a different way. Currently, they do not have a trash enclosure, and they are not making any changes to their building. Currently, this work shouldn't impact their business at all. I would guess they would be grandfathered to not have a trash enclosure. It is not a bank issue.

Mr. Klein: Correct.

Comm. Pateidl: By any stretch of the imagination, if this is really related to the restaurants, I'm at a loss for words for explaining how I feel about forcing the issue of a trash enclosure being attached to the building of a bank. I think the alternative, whether it's a loose interpretation of the columns as part of the building, and as an accommodation to do this rather than have these enclosures on the north side next to the

residents and the balance of it, is there really a strong ground to say this proposal doesn't meet the spirit of the law as well as the letter of the law?

Mr. Klein: The interpretation is a big part of it. I know Mr. Petersen indicated it just had to be attached, but the LDO says it needs to be integrated into the design of the building. That's where we're looking for a little more than putting it on the side of the building. This is something that could be visible from 95th Street. We're not saying they can't place it somewhere else on the site that might work a bit better.

Comm. Pateidl: Where is the alternative?

Mr. Klein: There might be opportunities to have it someplace else. I know they indicated they looked at that. Maybe it would take a bit more discovery to determine if there is another spot.

Mr. Coleman: They are building a completely new building that has no trash enclosures. I would suggest that the completely new building incorporate trash enclosures with it because that's what these are for.

Comm. Pateidl: What is the objection to the modification of Stipulation No. 9 by adding the verbiage, "At the time of Final Plan, the applicant shall relocate the proposed trash enclosure at the NBKC Bank"? Isn't that what you're asking them to do?

Mr. Klein: Either relocate it or integrate it more with the building architecture.

Comm. Pateidl: You want it relocated from the column to somewhere, and that's what this modification to the stipulation says, at least in my mind.

Chairman Elkins: The applicant wants to strike that.

Mr. Petersen: If you heard me say that it wasn't for the bank, that's a key fact in the analysis. The bank doesn't have any sort of exterior trash other than walking across to the dumpster on the north property line. This is for the bank. Then also the restaurant space, which is approximate to it, needs a trash enclosure. We asked how we could meet the code, which is not free-floating trash enclosures and not aesthetically pleasing. We would be open for staff to give suggestions on design for the non-masonry part. It is anchored by a building that uses the trash enclosure as well as the building across from it.

Comm. Pateidl: I have two questions. Who has the deed to the property the bank is located on?

Mr. Petersen: We own the land; the bank owns the building. It's a ground lease.

Comm. Pateidl: Has the bank agreed to this?

Mr. Petersen: This is something we would be able to do under the agreement. I don't know if they've specifically agreed to it because this was a late design change, so probably not. I'm not worried about this because they don't even have a dumpster right now.

Comm. Pateidl: This may be a question for the architect. What do you see as an alternative for the trash enclosures for the restaurant?

Mr. Hafner: I really struggled with it because we wanted to create this pedestrian pathway from the east parking lot into our new plaza area. That's where a lot of those dumpsters sit right now. Again, we had a more consolidated location, but it was closer to the residences and was not architecturally attached. As Mr. Petersen mentioned, we walked around this building and other locations to try to find a good location for that. For the new building we're building, we relocated those to integrate them into the architecture of the north side of Price Chopper in a nook. We just ran out of room from the standpoint of the ability to put the trash enclosures up there. Then pragmatically, a restaurant user not dragging trash across the plaza to the northwest to get to those enclosures was important to us to be able to get out of their service area in the back and get across the parking lot in a short, efficient manner to be able to put it in to something here. This was my idea. I tried to put it on the north. I thought it would make more sense on the north of the bank building. There's just no space. Everything has already been occupied by exit doors or existing HVAC. I thought the columns were integral to the building. We'll make the masonry match the bank building. It won't necessarily match the architecture of what we're doing on the rest of the shopping center, but I want it to look like it's part of the bank building. That was the thought process. It wasn't going inboard of either column and just setting something in there. It's bigger than what it needs to be because I wanted to make sure we spanned from column to column and created something a little more substantial that did make it architecturally part of the building.

Comm. Pateidl: I recall at Mission Farms, there is a trash enclosure that is across the parking lot from the buildings on the north, totally enclosed, gates and all. Why wouldn't a trash enclosure of that nature be allowed on this, or would it be allowed on this?

Mr. Klein: We have had trash enclosures in the past that were shared. Part of this issue is the aesthetics of the trash enclosure. They mentioned that there were utilities on the north side of the bank. In the past, we've also had some who would enclose an enclosure that would accommodate both utilities and the trash enclosure. We're looking for something that doesn't look stuck on to the end of the building, looking like it's freestanding. We're looking for it to be more integrated with the design of the building. To Richard's point, they have a lot of buildings that are being constructed new. This is probably the easiest time to find an opportunity to move it into a different location.

Comm. Pateidl: As long as we're going to be looking at planning this, I personally have my doubts if the bank would be fine with it. I wouldn't do it if I were the bank. To have this freestanding as an alternative so we get some orderly conduct of trash control, which

is extremely important with the residents and the school, and if we've allowed this in other developments and it's been acceptable, at least have those cards still in the deck.

Mr. Klein: A lot of it is the design. You mentioned maintenance of the trash enclosure. That is a huge issue. It's part of the reason this requirement exists in the LDO. When the city allowed trash enclosures in the parking lot, they weren't maintained very well. In this particular case, the trash enclosure faces away from the bank. The bank has no visual if the gates are open or closed. The city is looking for something that is a little bit more integrated into the building so there's more of a tendency to make sure that it is maintained. Across the street from us now is a trash enclosure that many people don't realize is there. They designed it in such a way to make it look like it was integral to the design of the building.

Chairman Elkins: I want to make sure I'm tracking correctly. As I understand the LDO, freestanding trash enclosures are not permitted. Am I mistaken in that?

Mr. Klein: No, and part of what we want is to make sure it is not only attached to a column only and then is otherwise freestanding; we are looking for it to be integrated into the architecture of the building itself.

Chairman Elkins: I think I misunderstood. I thought the suggestion was, at Mission Farms, we had a freestanding trash enclosure. That's not the case, correct?

Mr. Klein: I honestly don't remember. It is possible.

Chairman Elkins: That is water under the bridge.

Comm. Strauss: How often is the trash accessed?

Mr. Petersen: For putting trash in or removing trash?

Comm. Strauss: I guess both.

Mr. Hafner: Putting trash in would be every day from a restaurant standpoint; from the bank, not so much. Removal, I would think for something that size and use, it is probably ever 2-3 days.

Comm. Strauss: Have you looked at a trash truck and its maneuverability to get between those parking spaces?

Mr. Hafner: We deal with that quite a bit. Most of the time, trash trucks are showing up at off hours for commercial delivery. We would coordinate that as well to make sure that path is clear. Again, I had a different location that didn't meet the LDO, and we are trying to be respectful of that. I do think we would work with the trash company to make sure they had proper access to those enclosures.

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Comm. Strauss: Can you tell me the tradeoffs? The obvious location is back by the delivery dock where no pedestrians walk. I'm sure you considered that early on.

Mr. Hafner: We did put some of them there. Some of our new locations are just east of the retaining wall at the loading dock (*shows on the monitor)*. The original consolidated trash enclosure was back with the stalls. When we met with staff, we tried to find some locations. We found the ability to put them in the locations shown on the plan. The problem is I couldn't get the number of dumpster locations in those two spots. We had a user that needed more, so that's where this location came into play. The lineal footage of all three of those locations equaled the consolidated location I originally showed.

Mr. Petersen: To state the obvious, if it was as easy as drawing another dumpster in the back, I promise we would not have wasted 30 minutes of your time.

Mr. Hafner: We're trying to do nice, four-sided architecture on the new building as well, so we want to maintain that. You can see the cemetery and the location of the trash dumpster. The view from the public way or vast majority of the parking lot would not be impacted by that location.

Comm. Strauss: Where is the front door?

Mr. Petersen: It would look out across the patio. The restaurant is never going to let this look bad.

Mr. Hafner: They look that way, and they have an outdoor patio that wraps behind the screen wall that dedicates their outdoor space.

Comm. Strauss: That seems awkward that 2-3 times a day, someone will walk out the front door with trash.

Mr. Hafner: We have a screened service area on the back of the building. It is an existing building with gas and power. We have a new building going in with an elaborate screen wall that sits off the face of that building 10' with landscaping in front of it. We've got service access. In reality, the back-of-house for this restaurant user would come out the back and not out of the front door.

Chairman Elkins: Other thoughts or comments about how we can solve this issue?

Comm. Coleman: I would just agree that it is difficult. I will say that the bank's drive-through is right next to that, and I'm sure the bank will not be happy, as their people going through the drive-through will catch the odors. Also, the people eating outside of the restaurant could be affected as well. It is a difficult situation. I don't have a solution, but I don't think the current location will work.

Comm. Pateidl: Since this is a Preliminary Plan and the architect hasn't figured out how to solve the problem, we're probably not going to figure it out tonight, either. I suggest a

modification to the last sentence of No. 9 to read, "At the time of Final Plan, the applicant shall have proposed trash enclosures that meet the provisions of the LDO."

Chairman Elkins: How is that different than the first long sentence of paragraph 9?

Comm. Pateidl: The only difference is it says that the applicant shall relocate the proposed trash enclosures from the bank, which at this point in time presupposes that the argument over whether or not that location is a fixed part of the building is resolved. I don't believe Mr. Petersen feels that it is. I do believe Mr. Klein thinks that it is. Therefore, we're at a standstill. They are required to come back with proposed locations at Final Plan.

Chairman Elkins: Isn't that what the current language says?

Comm. Pateidl: The argument I would make is that, should Mr. Petersen win the argument as to what is a fixture of the building, that location at the bank would be acceptable under the LDO.

Chairman Elkins: The challenge is that it is, at least in part, up to us to decide who the winner of that argument is. Who else is going to make that decision? If they're at an impasse, Mark is going to have his position; Mr. Petersen is going to have his. That is what we're here for.

Comm. Pateidl: That is what we're here for in the Final Plan when it's brought to us.

Chairman Elkins: That's a fair point. Any additional thoughts? Does staff care to comment on the proposed wording?

Mr. Klein: Usually, at the time of Final Plan, the architecture is approved. There might be an opportunity for a little more exploration as far as how that can be done to meet the LDO. The applicant also indicated the architecture and hoped you would review it. He indicated that now is the time that it gets tentatively approved. We look at other things at Preliminary and look at architecture at the time of Final. I think it would be acceptable.

Mr. Petersen: I just respectfully think you accomplish your goals by deleting it because the sentence that is left says we have to meet the LDO. We'll work with the City Administrator, City Attorney, and staff. There is no motive other than to make this work. We are all on the same page. We want it to look good. If you delete the last sentence, it doesn't mean we can put it there; it means that we'll have to come back to discuss it at Final Plan. With leaving the sentence in, it is presupposing that we have to move it from this location. That is our concern. I think the city still holds the cards by deleting the last sentence. I know that's somewhat repetitive. Thank you for letting me have that closing statement.

Comm. Pateidl: I concur.

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Chairman Elkins: I tend to agree with that as well; although, I think we need to confirm the language of the LDO.

Mr. Klein: "Loading dock service areas are not permitted on the street side of a building unless approved as part of the development plan. In all cases, the areas shall be screened from view with landscaping, architectural elements designed as part of the building, or structure enclosures and service elements such as loading doors shall be integrated within the building elevation design so as to minimize visual impact of such elements. Any loading docks or loading areas shall be completely screened from the public streets by a solid wall, fence, evergreen plantings. The design of the trash enclosures must be shown on the Preliminary and Final Plan.

Chairman Elkins: It really doesn't say that the trash enclosures have to be integrated.

Mr. Klein: We're looking at it as part of Enclosures. "Enclosures and service elements, such as loading doors, shall be integrated." Although it gave loading doors as an example, we are looking at and enclosure as being part of that.

Chairman Elkins: One possibility I would suggest is to strike the last sentence as requested by Mr. Petersen, but I would add in to the third line, ". . . be architecturally attached and integrated into the individual buildings." This makes what we are looking for clear. Thoughts from my colleagues?

Comm. Pateidl: I concur.

Comm. Strauss: I concur.

Comm. Block: That's fine, but I didn't hear him say "attached." All I heard was "integrated."

Chairman Elkins: I heard it the same way. That's why I'm proposing both.

Mr. Klein: You're correct.

Chairman Elkins: Does someone care to make a motion?

A motion to modify Stipulation No. 9 to strike the last sentence: "At the time of Final Plan, the applicant shall relocate the proposed trash enclosure at the NBKC Bank" and add to the third line, ". . . be architecturally attached and integrated into the individual buildings" – was made by Strauss; seconded by Pateidl.

Chairman Elkins: I would say for the record that, from my perspective, the fact that we are striking the last sentence should not be interpreted as an endorsement that the enclosure as proposed in the plan is something the commission is endorsing.

Comm. Belzer: I agree.

Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

Chairman Elkins: We'll move on to the trees.

Comm. Pateidl: We took that out and said there will be a Landscape Plan in accordance with the LDO for the Final Plan.

Chairman Pateidl: How does the applicant feel about that?

Mr. Petersen: If that language is used, it settles the issue that we necessarily have to plant in what I am calling the beehive. I'm pretty sure we all agree that if there are conflicts, we need to visit the portion of the LDO that I cited. I believe a deviation could be granted. If we have more time with City Administrator and City Attorney and determine there really are ways to pragmatically plant the trees, I promise we will plant the trees. If we can get language to say that we will work on it and not just to say that the LDO stands because that would imply we have to plant no matter what, but that we go to work with then professinals of the city and utility companies to determine if this is something that is really pragmatic. Hopefully, that's a good compromise.

Chairman Elkins: Thank you. Commissioner Pateidl, could you repeat what you are proposing for Stipulation No. 17?

Comm. Pateidl: First, I would ask staff to cite what our standard stipulation is regarding Landscape Plans. We may modify that from that point.

Mr. Klein: Usually, it's, "At the time of Final Site Plan, the applicant shall provide a Landscape Plan that meets all requirements of the LDO."

Comm. Pateidl: I don't know if you want to incorporate anything more in conjunction to Mr. Petersen's request regarding the utilities and working with that or if that is broad-based enough to allow you the opportunity to take this to the proper forum.

Mr. Petersen: All we are asking is you add that it is an acknowledgement by this body that a discussion needs to happen to figure out if there are conflicts. We're asking you to acknowledge that the discussion happen and that the facts be determined.

Chairman Elkins: However we go, the Landscape Plan has to comply with the LDO.

Mr. Petersen: It could include a deviation if there are conflicts. That is why this is a bit more complicated.

Chairman Elkins: And we may have to decide that at the time of Final Plan.

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Mr. Petersen: Fair enough. If there is an acknowledgement that we will determine if there are conflicts, work with staff, and show up at Final Plan to be in accordance with the LDO or ask for a deviation if we all agree that this can't pragmatically be done, it would be acceptable. I don't think there is a lot of disagreement in the room.

Comm. Pateidl: Mark, if I understand what you said earlier, this is not a matter we can grant a deviation on.

Chairman Elkins: That is where there is a disagreement between the applicant and staff.

Comm. Belzer: We wouldn't be able to acknowledge that, then.

Chairman Elkins: That's a legal issue for them to resolve. At the end of the day, the Landscape Plan has to comply with the LDO. We may have to take up in front of the commission at Final Plan if staff and the applicant can't come to an agreement, then it falls in our lap as to whether a deviation can or should be granted. I would leave the language exactly as Mark said. I think the record in front of us is sufficient to answer the question about what the commission expects in terms of the conversation between the applicant and staff going forward. Do I hear a motion to that extent?

A motion to modify Stipulation No. 18 (which is now Stipulation No. 17 due to prior revisions) to read, "At the time of Final Site Plan, the applicant shall provide a Landscape Plan that meets all requirements of the LDO" - was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

Chairman Elkins: I think everybody agreed to the duplication issue, and that takes us to No. 23. What I thought I heard was that staff agreed to the deletion of No. 23. Do I understand that correctly?

Mr. Coleman: We didn't have an issue. They're moving it over so they can get that in there.

Chairman Elkins: What we end up with is what we have on the record for the change to Nos. 4, 9, 18, and the changes that staff incorporated at the beginning of their presentation. Now, we have 32 stipulations. Mr. Petersen, are you in agreement?

Mr. Petersen: Yes.

Comm. Strauss: I wanted to add a stipulation that we've talked about related to the safety of the egress out of McDonald's. I heard the city and the applicant say they could look at it further. I would like to add that the city and developer will continue to identify the safety concern of the northwest egress from McDonald's. I see that as a daily safety issue. I'll back down and not add anything on the north pedestrian access. I agree that is not as frequent, but the other is a daily safety concern.

Chairman Elkins: What is your expectation if staff and the applicant come back and say they conclude that the current proposal is the best they can do, which is what I think I heard both staff and the applicant say?

Comm. Strauss: I don't know. I just see that this was very similar to 119th and Roe, and that was a problem that got resolved. I don't see why this issue can't be resolved at this location. It was acknowledged as a problem at 119th and Roe. I think that it would come down to my vote with the final design.

Chairman Elkins: What is it you would like them to come back with?

Comm. Strauss: I would like to see ingress only at that location and not egress. What I heard the applicant say is it is something that could be evaluated. That is just not a safe movement in the opinion of someone who works in the transportation business. Turning left and either going north or south on Mission Road is just a safety problem. It wouldn't be designed that way if we were designing this site from scratch.

Chairman Elkins: Go ahead and state your proposed stipulation.

Comm. Strauss: I could propose we change it now if the commission is on board with it.

Chairman Elkins: We can go either way; I agree.

Comm. Strauss: Maybe there is some circumstance that I don't know about. I just want to let the commission and City Council know that it is a safety concern. I'd like the city and developer to work it out and see what they come back with at Final Plan.

Chairman Elkins: The stipulation would be that the city and the applicant will reconsider the traffic flow around McDonald's on the southwest corner of the project?

A motion to add Stipulation No. 33 to read, "The city and the applicant will reconsider the traffic flow around McDonald's on the southwest corner of the project" was made by Strauss; seconded by Stevens.

Chairman Elkins: Mr. Ley, do you care to comment? I think what we're asking you to do is to reconsider it. When we get to Final Plan, if you say it's the same, we'll have to consider whether we're willing to recommend it to Governing Body or not.

Mr. Ley: We're fine with that. Staff is fine to discuss that with the applicant. This site is different than 119th and Roe. The way the access is, the building would be rotated 90 degrees with access leaving the drive-in, going north. We could try to move the access a little to the east, but trying to create one-ways and people backing up into the parking lot might be difficult. We can work with the applicant.

Mr. Petersen: We all had trouble hearing in the back.

Chairman Elkins: The stipulation is the applicant and staff are directed to reconsider the traffic ingress and egress patterns around the McDonald's on the southwest corner of the project.

Mr. Petersen: That is acceptable. I would add on that this was a request to do our best and work with staff, we'll do that all day long.

Chairman Elkins: That's all we're asking.

Comm. Strauss: I think McDonald's accepted one-way access at one location we know of.

Chairman Elkins: Again, as Commissioner Strauss indicated, if we adopt that, it will be up for discussion and decision when we come back for Final Plan. We have a motion and second.

Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

Chairman Elkins: Are there any other modifications to consider at this point? We'll move on to a discussion of Case 115-18 as has been modified. If there is no additional commentary, I would entertain a motion.

A motion to recommend approval of CASE 115-18 – RANCH MART NORTH SHOPPING CENTER – REDEVELOPMENT – Request for approval of a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit, located north of 95th Street and east of Mission Road – with the following adjustments:

- **No. 4: "This must be done prior to the final occupancy of the new construction, subject to applicant and Governing Body entering into a Memorandum of Understanding on existing tenant space prior to Final Plan."**
- **No. 9: Strike the last sentence: "At the time of Final Plan, the applicant shall relocate the proposed trash enclosure at the NBKC Bank" and add to the third line, ". . . be architecturally attached and integrated into the individual buildings"**
- **No. 17: remove**
- **No. 18 (which is now Stipulation No. 17 due to prior revisions) to read, "At the time of Final Site Plan, the applicant shall provide a Landscape Plan that meets all requirements of the LDO"**
- **No. 23: remove**
- **No. 33: Add stipulation to read, "The city and the applicant will reconsider the traffic flow around McDonald's on the southwest corner of the project"**
- **No. 34: Modify to read, ". . . 1-33."**

was made by Coleman; seconded by Belzer. Motion carried with a unanimous vote of 7-0. For: Hunter, Belzer, Pateidl, Strauss, Coleman, Block, and Stevens.

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Return to Agenda

12.B.

City of Leawood Governing Body Staff Report

MEETING DATE: December 3, 2018
REPORT WRITTEN: November 14, 2018

135th STREET AND KENNETH ROAD – MIXED USE AND MEDIUM DENSITY RESIDENTIAL – REQUEST FOR APPROVAL OF A REZONING, PRELIMINARY PLAN, PRELIMINARY PLAT, AND SPECIAL USE PERMIT – Located south of 135th Street and west of Kenneth Road – Case 71-18

BACKGROUND:

- **Planning Commission Meeting on September 11, 2018:** This application was originally heard by the Planning Commission on September 11, 2018. At that meeting the Planning Commission recommended denial of the application with a unanimous vote of 5 to 0.
- **Governing Body Meeting on October 1, 2018:** The application was heard by the Governing Body on October 1, 2018. The Governing Body remanded the application back to Planning Commission with a unanimous vote of 8-0 to allow the applicant to further work with staff.
- **Applicant Submitted Modifications to the Plan:** The applicant submitted revised plans that made modifications that included the following: realigning 137th Street to have a minimum 500' radius, moved the intersection of High Drive and 135th Street to the west to be 200' to the east of the ¼ mile, removed the round-a-bout at the intersection of 137th Street and High Drive, modified the layout of the buildings within the MXD portion of the development including adding an additional building and increasing the building area from 393,000 sq.ft. to 410,200 sq.ft., requested a deviation to allow a 30' building setback from 137th Street and High Drive, reduced the number of units within the RP-3 portion of the development from 120 to 117, reduced the number of duplexes from 60 to 54 and added three tri-plexes. The modifications to the plan are called out in more detail in the section labeled "Modifications From Previous Plan" later in the staff report.
- **Planning Commission Meeting on November 13, 2018:** The Planning Commission heard the remand of this application from the Governing Body on November 13, 2018. The Planning Commission recommended denial of the revised plan with a 3-2 vote. The Planning Commission stated the following reasons for the denial.
  - The changes to the proposed development still does not meet many of the recommendations of the City of Leawood's Comprehensive Plan, including the 135th Street Community Plan.
  - The proposed plan does not provide a unique sense of place, amenities, and connections to neighboring areas.
  - The proposed plan does not provide for a comprehensive, or complete development, and proposes to construct the mixed use in later phases.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends denial (3-2) of Case 71-18 – 135th Street and Kenneth Road – Mixed Use and Medium Density Residential, request for approval of a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit. The Planning Commission was provided stipulations for their consideration if they were to approve.

1. The project is limited to the following:
   a) 410,200 sq.ft. construction on 18.25 acres for an F.A.R. of 0.43, with a 25% discount for residential within the MXD zoned portion of the development that shall meet all requirements of the Leawood

Development Ordinance, including required F.A.R. density bonuses, and the City of Leawood's Comprehensive Plan.

b) 54 duplexes and 3 triplexes on 38.09 acres for a density of 3.07 dwelling units.

2. Prior to Building Permit approval a Development Agreement between the City of Leawood and the developer/property owner, shall be executed that sets the standards and conditions that govern the development of the property, including the phasing of the development.
3. Prior to Final Plan submittal the applicant shall work with City staff to make the following revisions to the MXD portion of the plan to bring it into conformance with the Leawood Development Ordinance and City of Leawood's Comprehensive Plan.
   a) Provide amenities that meet Leawood Development Ordinance requirements for requested deviations to F.A.R.
   b) The alignment of 137th Street shall be moved to the south in closer proximity to the alignment shown on the Comprehensive Plan and to provide additional land area for the MXD portion of the development to allow critical aspects of 135th Street Community Plan to be implemented including: a grid network of streets, land uses centered around activity nodes, vehicular and pedestrian connectivity, walkability and preservation of native areas.
   c) Modify the land use/zoning designations to match the Comprehensive Plan with mixed use north of 137th Street and medium density residential south of 137th Street to provide adequate space within the MXD portion of the development to allow integration and connectivity of the residential uses and to provide opportunities for transitioning from higher density to lower density.
   d) Preserve existing natural areas to incorporate them as an amenity within the development.
   e) Align streets to provide a grid network to allow greater vehicular and pedestrian connectivity to create a more cohesive development providing connectivity and opportunities for walkability.
   f) Provide nodes of activity in which a mix of uses are organized around to create a sense of place with concentrations of activity.
   g) Incorporate a variety of street types tailored to land uses within a grid network of streets to provide a sense of place within the mixed use development.
   h) Provide opportunities within the development for multiple forms of transportation to provide connectivity and walkability throughout the development and the surrounding community.
   i) Utilize transects to transition from higher density and taller buildings along 135th Street to lower density shorter buildings along 137th Street to ensure compatibility of uses.
   j) Provide amenities that meet Leawood Development Ordinance requirements for deviations to F.A.R.
4. Prior to Final Plan submittal the applicant shall work with City staff to make the following revisions to the RP-3 portion of the plan to bring it into conformance with the Leawood Development Ordinance and City of Leawood's Comprehensive Plan.
   a) Provide additional opportunities for vehicular and pedestrian connectivity.
   b) Preserve existing natural areas to incorporate them as an amenity within the development.
   c) Increase the Tree Preservation along the south property line from 20' to 35' to better preserve the existing trees that act as a buffer to the existing residential development to the south.
   d) Provide revised elevation drawings for the duplex and triplex units that meet the material requirements of the Leawood Development Ordinance, including roofing material.
5. The applicant shall be responsible for the following impact fees:
   a) A park impact fee in the amount of $.15/square foot of finished floor area for non-residential construction and $300 per residential unit is required prior to issuance of a building permit. This amount is subject to change by Ordinance.
   b) A public art impact fee or a piece of public art shall be required for all non-residential construction. Approval of the design and location of the art will need to go before the Arts Council, Planning

Commission, and be approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $.15/square foot of finished floor area for nonresidential development prior to issuance of a building permit. This amount is subject to change by Ordinance.

c) The applicant shall be responsible for the 135th Street Impact fee in the amount of $.58/square foot for office, $1.95/square foot for retail, and $389.40/per unit for residential for those areas north of 137th Street, which is due prior to issuance of a building permit. This amount is subject to change by Ordinance.

d) The applicant shall be responsible for a South Leawood Transportation Impact Fee prior to recording of the Final Plat.

6. The applicant/owner shall be responsible for the construction of an additional lane and other improvements on 135th Street prior to issuance of a Certificate of Occupancy for any building within either the MXD or RP-3 zoned portions of the development, per Public Works Department.
7. At the time of Final Plan the RP-3 portion of the development shall provide a revised plan connecting the three western cul-de-sacs to provide increased connectivity.
8. The right-of-way for 137th Street shall be shifted to the north, to provide a tract of open space to act as a buffer between the street and the existing residential development of Leawood Falls and Villas of Highlands Ranch to the south.
9. The applicant/owner shall be responsible for the construction of 137th Street.
10. The completion of the design and construction of all public streets for the full width of the property shall be under a single set of construction plans.
11. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project.
12. Within the RP-3 portion of the development, all above ground facilities shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical or appropriate, as determined by the City Engineer, then such facilities shall be at least 25' behind the right-of-way.
13. The term of the Special Use Permit for the assisted living facility shall be limited to twenty years from the date of Governing Body approval.
14. A Special Use Permit for an assisted living facility shall be issued to Vick Regnier Builders, Inc.
15. All utility boxes, not otherwise approved with the final development plan, with a height of less than 55 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Community Development as being in compliance with the Leawood Development Ordinance.
16. Within the MXD portion of the development, all utility boxes, not otherwise approved with the final development plan, with a height of 55 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body. The City may impose conditions on approval, including but not limited to duration or renewal requirements, where the circumstances are sufficiently unusual to warrant the conditions.
17. Within the RP-3 portion of the development, all new utility boxes with a height of 55 inches or greater, a footprint greater than 15 square feet in area, or a pad footprint greater than 15 square feet in area, shall be authorized only by approval of a special use permit prior to construction.
18. No deviations from the Leawood Development Ordinance are approved with this application.

19. Per the Leawood Development Ordinance, within the MXD portion of the development buildings shall be required to have a buffer a minimum of 10' deep adjacent to buildings.
20. Where head-in parking overhangs sidewalks, sidewalks must provide for a minimum of 2' of additional width to accommodate the overhang of cars.
21. Along all public streets, a minimum of a 10' tree lawn shall be provided between back of curb and adjacent sidewalks.
22. Sidewalks shall be 6' in width along 135th Street, both sides of High Drive, and on the north side of 137th Street. A 10' asphalt hike/bike trail shall be required along the south side of 137th Street and west side of Kenneth Road. All other sidewalks shall be a minimum of 5' in width.
23. Within the MXD portion of the development and per the Leawood Development Ordinance, where pedestrian routes intersect vehicular access routes, the material of the pedestrian route shall be enhanced and differentiated from the vehicular paving material.
24. All buildings within this development shall conform to the architectural type, style, and scale of the buildings approved by the Governing Body at Final Plan.
25. All downspouts shall be enclosed.
26. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6 foot solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.
27. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The height of the screen must be at least as tall as the utilities being screened.
28. Per the Leawood Development Ordinance, all parking lot light fixtures associated with this project shall be a maximum of 18' in height.
29. Lighting fixtures along 137th Street, High Drive, and Kenneth Road between 135th Street and 137th Street shall be of a special design that matches the existing light fixtures on 137th Street.
30. At the time of Final Plan a landscape plan shall be submitted that meets all requirements of the Leawood Development Ordinance.
31. Lighting plans, photometric studies that meet the Leawood Development Ordinance, along with specific light fixtures, shall be required at the time of Final Plan.
32. Materials boards shall be submitted at the time of Final Plan application.
33. A model shall be submitted at the time of final plan application.
34. Sign design and calculations shall be required at Final Plan.
35. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo dated November 13, 2018, on file with the City of Leawood Planning and Development Department, prior to recording the final plat.
36. The applicant shall obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal's memo dated November 7, 2018, on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.
37. A statement shall be included on the final plat for the RP-3 portion of the development that states that there shall be no ingress or egress within the rear yard, or street-side side yard to 137th Street for those lots that are adjacent to 137th Street.
38. All streets within the RP-3 portion of the development shall be public. The developer or Homes Association will maintain any planting or statuary within the street right-of-way. The developer shall execute a right-of-way maintenance agreement with the Public Works Department for any planting or statuary improvements within the public right-of-way.

39. For the MXD portion of the development, a cross access/parking easement for the entire development shall be recorded with the final plat at the Johnson County Registrar of Deeds prior to issuance of a building permit.
40. At the time of Final Plan application, the development shall revise the plans to show all storm water detention areas to be storm water retention to serve as an amenity to the development.
41. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.
42. This preliminary plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the City Council to request an extension of this time period. The City Council may grant one such extension for a maximum of 12 months for good cause shown by the developer.
43. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through forty-three.

APPLICANT:

- The applicant is John Petersen with Polsinelli PC.
- The property is owned by Vic Regnier Builders, Inc.
- The engineer is Tim Tucker, with Phelps Engineering.
- The architect is Henry Klover with Klover Architects.
- The landscape architect is Jason Meier with Meier Consulting.

REQUEST:

- The applicant is requesting approval of a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit.
- The site is located on the south side of 135th Street and west of Kenneth Road and consists of 56.34 acres of land currently zoned AG (Agricultural). The applicant is proposing to rezone 18.25 acres to MXD (Mixed Use Development District) and 38.09 acres to RP-3 (Planned Cluster Attached Residential). The MXD zoned land is proposed to be on the north side of future 137th Street, and the RP-3 zoned land is proposed to be both on the north and south sides of future 137th Street.
- The mixed use portion of the development proposes a total of 410,200 sq.ft. of construction on 18.25 acres for an FAR of 0.43, which includes a 25% discount on residential space per the Leawood Development Ordinance. The MXD part of the development consists of the following uses:
  - 41,000 sq.ft. of retail/restaurant space - (10.0%)
  - 82,000 sq.ft. of office space - (20.0%)
  - 287,200 sq.ft. of residential apartments (182 units for a density of 9.97 du/ac) – (70.0%)
  - 67,200 sq.ft. for an assisted living facility (84 beds)

- The RP-3 portion of the development consists of 54 duplexes and 3 triplexes (117 units) on 38.28 acres for a residential density of 3.07 units/acre. Eighteen duplexes (36 units) are proposed on the north side of future 137th Street and 36 duplexes with 3 triplexes (81 units) are proposed on the south side.

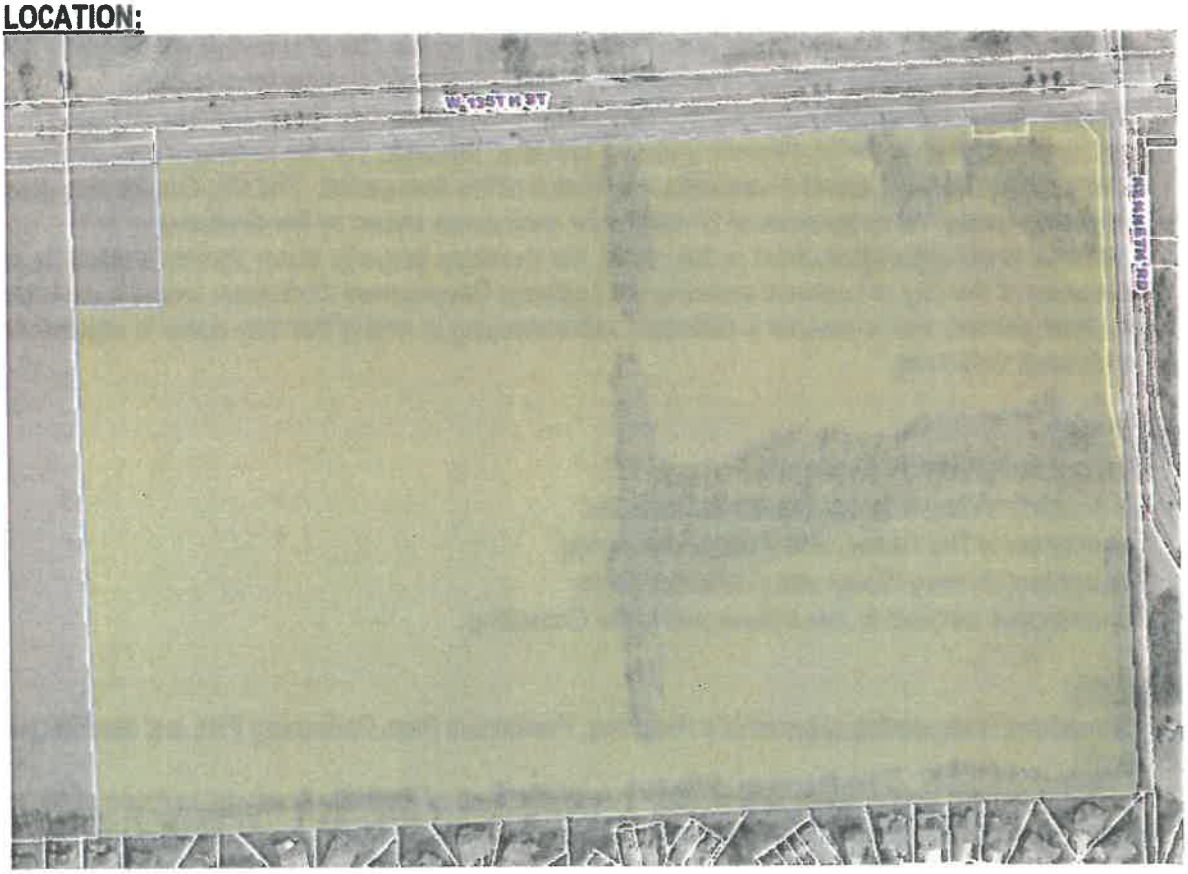
ZONING:

- The property is currently zoned AG (Agriculture).

COMPREHENSIVE PLAN:

- The Comprehensive Plan designates the portion of property north of the future 137th Street as Mixed Use, and the area south of the future 137th Street as Medium Density Residential.

LOCATION:



SURROUNDING ZONING:

- North — Directly to the north of the property is 135th Street, an arterial roadway, and undeveloped property zoned AG, on the north side of 135th Street.
- South — Directly to the south of the property is the Leawood Falls Subdivision, zoned RP-4 (Planned Cluster Residential District under a previous version of the Leawood Development Ordinance), and the Villas of Highlands Ranch, zoned RP-2 (Planned Cluster Detached Residential District).
- East — Directly to the east of the property is Kenneth Road and undeveloped land, zoned SD-CR (Planned General Retail).

- West — West of the property is undeveloped land, zoned AG, followed by Chadwick Place, a commercial development zoned SD-NCR (Planned Neighborhood Retail) and SD-O (Planned Office).

MODIFICATIONS FROM PREVIOUS PLAN:

- The applicant submitted revised plans to staff on November 1, 2018 with a plan with some further modifications on November 9, 2018. Below is a summary of the change from the previous plan.
  - The applicant moved the intersection of 137th Street and High Drive approximately 170' to the west to be 200' east of the ¼ mile.
  - The applicant revised the alignment of 137th Street to provide the required 500 ft. radius. This resulted in the land area for the MXD portion of the project increasing by approximately 0.80 acres and the land area for the RP-3 portion of the development decreasing by the same amount.
  - The round-a-bout that was proposed at the intersection of 137th Street and High Drive was removed.

    MXD Portion of Project:
    - The driveway off of 137th Street, directly west of High Drive, was reconfigured to align with the street providing access to the second cul-de-sac from the west off of 137th Street.
    - High Drive (main access into the development off of 135th Street) was modified to provide turn lanes and tapers.
    - The building area increased from 393,000 sq.ft. to 410,200 sq.ft. (16,900 sq.ft.). The F.A.R. decreased slightly from 0.44 to 0.43 due the increased land area added to the MXD zoned portion.
    - The following table shows the changes to the percentage of uses:

Use	Previous Sq.Ft.	Previous % Use	Revised Sq.Ft.	Revised % Use
Retail	40,950	10.4%	41,000	10.0%
Office	79,150	20.1%	82,000	20.0%
Residential	273,200	69.5%	287,200	70%

    - Many of the buildings remained in the same place, but were reconfigured with the changes to building area and uses contained within. Building H, a 2 story office building was added to the east side of the development. The following table summarizes some of the changes.
    - The first line of each building is what was provided with the original plans, the second line are the proposed revisions.

Building	Retail Sq.Ft.	Office Sq.Ft.	Residential Sq.Ft.	Residential Units	Underground Parking
A - (4 Stories – 50'-8")	0	0	52,000	44	40
A - (4 Stories – 50'-8")	0	0	52,000	42	42
B - (4 Stories – 50'-8")	0	0	52,000	44	40
B - (4 Stories – 50'-8")			52,000	42	42
C - (5 Stories – 71')	15,200	48,900	42,000	34	64
C - (5 Stories – 71')	0	10,000	66,000	56	56
D - (4 Stories – 50'-8")	0	0	60,000	50	46
D - (5 Stories – 71')	13,000		50,000	42	42
E - (2 Stories – 40')	17,500	22,000	0	0	0
E - (2 Stories – 40')	26,000	28,500	0	0	0

Building	Retail Sq.Ft.	Office Sq.Ft.	Residential Sq.Ft.	Residential Units	Underground Parking
F - (2 Stories – 40') F - (2 Stories – 40')	8,250	8,250 22,500	0 0	0 0	0 0
G -(2 Stories – 26'-10") G - (2 Stories – 26'-10")	0 0	0 0	67,200 67,200	84 Beds 84 Beds	100 100
H - Building Added (2 Stories – 40')	0	21,000	0	0	0

- The surface parking generally remained in the same configuration, with some modifications. The large parking lot island within the parking lot on the west side of High Drive that had been proposed to contain an amenity area was removed.
- Plaza areas within the parking lots were generally moved to corners of buildings, many of which were at intersections of streets. Plaza areas were also added adjacent to Building C and G.

RP-3 Portion of the Project:

- The alignment of the access to the second cul-de-sac from the west was moved to the west to create more separation from the intersection of High Drive.
- The original plan proposed 60 duplex units (120), with 17 duplexes (34 units) on the north side of 137th Street, and 43 duplexes (86 units) on the south side of 137th Street.
- The revised plan is proposing a total of 54 duplexes and 3 triplexes (117 units), 18 duplexes (36 units) north of 137th Street adjacent to the mixed use portion of the development, and 36 duplexes and 3 triplexes (81 units) are proposed on the south side.

SITE PLAN COMMENTS:

Mixed Use Development (MXD)

- The mixed use part of the development is adjacent to 135th Street, and extends to the future 137th Street roadway alignment to the south.
- The MXD portion consists of 287,200 sq.ft. of apartments (182 units), a 67,200 sq.ft. assisted living facility (84 beds), 41,000 sq.ft. of retail/restaurant space, and 82,000 sq.ft. of office for a total of 410,200 sq.ft.
- The development is proposed to be accessed from High Drive (to be constructed with this project and extends to the south from 135th Street and connects to 137th Street), 135th Street and 137th Street. The mixed use buildings are generally oriented around interior surface parking lots.
- A 5 foot sidewalk is located on the north side of 137th Street, and a 10 foot hike/bike trail is proposed on the south side of 137th Street.
- Four foot bike lanes will be located in both directions on137th Street.
- All of the buildings are located within one of two large common area tracts.
- Buildings A through D are located on the western half of the site and consist of two residential buildings, and one building containing retail/residential/and office use and another containing retail/residential.
- Buildings E through H are located on the eastern half of the site and consist of one building containing both retail and office, two office buildings and one assisted living facility.
- The following table summarizes the building area, number of stories and height of each building.

Building	Use	Building Sq. Ft.	# of Stories	Building Height
A	Residential	52,000	4	50' 8"
B	Residential	52,000	4	50' 8"
C	Retail/Office/Res	78,000	5	71'
D	Retail/Res	63,000	5	71'
E	Retail/Office	54,500	2	40'
F	Office	22,500	2	40'
G	Assisted Living	67,200	2	26' 10"
H	Office	21,000	2	40'

- All four buildings on the west side of High Drive will provide one underground parking space for the residential units that they contain (182 parking spaces). The assisted living facility on the east side of High Drive proposes to have 100 underground parking spaces.
- A 6 foot sidewalk is provided along 135th Street. Five foot sidewalks are proposed along both sides of High Drive off of 135th Street and along the north side of 137th Street. A 10' asphalt hike/bike trail is located along the south side of 137th Street. Direct sidewalk connections between the perimeter sidewalks and the adjacent buildings are provided along 137th Street, High Drive and 135th Street on the east side of High Drive, however, direct sidewalk connections to the adjacent buildings along 135th Street, west of High Drive, are not provided.
- Perimeter sidewalks are proposed to have a 10 foot tree lawn between the sidewalk and the adjacent curb.
- Pedestrian plaza spaces are generally provided at the corners of buildings adjacent to public right-of-way, within landscaped islands on the east side of Building E adjacent to the via, and within the courtyard on the west side of the assisted living.
- Existing trees are proposed to be removed in the area where Building E is on the east side of High Drive, and at the northeast corner of the development in proximity to the assisted living facility.

Duplex Residences (RP-3)

- The applicant is proposing a total of 54 duplexes and 3 triplexes (117 units), 18 duplexes (36 units) north of 137th Street adjacent to the mixed use portion of the development, and 36 duplexes and 3 triplexes (81 units) are proposed on the south side.
- All of the duplexes and triplexes are organized around streets with cul-de-sacs and will be within Tract common area tracts, Tract A south of 137th Street and Tract C north of 137th Street.
- A single unit will be approximately 2,546 sq.ft.
- The duplex and triplex units have two car garages. Some of the garages will be accessed by a shared driveway.
- The applicant is requesting a deviation to the side yard setback between duplexes from the required 30 feet to 15 feet between buildings a minimum of 8 feet between the foundations of the building, including window wells. Staff is supportive of the deviation for setbacks between buildings of a minimum of 15 feet. Per the Leawood Development Ordinance at grade window wells may encroach a maximum of 3 feet into the required setbacks.
- Within the eastern half, existing trees extend south into the center of the development, along the south side of the proposed 137th Street alignment, along the southernmost property line, and along the common boundary with a triangular property to the east. The applicant is proposing to remove almost all of the

native trees to allow room for the duplex residences and for drainage basins. Storm water detention and Bio-Retention are proposed in lieu of the existing native tree area.

- The applicant is proposing a 20 foot tree preservation easement along the south property line.
- Five foot sidewalks are located on both sides of all cul-de-sac streets.
- Ten foot tree lawns are provided between the back of curb and the sidewalk for adequate street tree placement per the Leawood Development Ordinance.
- A community swimming pool and pavilion is proposed in Tract D, on the south side of 137th Street at the intersection of High Drive into 137th Street.
- An 8 foot asphalt trail is located within Tract A, within the green space behind the residential units. This trail loops to the south from 137th Street in the western portion of the development and connects to the south side of the eastern most cul-de-sac street.

PHASING:

- The applicant is proposing to build the development in three phases. The portion of the development to be zoned RP-3 that contains 54 duplexes and 3 triplexes (117 units), with 18 duplexes (36 units) on the north side of 137th Street and 36 duplexes and 3 triplexes (81 units) on the south side of 137th Street, are proposed to be constructed within the first phase.
- The west side of the mixed use portion of the development that is north of 137th Street and includes two 52,000 sq.ft., 4 story apartment buildings (42 residential units each), a 5 story retail/office/apartments building consisting of 2,000 sq.ft. of retail, 10,000 sq.ft. of office, 66,000 sq.ft. of residential with 56 residential units, and a second 5 story building that is retail/apartments consists of 13,000 sq.ft. of retail and 50,000 sq.ft. of residential with 42 residential units. These buildings are proposed to be constructed in the second phase.
- The third phase is proposed to be the east side of the mixed use portion of the development that is north of 137th Street. This phase includes four 2 story buildings, a retail/office building that has 26,000 sq.ft. of retail on the first floor with 28,500 sq.ft. of office above, two office buildings (one that is 22,000 sq.ft. and the other that is 21,000 sq.ft.), and a two story 84 unit assisted living facility.

BULK REGULATIONS:

- The following table outlines the required and provided regulations for the 135th Leawood Development:

Mixed Use Bulk Regulations

Criteria	Required	Provided	Criteria
Exterior Structure Setback	40'	30' - 137th Street and High Drive 40' – 135th Street	Deviation Requested adjacent to 137th Street and High Drive only
Interior Structure Setback	10'	10'	Complies
Single Family Residential Structure Setback	75'	850' approx.	Complies
Exterior Parking Setback	25'	25'	Complies
Interior Parking Setback	10'	10'	Complies
Minimum Open Space %	30%	44.9%	Complies
Minimum Interior Open Space %	10%	15%	Complies
Minimum Acres	10	18.25	Complies
Maximum Floor Area Ratio (F.A.R.)	0.25 198,718 SQ.FT.	0.43 410,200 SQ.FT.	F.A.R. Bonuses Requested

Criteria	Required	Provided	Criteria
Required Use Ratios	≥ 20% - Residential ≥ 20% - Office ≥ 10% - Retail	70.0% 20.0% 10.0%	Complies
Residential Density	≤ 15 DU / acre	9.97 DU /acre	Complies
Minimum Residential Unit Size	80% - ≥900 sq.ft. 20% - ≥750 sq.ft.	Not provided	Applicant acknowledged, but not provided
Height Limit	90'	71'	Complies

Planned Cluster Attached Residential District (RP-3)

Criteria	Required	Provided	Criteria
Front Setback	30'	30'	Complies
Side Setback	30*'	15'	Deviation Requested
Side Lot Corner Setback	30'	30'	Complies
Rear Setback	30'	30'	Complies
Density	7.26 du/ac. 6,000 sq.ft./dwelling	3.07 du/ac,	Complies
Maximum No. of Attached Units	≤ 4 per building	3 per building	Complies
Open Space	30% of lot area	66.0%	Complies

* Measured from building lines and building clusters

F.A.R. BONUS PROVISIONS FOR MXD PORTION OF DEVELOPMENT:

- Per Section 16-2-6.4, MXD (Mixed Use Development District), the maximum F.A.R. within the MXD district is 0.25. However, this section of the ordinance also provides for an automatic 25% discount on residential floor area, and states that staff can recommend and the Governing Body approve up to a total 55% discount on residential floor area. The MXD portion of the development proposes 410,200 sq.ft. for an F.A.R. of 0.43, with the automatic 25% on residential floor area. The applicant is requesting that the project be given a 55% discount on residential, which would result in a 0.32 F.A.R. In staff's opinion the project does not meet the requirements of the Comprehensive Plan, including 135th Street Community Plan, and therefore does not qualify for a discount to residential space beyond the base 25% discount provided for in the Leawood Development Ordinance.
- Per Sections 16-2-6.4 MXD (Mixed Use Development District) and 16-3-9(A)(4) Deviations: Floor Area Ratio, deviations in F.A.R. may be granted by the Governing Body if the bonus criteria are met. The total number of bonuses to F.A.R. shall not exceed 0.45 without a ¾ majority of the Governing Body.
- Bonuses do not receive final approval until approval of the Final Development Plan to ensure that all criteria has been met.
- The following table lists the F.A.R. bonuses provided by the Leawood Development Ordinance.

Criteria	Maximum Bonus	Ordinance Section
Increased Open Space	15%	16-2-6.4(G)(1)
Cultural Use	10%	16-2-6.4(G)(2)
Superior Site Planning	10%	16-3-9(A)(4)(b)
Architectural Significance and Superior Environmental Design	10%	16-3-9(A)(4)(c)
Pedestrian Amenities	10%	16-3-9(A)(4)(d)

Criteria	Maximum Bonus	Ordinance Section
Integrated Strom water Detention	10%	16-3-9(A)(4)(e)
Above Ground Parking Structures	10%	16-3-9(A)(4)(f)
Underground Parking Structures	15%	16-3-9(A)(4)(f)

- With the 25% automatic discount for residential development, the applicant is proposing the equivalent of 338,400 sq.ft. of construction. The maximum number of sq.ft. with the base F.A.R. of 0.25 within the MXD zoning district is 198,718 sq.ft. The applicant needs bonuses for 139,682 sq.ft., (338,400 – 198,718) the amount of building area proposed with 25% discount for residential over the base amount of sq.ft. allowed with a 0.25 F.A.R.
- The following table shows the bonuses that the applicant is requesting, along with the maximum percentage and maximum sq.ft., of building area available for each bonus. The determination of the satisfaction of the bonus criteria, and the amount of any bonus to be awarded shall be at the sole discretion of the City, per the Leawood Development Ordinance Section 16-3-9:

Requested Bonus Criteria	MAX Bonus (%)	MAX Bonus (Sq.Ft.)
Increased Open Space	15%	29,808
Parking Structures (Underground)	15%	29,808
Maximum Bonus Possible		**59,616**

With the maximum bonus amount possible for each of the categories requested the application still needs bonuses for an additional 80,066 sq.ft.

- The applicant is proposing 282 underground parking spaces. In staff's opinion the application meets the bonus requirement for the provision of underground parking.
- Due to the following reasons, it is staff's opinion that the application does not qualify for the F.A.R. bonuses for the increased open space for the reasons stated below.
  - Per Section 16-2-6.4(G), applications may receive a 15% bonus to F.A.R. provided that the additional F.A.R. is not based on less than a 1:1 ratio of increased floor area to open space. The additional open space must provide a benefit to the community as habitat area for native flora and fauna, storm water recharge/management potential, and/or passive recreational potential for the public. The development is required to provide 30% open space (197,226 sq.ft.). The project is providing 44.9% open space (295,106 sq.ft.), a difference of 94,941 sq.ft. The amount of additional open space is greater than that needed for the bonus, but in staff's opinion the extra open space does not provide a benefit to the community. Much of the open space is dispersed around the perimeter of the site where it is unlikely that it will be utilized.

TRAFFIC:

- The applicant provided a traffic study to review the location of the proposed signal at 135th St & High Dr and determine the impacts to the adjacent/proposed roadways. The City hired Olsson to review the traffic study. We are in agreement with the developer that moving the signal 200 feet east of the ¼ mile section line as shown on the submitted plan has little if any impact to the delay and queues to existing and future traffic along 135th Street.

PARKING:

Mixed-use Portion of Development:

- The following table lists the surface and structured parking for the mixed use portion of the development. The minimum required parking was calculated as 3.0 – 4.0 spaces per 1,000 sq. ft. for commercial, two spaces per residential unit, and one space per assisted living unit.

	Required Parking	Parking Provided
Retail/Office Parking (3.0 – 4.0/1,000 sq.ft.)	369 - 492	369
Residential Apartment – 182 units – (2/unit – one of which is totally enclosed)	364 (182 enclosed)	266 @ 1.46/bedroom (182 underground)
Assisted Living – 84 beds – (1 space/2 beds)	42	100 underground parking spaces
Total Parking	**775**	**735**
Difference		*(-40 spaces)*

Building	***Underground Parking Spaces***
A – Residential Apartments (42 Units)	42
B – Residential Apartments (42 Units)	42
C – Retail/Office/Residential Apartments (56 Units)	56
D – Residential Apartments (42 Units)	42
E – Retail/Office	-
F – Retail/Office	-
G – Assisted Living	100

- The applicant provided a parking study for the development.

RP-3 Portion of Development:

- The duplex units are proposed to have one two-car garage per unit, meeting the Leawood Development Ordinance requirement for the RP-3 district of two totally enclosed parking spaces per unit.

ELEVATIONS:

Mixed Use Development

- The residential apartment structures (Buildings A and B) are 4 stories (50'-8") in height. Buildings C, which contain retail/office/residential, and Building D, which contains retail/residential, are both 5 stories (71'-0") in height. The retail/office buildings (Buildings E) and office buildings (Buildings F and H) are 2 stories and 40' in height. The assisted living facility (Building G) is 2 stories and just under 27' in height.
- The mixed use residential apartments, retail and office buildings (Buildings A – F and H) will consist of brick, cast stone, and stucco materials and will have flat roofs.
- Building E adjacent to the east side of the main driveway entrance will have the second story portion of the building span above the driveway entrance, creating an underpass to the parking lot on the interior.
- The assisted living facility (Building G) is proposed to architecturally blend with the surrounding mixed-use structures, consisting primarily of stucco, brick, synthetic wood and cast stone façade materials. The assisted living facility is proposed to have a pitched roof covered in concrete tile.

Duplex Residences

- The duplex units are proposed to be constructed as single story homes with basements.
- The duplex units have pitched roofs and are proposed to have Presidential Shake asphalt shingles. Per the Leawood Development Ordinance, asphalt shingles are permitted on single family homes only. The applicant has stated that at the time of Final Plan the elevations will be revised to show a roofing material permitted by the Leawood Development Ordinance.
- A combination of stone, brick and siding will be used on the facades of the duplexes.
- A backyard patio is proposed with each unit.

SIGNAGE:

- Signage is reviewed and approved at the time of Final Plan. The applicant is not requesting signage with this application.

LANDSCAPING:

Mixed Use Development

- A preliminary landscape plan was provided with this application. Landscaping is reviewed and approved at the time of Final Plan.
- Per the Leawood Development Ordinance, street trees are proposed to be planted 35 feet on center along all public streets. The applicant is also proposing to plant street trees 35 feet along the private drive at the southwest corner of the mixed use portion of the development.
- The applicant provided ornamental trees along all public rights of way, with the exception of Kenneth Road and the eastern 300' of 135th Street. In addition the applicant is not proposing ornamental trees along the private drive at the southwest corner of the MXD portion of the development. The Leawood Development Ordinance requires ornamental trees within the building setbacks along public right-of-way at a rate of one ornamental tree per 12 lineal feet. The number of ornamental trees does not appear to meet the minimum required in some areas.
- A variety of shrubs with some shade trees are located adjacent to the buildings. Shrubs are also provided within the setback along public streets. The Leawood Development Ordinance requires shrubs be planted within the building setback along all public right-of-way at a rate of one shrub per 5 lineal feet. The number of shrubs does not appear to meet the minimum required in some areas.
- Per the Leawood Development Ordinance, the applicant is proposing trees as the primary plant material in parking lot islands.

RP-3 Residential Development

- Landscape plans are reviewed and approved at the time of Final Plan.
- Per the Leawood Development Ordinance the applicant is proposing street trees at a rate of 35 feet on along all public right-of-way.
- The applicant is proposing to provide a 20 foot tree preservation easement along the south property line of the RP-3 portion of the development. The plan also shows additional trees being added along the north side of the existing tree line, outside of the proposed 20 foot tree preservation easement.

LIGHTING:

- Lighting is reviewed and approved at the time of Final Plan. Information on the type and style of lighting, along with a photometric study will be provided at the time of Final Plan.

PRELIMINARY PLAT:

- A preliminary plat was provided with this application.
- The mixed use portion of the development is adjacent to 135th Street, and extends to the future 137th Street roadway alignment to the south. A majority of the RP-3 portion (18.20 acres) of the site is located south of 137th Street, extending southward to the natural tree line adjacent to Leawood Falls and Villas of Highlands Ranch, however, a portion of the RP-3 zoning (7.58 acres) is proposed north of 137th Street.
- The plat consist of the following tracts of land:

Tract	Zoning	Use	Location	Area (Acres)
A	RP-3	Duplex Development	South of 137th Street	18.20
C	RP-3	Duplex Development	North of 137th Street	7.41
D	RP-3	Residential Amenity Area	Southwest corner of round-a-bout within 137th Street.	1.08
E	RP-3	Bio-retention	Southwest corner of development, north side of 137th Street.	0.26
F	RP-3	Bio-retention/detention	Southwest corner of development, south side of 137th Street.	1.33
G	RP-3	Detention	Southwest corner of 137th Street and Kenneth Road.	3.10
H	MXD	Retail/Office/Assisted Living Development	Southwest corner 135th Street and Kenneth Road	9.49
I	MXD	Residential Apartment/Retail/Office Development	Southwest corner of 135th Street and main entrance into development off of 135th Street.	5.59

REQUESTED DEVIATIONS:

- Section 16-3-9(A)(5) of the Leawood Development Ordinance provides for deviations to setbacks provided that they may only be granted when compensating common open spaces (not less than a 1:1 ratio) is provided elsewhere in the project and where there is ample evidence that the deviation will not adversely affect neighboring properties. The applicant is requesting the following two deviations to setbacks.
  - Deviation to allow a 30' building setback from 137th Street and High Drive within the MXD portion of the development. Per Section 16-3-9(A)(5)(a) of the Leawood Development Ordinance, setbacks of buildings from paved areas may be reduced to 75% of the standard requirement. The MXD portion of the project requires a minimum of 30% open space (197,226 sq.ft.). The MXD zoned property is providing 44% open space (295,106 sq.ft.).
  - Deviation to allow a minimum side yard setback of 15.5' from vertical wall to vertical wall, and 8' between egress wells of residential dwelling units. Per Section 16-3-9(A)(5)(d), interior line setbacks may be reduced to zero when adequate open space for the project and between buildings is provided. The RP-3 portion of the project requires a minimum of 30% open space (411,442 sq.ft.). The RP-3 zoned property is providing 65% open space (899,832 sq.ft.).

IMPACT FEES:

- **135TH STREET CORRIDOR IMPACT FEE:** The applicant shall be responsible for the 135th Street Impact fee in the amount of $.58/square foot for office, $1.95/square foot for retail, and $389.40/per unit for

residential for those areas north of 137th Street, which is due prior to issuance of a building permit. This amount is subject to change by Ordinance.

- **PUBLIC ART IMPACT FEE:** A public art impact fee or a piece of public art shall be required. Approval of the design and location of the art will need to go before the Arts Council, Planning Commission, and be approved by the Governing Body at a later date. In lieu of that, the applicant may pay a public art impact fee in the amount of $.15/square foot of finished floor area for nonresidential development prior to issuance of a building permit. This amount is subject to change by Ordinance.
- **PARK IMPACT FEE:** A park impact fee in the amount of $.15/square foot of finished floor area and $300 per residential unit is required prior to issuance of a building permit. This amount is subject to change by Ordinance.
- **SOUTH LEAWOOD TRANSPORTATION IMPACT FEE:** The applicant shall be responsible for a South Leawood Transportation Impact Fee prior to recording of the Final Plat.

GOLDEN FACTORS:

The character of the neighborhood:

The area is characterized by an arterial street (135th Street) and undeveloped land zoned AG (Agricultural) and shown on the Comprehensive Plan as Mixed Use to the north; the residential neighborhoods of Leawood Falls and Villas of Highlands Ranch on the south; a collector street (Kenneth Road) and vacant land zoned SD-CR (Planned General Retail) and designated as Mixed Use by the Comprehensive Plan to the east; and undeveloped land zoned AG and designated as Mixed Use on the Comprehensive Plan to the west.

The zoning and uses of properties nearby:

- North — Directly to the north of the property is 135th Street, an arterial roadway, and undeveloped property zoned AG, on the north side of 135th Street.
- South — Directly to the south of the property is the Leawood Falls Subdivision, zoned RP-4 (Planned Cluster Residential District under a previous version of the Leawood Development Ordinance), and the Villas of Highlands Ranch, zoned RP-2 (Planned Cluster Detached Residential District).
- East — Directly to the east of the property is Kenneth Road and undeveloped land, zoned SD-CR (Planned General Retail).
- West — West of the property is undeveloped land, zoned AG, followed by Chadwick Place, a commercial development zoned SD-NCR (Planned Neighborhood Retail) and SD-O (Planned Office).

The Suitability of the subject property for uses to which it has been restricted:

The site is suitable for mixed use development that is north of 137th Street with medium density residential south of 137th Street as shown on the City's Comprehensive Plan, but the proposed plan with this application is not suitable for the subject property as it does not comply with the Comprehensive Plan. The higher density and taller buildings permitted by the MXD district, along with more direct access from 135th Street is more compatible closer to 135th Street than strictly residential development. With mixed use development north of 137th Street, 137th Street can be used as a buffer and further transition to medium density residential, which in turn provides a transitional buffer to the existing single family residential to the south. The application proposes an alignment of 137th Street that extends further to the north than has been shown on the City's Comprehensive Plan since 1996. The proposed alignment of 137th Street significantly reduces the amount of land and depth of land for mixed use development north of 137th Street, which reduces the ability to provide a transition in density from 135th Street to 137th Street. It also makes it difficult to meet many of the City's requirements for mixed use development. In addition, the application proposes

to rezone a portion of the property north of 137th Street to RP-3, which further limits the land area available for mixed use development and the ability to gradually transition development density from 135th Street to 137th Street to the existing residential to the south. The application is also proposing to remove the majority of natural existing natural areas on the site, including a natural area that was to be preserved on the north side of the alignment of 137th Street as shown on the City's adopted Comprehensive Plan. This existing natural area would provide an additional buffer/transition between higher-density mixed use development north of 137th Street and medium density residential development south of 137th Street.

The application is also proposing a higher F.A.R. than is permitted within the MXD zoning district. Due to the proposed road alignment being further to the north and not complying with the City's Comprehensive Plan, the resulting area for MXD zoning is significantly reduced, making it more difficult to meet the density called for with mixed use development. The applicant has proposed several F.A.R. bonuses for the additional F.A.R., however, the number of bonuses is insufficient to reach the requested F.A.R. and it is the opinion of staff that the application does not meet the criteria required to achieve the requested bonuses.

The time for which the property has been vacant:
The site is currently undeveloped, but is being used for farming. It has been zoned Agriculture (AG) since the property's incorporation into the City of Leawood.

The extent to which removal of the restrictions will detrimentally affect nearby property:
The site is suitable to mixed use north of 137th Street and medium density residential south of 137th Street, with the alignment of 137th Street matching that shown on the Comprehensive Plan since 1996, along with the natural areas being preserved. The larger land area and depth between 135th Street and 137th Street will provide needed area to follow good planning principals for mixed development that incudes: a grid network of streets, nodes of activity, vehicular and pedestrian connectivity to ensure access and walkability, transitions and buffers between higher and lower density development, and preservation and integration of existing natural areas. These principals are intended to create a more successful and economically sustainable development. Removal of the restrictions requiring these principals may result in a less economically sustainable development, which would have a detrimental effect on nearby property.

The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:
The additional amount of land and depth of land for mixed use development north of 137th Street will allow good planning principals for mixed use development to be followed including: the provision of a grid street network, creation of activity nodes, vehicular and pedestrian connectivity providing access and walkability, provisions to allow for multiple modes of transportation including transit, transitions and buffering between higher and lower density development, and the preservation and integration of natural areas. These principals will provide greater flexibility and a greater chance for an economically viable and sustainable development. Meeting the separation requirements between full access intersections on 135th Street and matching the existing pattern of full access intersections will result in better traffic flow along 135th Street. The result will be a gain to the public health, safety, and welfare of the community if these standards are followed and the application denied.

The recommendation of the permanent staff:
Staff is recommending denial of the application for the reasons outlined in the staff report and Golden Factors.

Conformance of the requested change to the adopted master plan of the City:
The proposed application does not conform to the adopted master plan of the City of Leawood in the following ways:

- The application proposes that the alignment of 137th Street be moved further to the north, significantly reducing the amount of land north of 137th Street, which is designated by the Comprehensive Plan for mixed use development. The current alignment of 137th Street has been shown on the Comprehensive Plan since 1996.
- The application proposes to rezone land north of 137th Street as RP-3 (Planned Cluster Attached Residential), which is medium density residential. The Comprehensive Plan designates all land north of 137th Street for mixed use development and land south of 137th Street for medium density residential, thus using 137th Street and medium density as a transitional buffer between the mixed use along 135th Street and the existing residential homes to the south.
- The mixed use portion of the development does not provide the following outlined in the Comprehensive Plan/135th Street Community Plan:
  - Development of mixed use activity nodes
  - A grid street network to provide vehicular and pedestrian connections for access and walkability
  - Use of a variety of street types tailored to land use and sense of place
  - Provision of opportunities for multiple modes of transportation, including future transit
  - Preservation and integration of existing natural areas.
  - Transects to transition from higher density and taller buildings to lower density and shorter buildings between 135th Street and 137th Street.
- The Comprehensive Plan discourages the extensive use of cul-de-sacs. All of the 54 duplexes and 3 triplexes (117 units) within the medium density residential portion of the development are arranged around one of five cul-de-sacs.

STAFF COMMENTS:
Staff is not supportive of the application as submitted, as it does not meet the requirements of either the Comprehensive Plan, which formally incorporated the 135th Street Community Plan in 2014, or the Leawood Development Ordinance as outlined below. The following table gives an overview of the criteria that does not comply with the Comprehensive Plan or Leawood Development Ordinance. Additional detail is provided following the table.

Comprehensive Plan Requirements		
	Criteria/Standard	**Does Not Comply**
1	Access from 135th Street	X
2	Alignment of 137th Street	X
3	Land Use Designations	X
4	Preservation of Natural Areas	X
5	Street and Pedestrian Connectivity	X
6	Mixed Use Activity Nodes	X
7	Variety of Street Types Tailored to Land Use and Sense of Place	X
8	Opportunities for Multiple Forms of Transportation	X
9	Transects to Ensure Transitions and Compatibility of Uses	X
Leawood Development Ordinance Requirements		
1	Floor Area Ratio (F.A.R.)	X
2	Prohibited Roofing Material	X

Comprehensive Plan Requirements		
3	Buffer Adjacent to Buildings	X

COMPREHENSIVE PLAN REQUIREMENTS

1. **Access From 135th Street:**

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Access from 135th Street	Full access is limited to ¼ mile spacing along 135th Street to meet requirements for separation between intersections and ensure traffic flow.	The applicant provided a traffic study to review the location of the proposed signal at 135th St & High Dr and determine the impacts to the adjacent/proposed roadways. The City hired Olsson and Associates to review the traffic study. We are in agreement with the developer that moving the signal 200 feet east of the ¼ mile section line as shown on the submitted plan has little if any impact to the delay and queues to existing and future traffic along 135th Street.	The applicant is continuing to work with the City

Comprehensive Plan Requirement: The Comprehensive Plan and Public Work Standards limit full access points along 135th Street to every ¼ mile. A full access intersection is planned at the ¼ mile where existing High Drive on the north side of 135th Street is located to connect the undeveloped land on the north and south sides of the 135th Street. This is done to ensure that there is adequate separation between full access points and to ensure proper flow of traffic along 135th Street and to the development between 133rd Street and 137th Street.

Proposed Plan (Applicant is continuing to work with the City): The applicant provided a traffic study to review the location of the proposed signal at 135th St & High Dr and determine the impacts to the adjacent/proposed roadways. The City hired Olsson and Associates to review the traffic study. We are in agreement with the developer that moving the signal 200 feet east of the ¼ mile section line as shown on the submitted plan has little if any impact to the delay and queues to existing and future traffic along 135th Street.

2. **Alignment of 137th Street: Stipulation 3b**

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Alignment of 137th Street	Connection to Kenneth Road on south side of existing natural area, with a larger amount of land area north of 137th Street for mixed use development.	Connection on north side of existing natural area, reducing amount of land area north of 137th Street for mixed use development	Does Not Comply

Comprehensive Plan Requirement: The City's Comprehensive Plan has shown the alignment of 137th Street connecting to Kenneth Road on the south side of the existing natural area on the site since 1996. This alignment leaves a much larger portion of land north of 137th Street for mixed use development. The increased amount of land provides sufficient land area and depth to allow planning principals to be followed that are identified in the Comprehensive Plan and 135th Street Community Plan such as transitions of higher density to lower density, development centered around activity nodes, preservation of natural greenspace, and a grid network of streets.

Proposed Plan (Does Not Comply): The applicant is proposing an alignment of 137th Street that is on the north side of the existing natural area on the site, much further to the north than what has been shown on the Comprehensive Plan since 1996. The proposed alignment significantly reduces the land area north of 137th Street that is designated by the Comprehensive Plan for mixed use development. The proposed alignment not only reduces the amount of land north of 137th Street for mixed use development, it also reduces the depth of the land between 135th Street and 137th Street. The reduction in depth prevents good planning principals identified in the Comprehensive Plan and the 135th Street Community Plan, such as transitions in density within the mixed use development, mixed use developed around activity nodes, and the provision of a street network that provides pedestrian and vehicular connectivity along with walkability.

3. **Land Use Designations: Stipulation 3c**

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Land Use Designation	The Comprehensive Plan shows Mixed Use development north of 137th Street with Medium Density Residential south of 137th Street.	Applicant is proposing a reduction in the Mixed Use land use north of 137th Street. Applicant is proposing 7.41 acres of medium density (RP-3 zoning) on the north side of 137th Street.	Does Not Comply

Comprehensive Plan Requirement: The Comprehensive Plan designates the land north of 137th Street for Mixed Use development and the area south of 137th Street for Medium Density Residential development. As stated above, the Comprehensive Plan designates a much larger amount of land north of 137th Street for Mixed Use development than what the applicant is proposing. This larger amount of land area along with the increased depth of land between 135th Street and 137th Street, will allow for transitioning from higher density and taller building heights along 135th Street to lower density and lower building heights adjacent to 137th Street, within the mixed use development. It will also allow the mix of uses to be developed around centers of activity with gathering areas and a grid network of streets to allow for greater vehicular and pedestrian connectivity that will also promote walkability. This style of mixed use development provides for greater flexibility in planning and much more activity among the mix of uses than what can be accomplished with standard development constructed around parking lots, or strip center development, thus promoting greater economic sustainability.

The applicant is also proposing 7.41 acres of land north of 137th Street to be zoned RP-3 to contain 18 duplexes. This is contrary to the Comprehensive Plan, which shows a larger amount of land north of 137th Street for mixed use development, and the area south of 137th Street as medium density residential

development. As mentioned above, the larger amount of land and depth of land for mixed use north of 137th Street allows for transects that reduce density and building height as development moves from 135th Street to 137th Street. This reduction of density from north to south within the mixed use portion of the development, along with 137th Street being used to divide the mixed use development from the medium density residential development on the south side of 137th Street, provides a transition with a buffer between the mixed use development and the medium density residential development. The medium density residential development along with 137th Street also acts as a transition between the mixed use development north of 137th Street and the existing lower density residential homes to the south.

Proposed Plan (Does Not Comply): As stated previously, the applicant is proposing to reduce the amount of land and the depth of land north of 137th Street that is designated by the Comprehensive Plan for mixed use development by moving the alignment of 137th Street further to the north. In addition, the applicant is proposing that a portion of land north of 137th Street (7.41 acres) be zoned RP-3 to contain 18 duplexes. The reduction in the amount of land and depth of land for mixed use development does not allow for flexibility in planning, having a more integrated mix of uses around activity nodes, the provision of a grid network of streets to provide vehicular and pedestrian connectivity that allows for increased walkability. It also limits the ability to transition from higher density and taller buildings along 135th Street to lower density and shorter buildings along 137th Street to provide better transitions and buffering between uses. The proposed plan provides little transition or buffering between the duplexes on the north side of 137th Street from the higher density and taller buildings within the mixed use development along 135th Street.

4. <u>Preservation of Natural Areas:</u> Stipulation 3d and 4b

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Preservation of Natural Areas	The Comprehensive Plan calls for the preservation of natural features and the unique incorporation of natural features within living environments.	With the exception of a stream corridor at the northeast corner of the mixed portion of the development and the provision of a 20 ft. tree preservation easement along the southern property line of the RP-3 portion of the development, the plan proposes to eliminate substantial natural areas for the provision of roads, storm water management, and buildings.	Does Not Comply

Comprehensive Plan Requirement: The Comprehensive Plan calls for the preservation of natural areas and for the unique incorporation of natural features within living environments. The project site contains several large natural areas with a significant amount of existing trees within both the mixed use and medium density residential portions of the development. Some of the existing natural areas are as wide as 200 ft.

Per the Comprehensive Plan and 135th Street Plan, existing natural areas should be preserved as much as possible and integrated with the development. The trees could be used as a buffer. With the alignment of 137th Street as shown in the Comprehensive Plan, which has 137th Street running along the south side of a large natural area, the trees could be used as a substantial buffer between the mixed use development north

of 137th Street and the medium density residential development on the south side of 137th Street. This in turn would provide a substantial buffer between the mixed use development along 135th Street and the existing residential homes that are further south.

The natural areas also provide opportunities to integrate natural areas into the development that can be used for shade, recreation, trails, buffered open space, and gathering areas. These natural areas may also provide opportunities for a more natural approach to storm water management.

Proposed Plan (Does Not Comply): The applicant proposes to eliminate the majority of the natural areas on site for either roads, storm water management in the form of bio-retention or detention, or the construction of buildings. The proposed location of building construction adjacent to the east side of the main entrance into the development off 135th Street will require the removal of a substantial number of existing trees.

The majority of the remainder of the large natural areas that are centrally located within the site will be removed for the construction of duplexes and to construct bio-retention and detention for storm water.

5. Street and Pedestrian Connectivity: Stipulation 3e and 4a

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Grid Street Network/Street Connectivity	Promotes a grid network of streets to provide vehicular and pedestrian connectivity. Encourages multiple street and pedestrian connections that link the neighborhood to the community as a whole. Discourages the extensive use of cul-de-sacs and dead end streets.	The mixed use portion of the development is arranged around surface parking lots and does not provide a grid network of streets for vehicular and pedestrian connectivity. Buildings adjacent to 135th Street do not provide pedestrian connections to perimeter sidewalks. All duplexes are proposed to be constructed around one of five cul-de-sacs.	Does Not Comply

Comprehensive Plan Requirement: The Comprehensive Plan, which includes the 135th Street Community Plan, promotes a grid network of streets to provide vehicular and pedestrian connectivity, which also provides for greater walkability. A gridded network improves the flow of traffic, provides more marketable real estate at four-way intersections and improves connectivity between districts and destinations within the area. The ease of access to a wide variety of businesses within the mixed use development that is created by street and pedestrian connections creates a dynamic mixed use environment which contributes to the success of all the uses within the development, creating economic sustainability. The use of cul-de-sacs is discouraged as they discourage vehicular and pedestrian connectivity. Pedestrian connections to the surrounding community are encouraged. This is often done by ensuring that direct pedestrian connections are made between the main entrances of buildings to perimeter sidewalks along adjacent public right-of-way.

Proposed Plan (Does Not Comply): As previously stated the reduced amount of land and depth of land area between 135th Street and 137th Street makes the provision of a grid street network within the mixed use

portion of the property impossible. As a result the mixed use portion of the development proposes buildings that are arranged around surface parking lots. Pedestrian connectivity is provided by pedestrian connections between parking lot islands within the parking lots, and along the fronts of buildings. All of the duplexes within the RP-3 portion of the development are arranged around one of five cul-de-sac streets.

6. Mixed Use Activity Nodes: Stipulation 3f

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Mixed Use Activity Nodes	Mixed use development is to be developed around nodes of activity to create a vibrant mixed use environment. the extensive use of cul-de-sacs and dead end streets is discouraged.	The mixed use portion of the development has buildings organized around surface parking lots.	Does Not Comply

Comprehensive Plan Requirement: The 135th Street Community Plan within the Comprehensive Plan calls for mixed use development to be organized around nodes of activity to create a vibrant mixed use environment. These nodes are to be developed within a gridded street pattern and located near key intersections with many pedestrian and vehicular connections within the nodes and to surrounding areas. The nodes should contain some residential that is integrated, or nearby retail and office. Businesses within the nodes should include uses that offer services and experiences that attract pedestrian activity. The nodes should include gathering spaces or other key features that create a unique sense of place. The close proximity of the mix of uses and variety of times of activity, the ease of access, and connectivity with the nearby community will create vibrant environments that will contribute to the success of the development and the surrounding area.

Proposed Plan (Does Not Comply): Within the mixed use portion of the development, buildings containing residential, retail, and office are organized around surface parking lots. Much of the pedestrian connectivity is via pedestrian connections through a parking lot by connecting parking lot islands. The two story retail/office building along the east side of the main entrance off of 135th Street is isolated from all other buildings by the main entrance drive on the east and a parking lot on the west. The two, 2-story office buildings are also isolated at opposite ends of a parking lot. Some pedestrian connections through parking lots are provided to 137th Street, but no direct pedestrian connections are proposed between the buildings that line 135th Street and the perimeter sidewalk along 135th Street.

7. Variety of Street Types Tailored to Land Use and Sense of Place: Stipulation 3g

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Variety of Street Types Tailored to Land Use and	Utilize a variety of street types to integrate the required uses within development.	The mixed use portion of the development is organized around surface parking and does not utilize street types based on land use.	Does Not Comply

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Sense of Place		All of the duplex units within the RP-3 portion of the development are organized around one of 5 cul-de-sacs.	

Comprehensive Plan Requirement: The 135th Street Community Plan states that mixed use development should utilize a variety of street types that are tailored to land use and provide a sense of place, within a grid network of streets providing many vehicular and pedestrian connections. Three street types are identified in the plan, including Destination Streets that are higher density and have a wide variety of commercial uses with residential that is integrated. They lay the foundation for activity centers within the development. Active Pedestrian Streets have a balanced mix of uses and are the base of the street grid and serve as thoroughfares for cars, bikes and people. Neighborhood Streets are primarily residential and have lower traffic and secondary passageways for community members traveling on foot or car. Each of these street types is to respond to the specific traffic needs and provide pedestrian and bicycle amenities while creating a specific atmosphere and sense of place for all street users.

Proposed Plan (Does Not Comply): The applicant is not proposing a variety of street types that are tailored to land use or to create a sense of place. The mixed use portion of the development is organized around surface parking lots accessed via arterial and collector roads. The duplex development within the RP-3 portion of the development is organized around five cul-de-sacs. Neither the mixed use development nor the duplex development utilize streets to provide both vehicular and pedestrian connectivity, or to create a unique sense of place.

8. <u>Opportunities for Multiple Forms of Transportation:</u> Stipulation 3h

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Provide Opportunities for Multiple Forms of Transportation	Transportation routes and walkable transit stops should be provided at nodes of activity.	The plan does not make provisions for the potential introduction of multi-modal transportation facilities, or multimodal connections.	Does Not Comply

Comprehensive Plan Requirement: The Comprehensive Plan and the 135th Street Community Plan encourage multiple modes of transportation within the City of Leawood, including the provision of future opportunities for transit. Connecting developments to the rest of the community and the surrounding areas, including those outside of the City, is important to the economic success and overall longevity of developments. Areas should be made available that allow citizens and patrons to easily access different modes of transportation to fully reap the benefits of connectivity and walkability.

Proposed Plan (Does Not Comply): The proposed plan has few connections with perimeter public streets and does not provide areas along potential transportation routes to provide areas for future transit stops or areas that engage multiple modes of transportation.

9. **Transects to Ensure Transitions and Compatibility of Uses: Stipulation 3i**

Comprehensive Plan: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Transects to Ensure Transitions and Compatibility of Uses	In order to ensure compatibility of uses, Transects should be used to transition from higher density and taller buildings along 135th Street to lower density and shorter buildings along 137th Street.	Plan does not utilize transect development to reduce the density or building height from 135th Street to 137th Street. Plan provides little buffer between the mixed use development and adjacent duplex units.	Does Not Comply

Comprehensive Plan Requirement: The 135th Street Community Plan recommends the use of transects, bands of varying density and building height that run east-west, to reduce the density and building height as the development moves north to south, from 135th Street to 137th Street. The Comprehensive Plan proposes that higher density with taller buildings be located closer to 135th Street and that development becomes less dense with shorter buildings as it moves toward 137th Street to provide a transition between the mixed use development and adjacent residential south of 137th Street. 137th Street is further utilized as a buffer between the lower density portions of the mixed use development and residential on the south side of 137th street.

Proposed Plan (Does Not Comply): The plan proposed with the application generally does not reduce the density of the mixed use development that is north of 137th Street. The movement of the 137th Street to the north significantly reduces the depth of land between 135th Street and 137th Street, thus making it more difficult to provide a gradual transition in density and building height from 135th Street to 137th Street. One of the two tallest building within the mixed use development is 5 stories (71' in height) and is located along 135th Street, at the southwest corner of 135th Street and the main entrance into the development. A second building that is also 5 stories (71' in height) is located along 137th Street adjacent to RP-3 development to the south and west. The plan proposes little transition in height and density between the mixed used development and the adjacent duplex development that is proposed.

LEAWOOD DEVELOPMENT ORDINANCE REQUIREMENTS

1. **Floor Area Ratio and Residential Discount: Stipulation 1a**

Leawood Development Ordinance: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
F.A.R. (Floor Area Ratio)	Maximum F.A.R. within the MXD district is 0.25, with residential development receiving an automatic 25% discount on floor area.	The mixed use portion of the development has an F.A.R. of 0.43, with a 25% discount on residential sq.ft. Applicant is requesting that the residential within the development receive the maximum discount of 55%, which would result in an F.A.R. of 0.32.	It is staff's opinion that the proposed plan does not meet the criteria for the increased residential discount or all of the F.A.R.

Leawood Development Ordinance: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
		The applicant is also requesting F.A.R. bonuses to allow for the increase in F.A.R. over 0.25 after the residential discount has been applied.	bonuses needed.

Leawood Development Ordinance Requirement: Per Section 16-2-6.4, MXD (Mixed Use Development District), the maximum F.A.R. within the MXD district is 0.25. However, this section of the ordinance also provides for an automatic 25% discount on residential floor area, and states that staff may recommend and the Governing Body approve a discount up to 55% on residential floor area. The application is proposing an F.A.R. of 0.43, with the automatic 25% on residential floor area.

Per Section 16-3-9(A)(4) Deviations: Floor Area Ratio, deviations in F.A.R. may be granted by the Governing Body if the bonus criteria are met. The Leawood Development Ordinance allows bonus criteria for the following:

Criteria	Maximum Bonus	Ordinance Section
Increased Open Space	15%	16-2-6.4(G)(1)
Cultural Use	10%	16-2-6.4(G)(2)
Superior Site Planning	10%	16-3-9(A)(4)(b)
Architectural Significance and Superior Environmental Design	10%	16-3-9(A)(4)(c)
Pedestrian Amenities	10%	16-3-9(A)(4)(d)
Integrated Strom water Detention	10%	16-3-9(A)(4)(e)
Above Ground Parking Structures	10%	16-3-9(A)(4)(f)
Underground Parking Structures	15%	16-3-9(A)(4)(f)

The total number of bonuses to F.A.R. shall not exceed 0.45 without a ¾ majority of the Governing Body.

Proposed Plan (Staff's Opinion: The Project Does Meet the Required Bonus Criteria): With the 25% automatic discount for residential development the applicant is proposing the equivalent of 338,400 sq.ft. of construction. It is staff's position that as the development does not meet many of the requirements of the Comprehensive Plan, including 135th Street Community Plan, therefore the development should not receive a discount to residential building area beyond the base discount of 25% provided by the Leawood Development Ordinance.

The maximum number of sq.ft. with the base F.A.R. of 0.25 within the MXD zoning district is 198,718 sq.ft. The applicant needs bonuses for 139,682 sq.ft., (338,400 – 198,718) the amount of building area proposed with 25% discount for residential over the base amount of sq.ft. allowed with a 0.25 F.A.R. The applicant is proposing F.A.R. bonuses for increased open space (15%) and underground parking structures (15%). The maximum amount of bonus floor area available with the two requested bonuses is 29,808 sq.ft., which still leaves 80,066 sq.ft. that will require an F.A.R. bonus. In staff's opinion the application meets the bonus

requirement for the provision of underground parking. However it is staff's position that the application does not meet the F.A.R. bonus criteria for increased open space for the following reasons.

- In staff's opinion the application does not meet the criteria for a 15% F.A.R. bonus for additional open space, because the criteria states that the additional open space must provide a benefit to the community. However, the plan shows much of the additional open space being dispersed primarily around the perimeter of the site where it is unlikely to be used by the public.

With a 25% discount for residential development and an F.A.R. bonus of 29,808 sq.ft. for underground parking, the application would require additional F.A.R. bonuses for 112,204 sq.ft.

2. Prohibited Roofing Material: Stipulation 4d

Leawood Development Ordinance: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Prohibited Roofing Material	Per Section 16-2-10.3, laminated composition (asphalt) shingles are not permitted except in single family residential districts.	The applicant is proposing to use laminated composition (asphalt) shingles on the duplexes and triplexes within the RP-3 (Planned Cluster Attached) zoning district of the development.	Does Not Comply However, applicant has stated that they will comply with Leawood Development Ordinance requirement.

Leawood Development Ordinance Requirement: Per Section 16-2-10.3, laminated composition (asphalt) shingles are not permitted except in single family residential districts. Permitted roofing materials within the RP-3 zoning district includes: slate, clay tile, concrete tile, synthetic slate, synthetic shingles, stone coated steel roofing, metal roofing.

Proposed Plan (Does Not Comply): The plans show laminated composition (asphalt) shingles which are not permitted, however, the applicant has stated that at the time of Final Plan they will comply with this requirement.

3. Buffer Adjacent to Buildings: Stipulation 19

Leawood Development Ordinance: Summary			
Standard	**Requirement**	**Proposed**	**Compliance**
Buffering Adjacent to Buildings	Per Section 16-4-7.3(D)(2) of the Leawood Development Ordinance, buffering adjacent to buildings is required to be a minimum of 10' deep.	It appears that some of the buildings within the MXD portion of the development do not meet this requirement.	Does Not Comply However, the applicant has stated that at the time of Final Plan, they will meet this requirement.

Leawood Development Ordinance Requirement: Per Section 16-4-7.3(D)(2) of the Leawood Development Ordinance, buffering adjacent to buildings is required to be a minimum of 10' deep.

Proposed Plan (Does Not Comply): It appears that some of the buildings within the MXD portion of the development do not meet this requirement. However, the applicant has stated that at the time of Final Plan, they will meet this requirement.

OTHER COMMENTS:

1. **Tree Preservation Easement: Stipulation 4c**
   The applicant is proposing a 20 ft. tree preservation easement along the south property line of the RP-3 portion of the development that is in common with the Villas of Highlands Ranch and Leawood Falls. This existing tree line varies in width between approximately 25 ft. and 40 ft. The plan shows the footprints of a couple of the duplexes encroaching into the existing tree line, with a couple more being in close proximity. Some trees will have to be removed from the tree line for the construction of some of these units. The applicant is proposing to plant some additional trees on the north side of the tree line as a supplement. Staff recommends that the tree preservation easement be extended to 35 ft. to better protect the trees along the south side of the property.

2. **Extension of 137th Street to the West: Stipulation 8**
   As 137th Street is extended to the east beyond the current dedicated public right-of-way, Staff is supportive of realigning 137th Street further to the north, as feasible, to provide a tract of land between the south side of 137th Street and the adjacent southern property line to protect the existing trees and to provide a buffer to the existing residential homes to the south.

3. **Requested Deviations: Stipulation 18**
   Section 16-3-9(A)(5) of the Leawood Development Ordinance provides for deviations to setbacks provided that they may only be granted when compensating common open spaces (not less than a 1:1 ratio) is provided elsewhere in the project and where there is ample evidence that the deviation will not adversely affect neighboring properties. The applicant is requesting the following two deviations to setbacks.
   - Deviation to allow a 30' building setback from 137th Street and High Drive within the MXD portion of the development. Per Section 16-3-9(A)(5)(a) of the Leawood Development Ordinance, setbacks of buildings from paved areas may be reduced to 75% of the standard requirement. The MXD portion of the project requires a minimum of 30% open space (197,226 sq.ft.). The MXD zoned property is providing 44% open space (295,106 sq.ft.).
   - Deviation to allow a minimum side yard setback of 15.5' from vertical wall to vertical wall, and 8' between egress wells of residential dwelling units. Per Section 16-3-9(A)(5)(d), interior line setbacks may be reduced to zero when adequate open space for the project and between buildings is provided. The RP-3 portion of the project requires a minimum of 30% open space (411,442 sq.ft.). The RP-3 zoned property is providing 65% open space (899,832 sq.ft.).

   Staff is not supportive of the requested deviations as the plan does not meet the requirements of the City of Leawood Comprehensive Plan, including the 135th Street Community Plan, which would provide for an integrated mix of uses within an interconnected grid system that creates for a sense of place and promotes walkability.

4. **Width of Sidewalks with Parking Overhang: Stipulation 20**
   Where head-in parking overhangs sidewalks, sidewalks must provide for a minimum of 2' of additional width. It appears that the sidewalks in front of some buildings may not meet this standards. The applicant has stated that at the time of Final Plan, they will meet this requirement.

City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax

MEMORANDUM

Date: November 13, 2018

To: Richard Coleman, Director of Community Development

From: David Ley, P.E., Director of Public Works

Re: 135th & Kenneth
Case Number: 71-18

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) Plat:
   a) Along 135th Street the developer shall provide eighty-five (85) feet of Right-of-Way from the section line and provide a ten (10) foot Utility Easement abutting the Right-of-Way.
   b) Along 137th Street provide eighty (80) feet of Right-of-Way, provide a five (5) foot Sidewalk Easement abutting the south Right-of-Way line and provide a ten (10) foot Utility Easement abutting both sides of the Right-of-Way.
   c) Along High Drive provide ninety (90) feet of Right-of-Way and provide a ten (10) foot Utility and Sidewalk Easement abutting both sides of the Right-of-Way.
2) Traffic Impact Analysis:
   a) The submitted Traffic Study was reviewed by Olsson. The developer modified their original plan and relocated the full access intersection at 135th St & High Dr approximately 170 feet west. This proposed location is 200 feet east of the ¼ mile spacing that staff had requested. After review of the developer's traffic study it was determined that the proposed location 200 feet east of the section line does not increase queue lengths and/or delays along the 135th St corridor.
   b) The Developer shall provide fifty (50) foot curb return radius at the intersections along 135th Street and at 137th Street and Kenneth Road. All other intersections and drive entrances shall have a thirty (30) foot curb return radius.

c) The Developer shall construct the following public improvements prior to issuance of Certificate of Occupancy:

i) Construct an additional lane for eastbound 135th Street along the frontage of this development. This section of roadway shall be constructed in accordance with the 135th Street construction plans dated 1995 AND the lane widening must be as smooth as the existing pavement section. This shall be determined by a Profilograph machine. If the new pavement section is not as smooth as the existing lanes, the developer shall diamond grind the new pavement to meet the smoothness of the existing lanes.

ii) The Developer shall construct eastbound right turn lanes at each access to 135th Street and at Kenneth Road. The length of the right turn lane shall be two hundredfifty (250) feet long plus taper at existing/proposed signalized intersections. The length of the right turn lane shall be one hundred fifty (150) feet long plus taper at the Right-In/Right-Out.

iii) The Developer shall install the traffic signal at 135th St & High Dr and the left turn lanes for eastbound and westbound.

iv) The pavement at the intersection of 136th St and High Dr between the crosswalks and within the Right-of-Way shall be concrete.

v) If 137th Street is not constructed to Chadwick with the first phase of this project the developer shall construct a temporary cul-de-sac on the west end of their project and provide escrow for future removal of the cul-de-sac and construction of the permanent 137th Street through their property. The temporary cul-de-sac can be constructed within the 80 feet of Right-of-Way.

3) Storm Water Study:

a) The Storm Water Study has been submitted and the developer will be required to detain their storm water runoff in accordance with current APWA Standards.

i) There are two bio-retention ponds and a detention pond on the southwest corner of the development, a bio-retention pond and detention pond on the east side of the development south of 137th Street and an infiltration trench on the east side of the Assisted Living to maintain the existing peak flow from this site and to meet the stormwater treatment requirement.

ii) On the final plan submittal the developer shall update the stormwater study to construct the bio-retention and detention ponds as amenities to the development.

iii) The developer is providing a 100 foot stream buffer on the existing creek at the northeast corner of the development.

b) The location, size, plant material list, etc of the BMP's will be verified on the engineering plan submittal.

4) The 10 foot wide shared use path shall be constructed on the south side of 137th Street and along the west side of Kenneth Road.

5) All driveway crossings constructed with pavers shall be in accordance with Public Works Department and Planning Department standards.

6) Developments shall have all utilities relocated underground. This includes private property and utilities in the Right-of-Way between the curb and property line.

7) Developments on or between 133rd Street to 137th Street shall have six (6) foot sidewalks within the Right-of-Way, except where the ten (10) foot bike/hike trail is located. The sidewalks and bike/hike trail shall be located within the Right of Way or a Sidewalk Easement.

8) Developments on or between 133rd Street to 137th Street shall use the City of Leawood's Special Street Light for all public roadway lighting.

9) All public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards as developed by the Department of Public Works (latest revision).

10) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

11) The permit fee for plan review and construction observation shall be five (5) percent of the construction cost for all improvements within the Right-of-Way or Public Easement(s) granted to the City of Leawood. The fee will be charged and collected from the Contractor prior to issuance of the permit from the Department of Public Works. The plan review and construction observation fee for the Nall Avenue improvements shall be waived if the developer constructs the future improvements with this development.

12) The plat will not be released for recording until all the permits for the Department of Public Works have been obtained by the Contractor(s) and all other requirements have been met.

13) Certificates of Occupancy shall not be issued for any building until all public improvements, including payments to escrow accounts, have been completed.

If you have any questions, please call me at (913) 663-9131.

Copy: Project File
PW Book

From: Gene Hunter
Sent: Wednesday, November 7, 2018 10:01 AM
To: Mark Klein <markk@leawood.org>
Subject: RE: Case 71-18, 135th Street and Kenneth - Memo from Fire Marshal

This plan as reviewed provides adequate access for fire apparatus.

Gene Hunter, Leawood Fire Marshal

ORDINANCE NO. _____

ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION TO DENY A REQUEST FOR A REZONING, PRELIMINARY PLAN, PRELIMINARY PLAT, AND SPECIAL USE PERMIT [SUP] FOR 135TH STREET AND KENNETH ROAD – MIXED USE AND MEDIUM DENSITY RESIDENTIAL, LOCATED SOUTH OF 135TH STREET AND WEST OF KENNETH ROAD [PC CASE # 71-18]

WHEREAS, the applicant is requesting approval of a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit;

WHEREAS, the Planning Commission reviewed the application on September 11, 2018, and recommended denial of the application;

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body on October 1, 2018;

WHEREAS, the Governing Body remanded case 71-18 to the Planning Commission;

WHEREAS, the Planning Commission reviewed the application a second time on November 13, 2018 and recommended denial; and

WHEREAS, the Planning Commission's recommendation was presented again to the Governing Body on December 3, 2018

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION ONE: That the Governing Body, having reviewed (a) the information presented to the Planning Commission in both meetings; (b) the minutes of the Planning Commission meetings; (c) the recommendation of the Planning Commission; (d) the record submitted to the Governing Body; (e) public input and information submitted regarding the application; and (f) the comments and input of the property owner and developer, does hereby approve the Planning Commission's recommendation of denial of the application for a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit.

SECTION TWO: This ordinance shall take effect and be in force from and after its publication as required by law.

PASSED by the Governing Body this 3rd day of December, 2018.

APPROVED by the Mayor this 3rd day of December, 2018.

[SEAL]

_____

Peggy J. Dunn, Mayor

ATTEST:

_____

Debra Harper, CMC, City Clerk

APPROVED AS TO FORM:

_____

Andrew K. Hall, Assistant City Attorney

Current Proposed Site Plan - 11/9/2018

OVERALL SITE INFORMATION

A	RESIDENTIAL	TRACT I	6.725 AC +/-	292,937 SF +/-	50-8"	4	42	52					NA	52,000 SF	61	42							40X25'	
B	RESIDENTIAL	TRACT I	6.725 AC +/-	292,937 SF +/-	50-8"	4	42	52	-				NA	52,000 SF	61	42							40X25'	
C	RTL / OFFICE / RES	TRACT I	6.725 AC +/-	292,937 SF +/-	71'-0"	5	56	70	2,000 SF	10,000 SF			56	68,000 SF	85	56							40X30X25	
D	RETAIL / RES	TRACT I	6.725 AC +/-	292,937 SF +/-	71'-0"	5	43	52	13,000 SF	-			39	55,000 SF	61	42					162		40X30X25	40X30X25
E	RETAIL / OFFICE	TRACT II	11.523 AC +/-	501,937 SF +/-	40'	2			16,000 SF	28,500 SF			164											
F	OFFICE	TRACT II	11.523 AC +/-	501,937 SF +/-	40'	2			-	22,500 SF			67										40X25'	
G	ASSISTED LIVING	TRACT II	11.523 AC +/-	501,937 SF +/-	20-10'	2	84	84				67,200 SF		84	100		304						30X25'	
H	OFFICE	TRACT II	11.523 AC +/-	501,937 SF +/-	40'	2				21,000 SF	63			8 level									30X25'	
	ROW	ROW	3.156 AC	137,454 SF																				
SUBTOTAL			18.2478 AC	794,872 SF +/-			264	310	41,000 SF	81,000 SF	369	187,200 SF		390	287		466							
									ROW NOT INCLUDED IN PARKING STALLS		COMMERCIAL USE SUB			TOTAL GLA			UNDERGROUND							
TOTAL							350		+	369	=	719		410,200 SF			282		+	466	=	748		

RESIDENTIAL UNITS PROVIDED	152 (does not include assisted living)
PARKING PROVIDED FOR RESIDENTIAL	266 (1.46/BEDROOM total)
PARKING PROVIDED FOR ASSISTED LIVING	100 (.84/1000 sqft)
TOTAL OFFICE/RETAIL BUILDING GLA	185,000 SF
TOTAL PARKING FOR RETAIL / OFFICE GLA	369 (5.00/1000)
OVERALL TOTAL BUILDING SF	410,200 SF

USES BY PERCENTAGE: RETAIL/FEN/AUTO/OFFICE/RESIDENTIAL

RETAIL	41,000 SF	= 10.0%
OFFICE	82,000 SF	= 20.0%
RESIDENTIAL	287,200 SF	= 70.0%
SUBTOTAL	410,200 SF	= 100.0%

USES BY PERCENTAGE: RETAIL/FEN/AUTO/OFFICE

SUBTOTAL	183,000 SF = 30.0%

RTS PARKING PER AREA
WEST OF HIGH DRIVE
104 UNITS (1.46/BEDROOM 866 STALLS + OFFICE/RETAIL 85,000 X 3.1/1,000 SF=75
REQUIRED 866+75=941 STALLS PROVIDED 946 STALLS
EAST OF HIGH DRIVE
84 UNITS (1 UNIT 84 STALLS + OFFICE/RETAIL 99,000 X 3.1/1,000 SF=306
REQUIRED 84+306=390 STALLS PROVIDED 404 STALLS

TOTAL SITE PARKING STALLS: 746 STALLS
1,000 SF PLAZA / PEDESTRIAN SPACE PER 1,25 STALLS
7,463.25 = 5,960 SF PLAZA / PEDESTRIAN SPACE REQ.
12,630 SF PLAZA / PEDESTRIAN SPACE PROVIDED 10 LOCATIONS

OPEN SPACE CALCULATION

WEST	292,937 SF		
EAST	501,937 SF		
GROSS	794,872 SF		
ROW	-137,454 SF		
	657,420 SF		

$657,420 \times 30\%$ OPEN SPACE = 197,226 SF
PROVIDED OPEN SPACE (OSR) = 197,176 SF (WEST) 97,750 SF + 299,426 SF
EXCESS REQ. OF 26,241 SF
299,426 SF = 44.9% > 30%

INTERNAL LANDSCAPING: 466 STALLS X 200 SF = 150,400 SF X 10% = 15,040 SF
= 15,040 SF, REQUIRED VS. 18,941 SF, 15% PROVIDED

PARKING FRONTAGE CALCULATION: 135TH STREET FRONTAGE - 1,785 LF / 369 PARKING = 20.6% - MAXIMUM 40%
PARKING FRONTAGE CALCULATION: KENNETH ROAD FRONTAGE - 0% - MAXIMUM 40%
PARKING FRONTAGE CALCULATION: 137TH STREET FRONTAGE - 1,325 LF / 369 PARKING = 27.4% - MAXIMUM 40%

DENSITY CALCULATION

ZONE MFD:
PERMITTED F.A.R. = 25% MAX F.A.R. PER 16-2-6.4(B) = 794,872 x .25 = 198,718 SF
PERMITTED F.A.R. MFD W/ DISCOUNT 55% OF RESIDENTIAL SF. PER 16-2-6.4(C) = 287,200 x .45 = 129,240 SF
RETAIL & OFFICE SF = 123,000 SF
TOTAL DENSITY MFD: 55% RESIDENTIAL DISCOUNT = 252,240 SF

BONUS
PER CITY OF LENEXA DEVELOPMENT ORDINANCE ARTICLE 5 16-5-9 PARAGRAPH
OPEN SPACE, UP TO 15% INCREASE @ 1:1 RATIO IN MINIMUM F.A.R. PER 16-5-9-4-4-(a) = 29,807 SF
PARKING STRUCTURES - UP TO 15% INCREASE IN MINIMUM F.A.R. @ 1:1 RATIO PER 16-5-9-4-4-(b) = 29,807 SF
25% MAX F.A.R. PER 16-2-6.4(B) = 794,872 x .25 = 198,718 SF
TOTAL PERMITTED DENSITY = 258,332 SF

= 258,332 > 252,240 SF

UNITS PER ACRE: 18.2478 A / 866 UNITS = 14.58 < ALLOWED 15
MAX FAR = 794,872 SF X 45% = 357,692 SF
252,240 (SQ. FT.) < 357,692 SF MAX FAR

NOTE: HOURS OF OPERATION ARE CURRENTLY UNKNOWN.

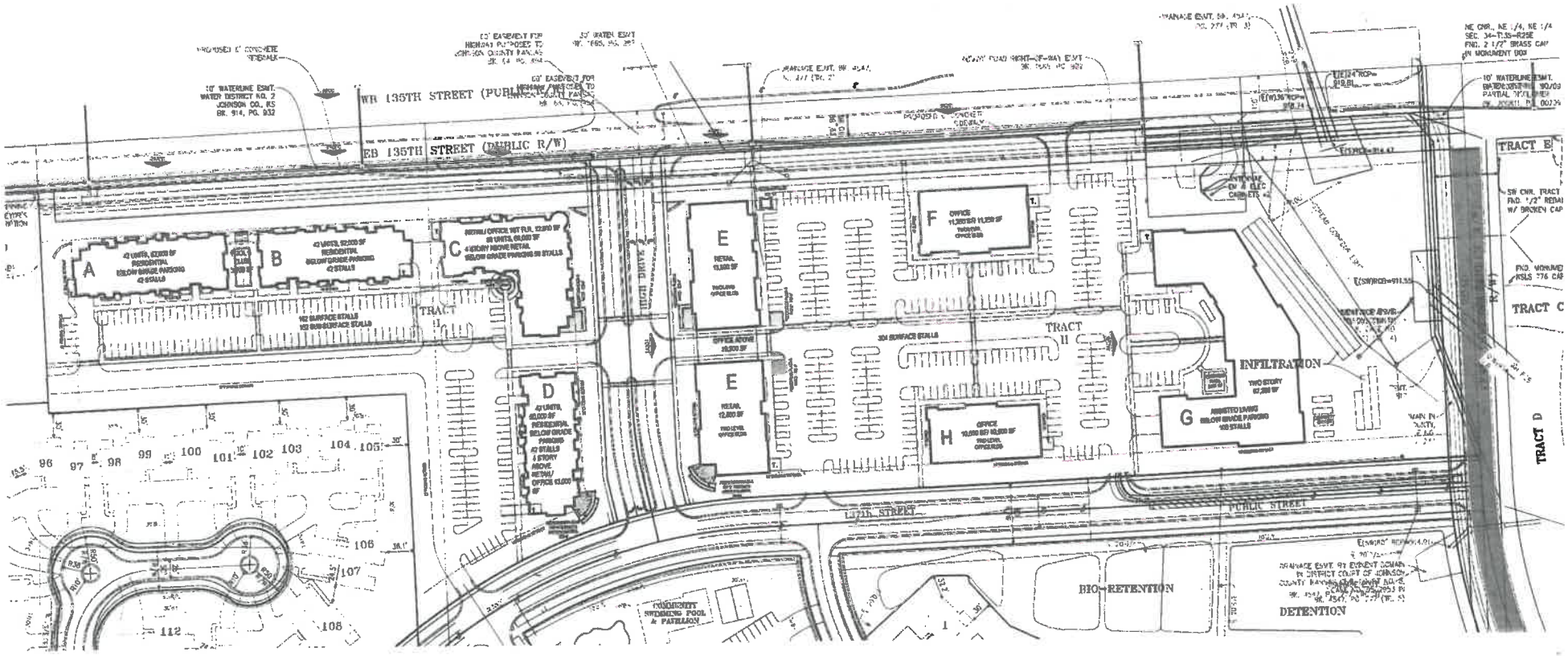
OPEN SPACE REQUIRED: 4A (a)-1 RATIO = 29,807 SF
OPEN SPACE REQUIRED: 4A(b)-1:1 RATIO = 29,807 SF
OPEN SPACE REQ. 30 SETBACK, 1:1 RATIO = 12,340 SF
TOTAL REQUIRED OPEN SPACE = 71,954 SF
REQ. 197,226 SF - PROV. 299,426 SF EXCESS = 97,200 SF

1. MULTI-FAMILY BUILDING & ASSISTED LIVING TO HAVE SIGNIFICANT SHELTERS PER PEMA STANDARDS, TYP.

2. MINIMUM SIZE OF APARTMENT UNITS TO COMPLY WITH LENWOOD DEVELOPMENT ORDINANCE. 60% OF UNITS MINIMUM OF 800 SF, NO UNIT SMALLER THAN 750 SF.

3. ALL TRASH ENCLOSURES TO BE SCREENED FROM PUBLIC VIEW WITH 6' MASONRY STRUCTURE TO MATCH MATERIALS USED IN BUILDING. DESIGN ENCLOSURES TO BE ARCHITECTURAL ATTACHED TO BUILDING AND ACCENTED WITH APPROPRIATE LANDSCAPING. GATES OF TRASH ENCLOSURE TO BE PAINTED, DARKY OBSCURING METAL PER LENWOOD DEVELOPMENT ORDINANCE.

4. ALL SIDEWALKS TO BE MINIMUM OF 5 FEET IN WIDTH. SIDEWALKS AT REAR IN PARKING TO BE MINIMUM OF 7 FEET IN WIDTH. SIDEWALKS AT STOREFRONT TO BE MINIMUM OF 8 FEET IN WIDTH. A 10 FEET DEEP LANDSCAPE BUFFER TO BE PROVIDED BEHIND CURB OR SIDEWALK TO BUILDING EXCEPT AT STOREFRONTS.



REVISED 06.15.18
REVISED 07.20.18
REVISED 08.15.18
REVISED 11.01.18
REVISED 11.08.18

AS100 - SITE PLAN

135TH AND KENNETH | LASHBROOK | 11.08.18

SD

HERNDON ARCHITECTS | 135TH AND KENNETH | LASHBROOK | 11.08.18

Hdevarchitects

Original Plan from September 11, 2018 Planning Commission Meeting

OVERALL SITE INFORMATION

BUILDING DESIGNATION	BUILDING USE	LOT DESIGNATION	LOT SIZE	LOT SIZE SF	BLDG HEIGHT	NUM. OF BUILDINGS	RESID. FLOORS	NUM. OF RESID.	BUILDING SF RETAIL/REST SF	OFFICE SF	MIN PARKING REQUIRED @ 3/1000	RESIDENTIAL SF	RESID. PARK. REQ. @ 1.5/DWL	UNDERGROUND PARKING PROVIDED	SURFACE PARKING PROVIDED	BUILDING SETBACK
A	RESIDENTIAL	TRACT I	7.27 AC +/-	316,681 SF +/-	50'-8"	4	44	58	-		NA	52,000 SF	58	40		40/25'
B	RESIDENTIAL	TRACT I	7.27 AC +/-	316,681 SF +/-	50'-8"	4	44	58	-		NA	52,000 SF	58	40		40/25'
C	RETAIL/OFFICE/RES	TRACT I	7.27 AC +/-	316,681 SF +/-	71'-0"	5	34	44	15,200 SF	46,900 SF	192	42,000 SF	44	64		40/25'
D	RESIDENTIAL	TRACT I	7.27 AC +/-	316,681 SF +/-	50'-8"	4	50	66			NA	60,000 SF	66	46	231	40/25'
E	RETAIL / OFFICE	TRACT II	7.83 AC +/-	341,074 SF +/-	40'	2			17,500 SF	22,000 SF	118					40/25'
F	RETAIL / OFFICE	TRACT II	7.83 AC +/-	341,074 SF +/-	40'	2			8,250 SF	8,250 SF	50					40/25'
G	ASSISTED LIVING	TRACT II	7.83 AC +/-	341,074 SF +/-	28'-10"	2	84	84				67,200 SF	84 @ 1/UNIT	100	169	40/25'
	ROW	ROW	2.035 AC	88,644 SF +/-												
SUBTOTAL			17.135 AC	746,400 SF +/-		256	310		40,950 SF	78,150 SF	360	273,200 SF	310	290	400	
TOTAL					RESID PARK REQD: 310			+	COMMERCIAL PARK REQD: 360	= 670		TOTAL GLA: 393,300 SF	UNDERGROUND: 290	SURFACE: + 400	TOTAL PARK: = 690	

RESIDENTIAL UNITS PROVIDED	172 (does not include assisted living)
PARKING PROVIDED FOR RESIDENTIAL	226 (1.01 BEDROOM total)
PARKING PROVIDED FOR ASSISTED LIVING	100 (.84/1000 total)
TOTAL OFFICE/RETAIL BUILDING GLA:	120,100 SF
TOTAL PARKING FOR GLA:	360 (3.0/1000)
OVERALL TOTAL BUILDING SF:	393,300 SF

USES BY PERCENTAGE: RETAIL/RESTAURANT/OFFICE/RESIDENTIAL

RETAIL	40,950 SF =	10.4%
OFFICE	78,150 SF =	20.1%
RESIDENTIAL -	273,200 SF =	69.5%
SUBTOTAL	393,300 SF =	100.0%

USES BY PERCENTAGE: RETAIL/RESTAURANT/OFFICE

SUBTOTAL	120,100 SF =	30.5%

SITE PARKING PER AREA

WEST OF ENTRY STREET

172 UNITS (1 BEDRM 226 STALLS + OFFICE/ RETAIL 64,100 X 3/1,000 SF=192

REQUIRED 226+192=418 STALLS PROVIDED 421 STALLS

EAST OF ENTRY STREET

84 UNITS (1 UNIT 84 STALLS + OFFICE/ RETAIL 56,000 X 3/1,000 SF= 168

REQUIRED 84+168=252 STALLS PROVIDED 269 STALLS

TOTAL SITE PARKING STALLS: 690 STALLS

1,000 SF PLAZA / PEDESTRIAN SPACE PER 125 STALLS.

690/125 = 5.520 SF PLAZA / PEDESTRIAN SPACE REQ.

16,377 SF PLAZA / PEDESTRIAN SPACE PROVIDED

OPEN SPACE CALCULATION

ZONING DESIGNATION	SITE AREA	OPEN SPACE (UNDEVOID)
MXD	393,300 SF BLDG 746,420 SF (GROSS)	281,045 SF = 37.6% > 30%

INTERNAL LANDSCAPING: 199,470 S.F. = 27% 10% MIN REQUIRED

ISLAND LANDSCAPING: 400 STALLS X 280 S.F. x 6%

= 6,720 S.F. REQUIRED VS. 13,847 S.F. PROVIDED

PARKING FRONTAGE CALCULATION: 135TH STREET FRONTAGE - 34% - MAXIMUM 40%

PARKING FRONTAGE CALCULATION: KENNITH ROAD FRONTAGE - 0% - MAXIMUM 40%

PARKING FRONTAGE CALCULATION: 137TH STREET FRONTAGE - 33% - MAXIMUM 40%

DENSITY CALCULATION

ZONE: MXD:

FLOOR AREA RATIO: 325,000 SF/ 17.135 ACRES = 43.5% LESS THAN 45%* = ALLOWED (Per 16-3-8)

FLOOR AREA RATIO: 120,100 + (273,200 x .75%) = 325,000 SF

PER CITY OF LEAWOOD DEVELOPMENT ORDINANCE ARTICLE 3 16-3-9 PARAGRAPH

25% MAX F.A.R. PER 16-2-6.4(D) = 186,605 SF

40 OPEN SPACE: UP TO 15% INCREASE @ 1:1 RATIO IN MAXIMUM F.A.R. PER 16-3-8. = 56,780 SF

40 INTEGRATED STORM WATER: UP TO 10% INCREASE @ .5:1 RATIO IN MAXIMUM F.A.R. PER 16-3-8. = 28,390 SF

40 PARKING STRUCTURES (UNDERGROUND): UP TO 15% INCREASE IN MAXIMUM F.A.R. @ 1:1 RATIO PER 16-3-8. = 56,780 SF

= 325,555 > 325,000 SF

UNITS PER ACRE: PROVIDED 14.84 ; ALLOWED 15

MAX FAR = 746,401 SF X 45% = 335,880 SF

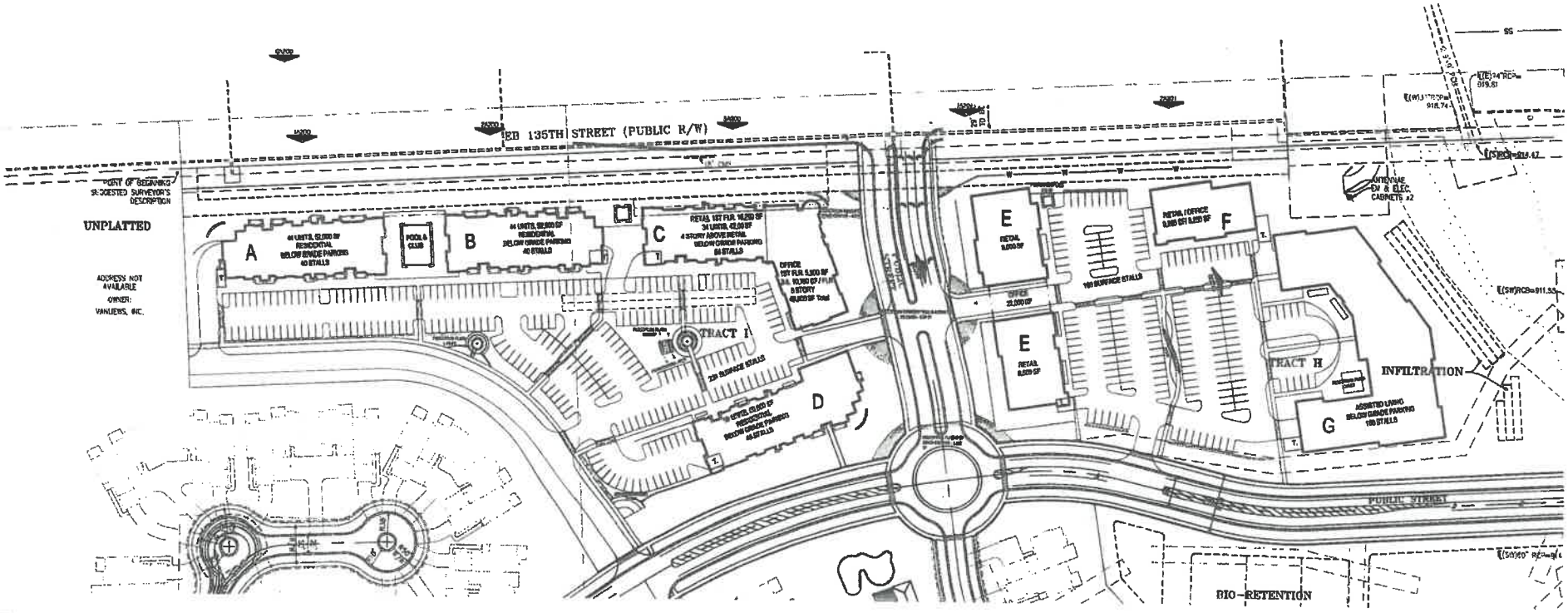
325,525 < 335,880 SF (MAX FAR)

NOTE : HOURS OF OPERATION ARE CURRENTLY UNKNOWN.

1. MULTI-FAMILY BLDGS & ASSISTED LIVING TO HAVE STORM SHELTERS PER FEMA STANDARDS, TYP.

2. MINIMUM SIZE OF APARTMENT UNITS TO COMPLY WITH LEAWOOD DEVELOPMENT ORDINANCE. 80% OF UNITS MINIMUM OF 900 SF. NO UNIT SMALLER THAN 750 SF.

3. ALL TRASH ENCLOSURES TO BE SCREENED FROM PUBLIC VIEW WITH 6' MASONRY STRUCTURE TO MATCH MATERIALS USED IN BUILDING DESIGN. ENCLOSURES TO BE ARCHITECTURALLY ATTACHED TO BUILDINGS AND ACCENTED WITH APPROPRIATE LANDSCAPING. GATES OF TRASH ENCLOSURE TO BE PAINTED, SIGHT OBSCURING METAL PER LEAWOOD DEVELOPMENT ORDINANCE.



REVISED 06.13.18
REVISED 07.20.18
REVISED 08.15.18

AS100 - SITE PLAN

SCALE: 1"=60'

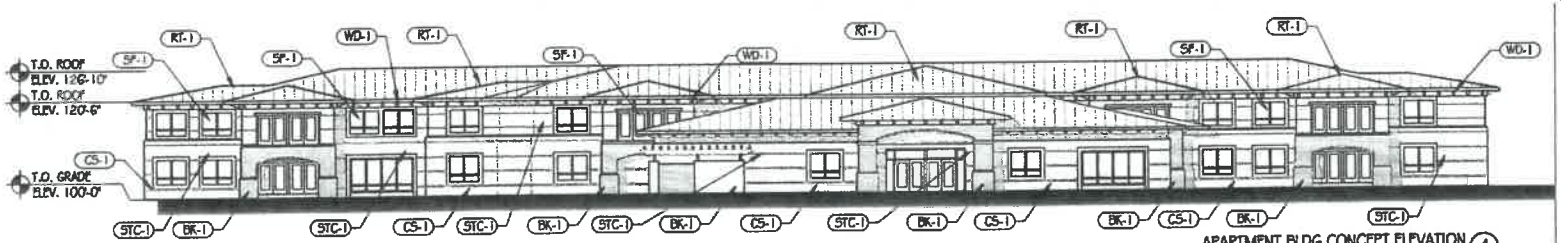
135TH LEAWOOD | LASHBROOK | 07.23.18

SD

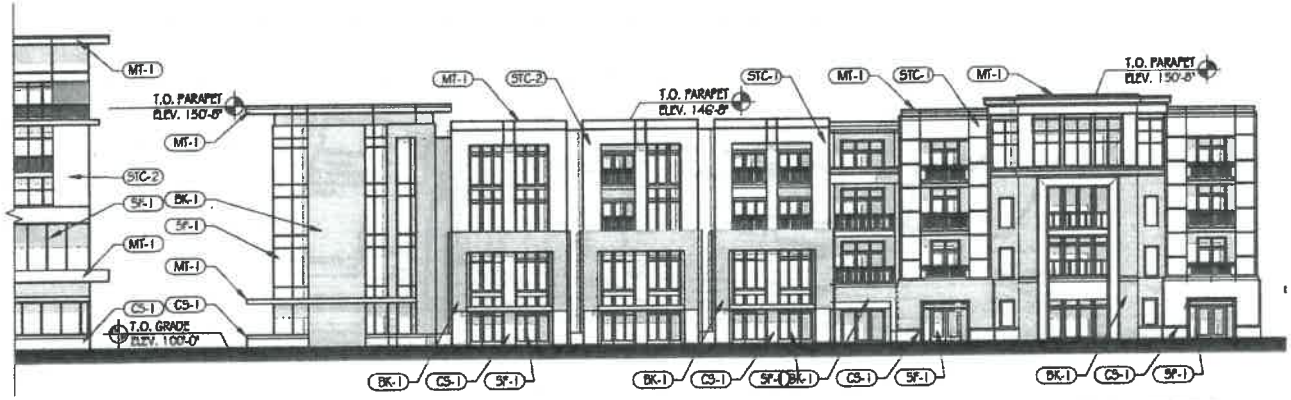
18116.001 | LASHBROOK | 135TH LEAWOOD

klover architects

FINISH SCHEDULE				
SYMBOL	MATERIAL	MANUFACTURER	COLOR	TEXTURE / FINISH
BK-1	BRICK	TBD	TBD	TBD
BK-2	BRICK	TBD	TBD	TBD
CS-1	CAST STONE	TBD	TBD	TBD
WD-1	SYMMETRIC WOOD	TBD	TBD	TBD
STC-1	STUCCO	TBD	TBD	TBD
STC-2	STUCCO	TBD	TBD	TBD
MT-1	ALUMINUM	TBD	TBD	TBD
MT-2	ALUMINUM	TBD	TBD	TBD
ST-1	STONE	TBD	TBD	TBD
SF-1	GLAZING	TBD	TBD	TBD
FT-1	CONC. ROOF TILE	TBD	TBD	TBD

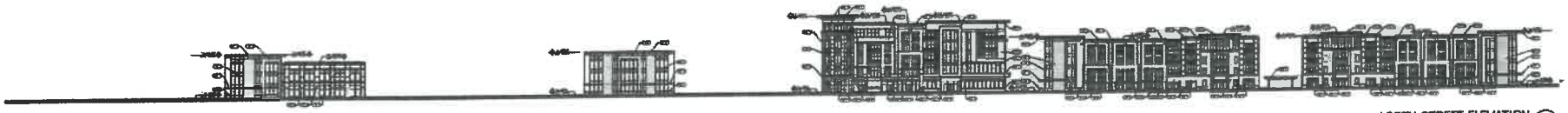


APARTMENT BLDG CONCEPT ELEVATION (4)



APARTMENT BLDG CONCEPT ELEVATION (3)

APARTMENT BLDG CONCEPT ELEVATION (2)



135TH STREET ELEVATION (1)

REVISED 06.13.18
REVISED 07.20.18
REVISED 08.15.18
REVISED 11.01.18

A200 - ELEVATIONS

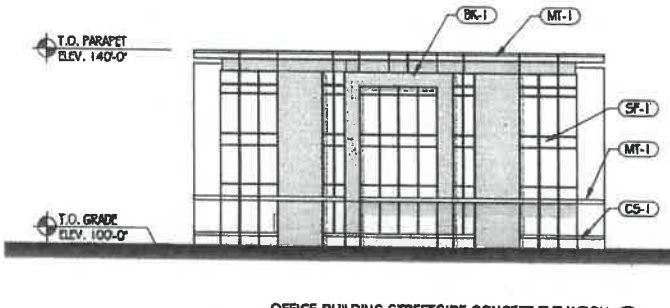
SCALE: 1" = 10'

135TH AND KENNETH | LASHBROOK | 11.01.18

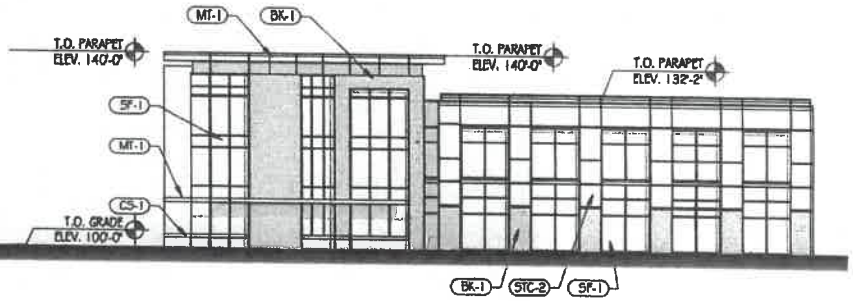
SD

135TH AND KENNETH | LASHBROOK | 18116.001

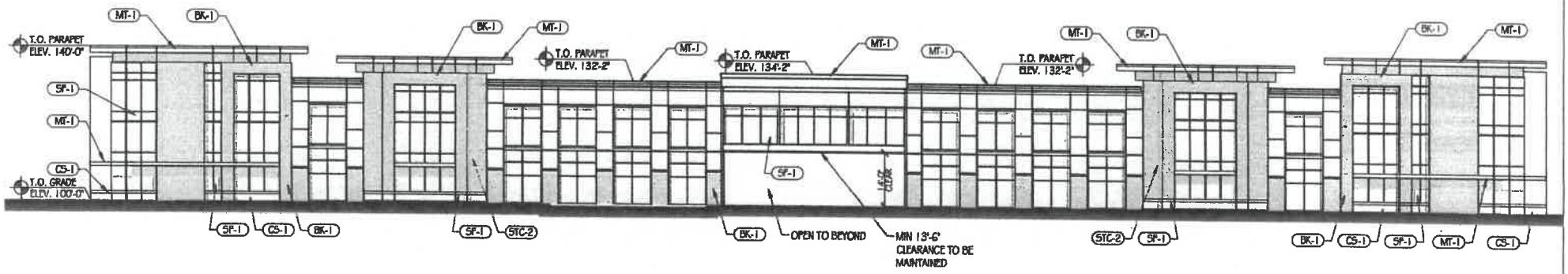
kloverarchitects



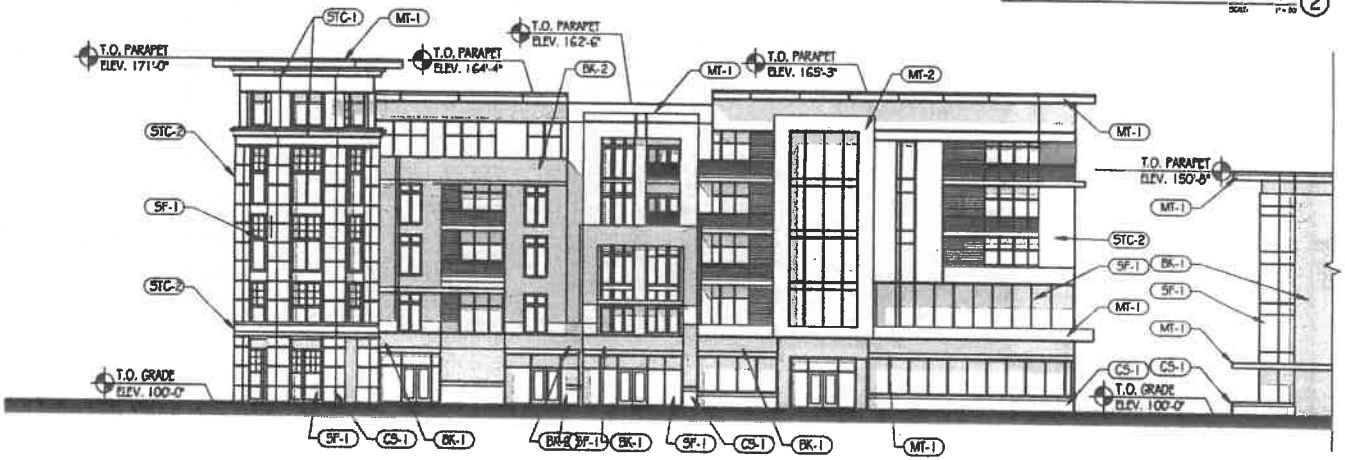
OFFICE BUILDING STREETSIDE CONCEPT ELEVATION (4)



RETAIL / OFFICE BUILDING CONCEPT ELEVATION (3)



RETAIL / OFFICE BLDG CONCEPT ELEVATION (2)



APARTMENT / RETAIL / OFFICE BLDG CONCEPT ELEVATION (1)

REVISED 06.13.18
REVISED 07.20.18
REVISED 08.15.18
REVISED 11.01.18

A201 - ELEVATIONS

SCALE: 1"=10'

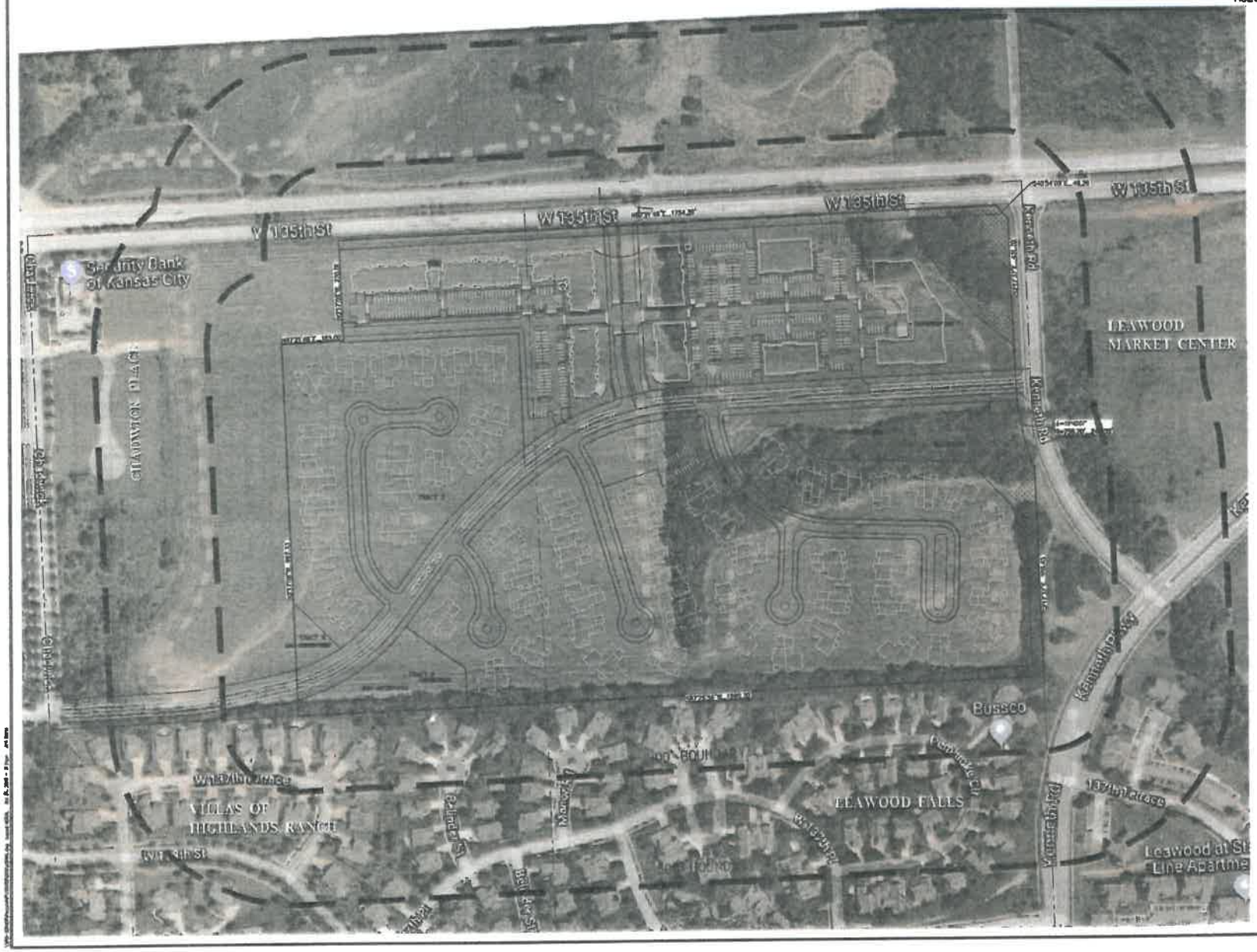
13STH AND KENNETH | LASHBROOK | 11.01.18

kloverarchitects

SD

13STH AND KENNETH | LASHBROOK | 18116.001

135TH & KENNETH MIXED USE DEVELOPMENT
REZONING AND PRELIMINARY PLAN



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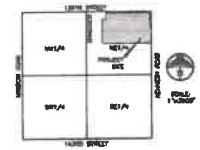
1	AERIAL PLAN
2	EXISTING CONDITIONS PLAN
3	PROPOSED PRELIMINARY PLAN
4	DETAILED PRELIMINARY PLAN
5–6	GRADING PLANS
7	PHASING PLAN
8	PEDESTRIAN ACCESS PLAN
9	VEHICLE ACCESS PLAN
10	135TH ST IMPROVEMENT PLAN
AS100	ARCHITECTURAL SITE PLAN
AS200–201	ARCHITECTURAL ELEVATIONS
L1–L4	LANDSCAPE PLANS

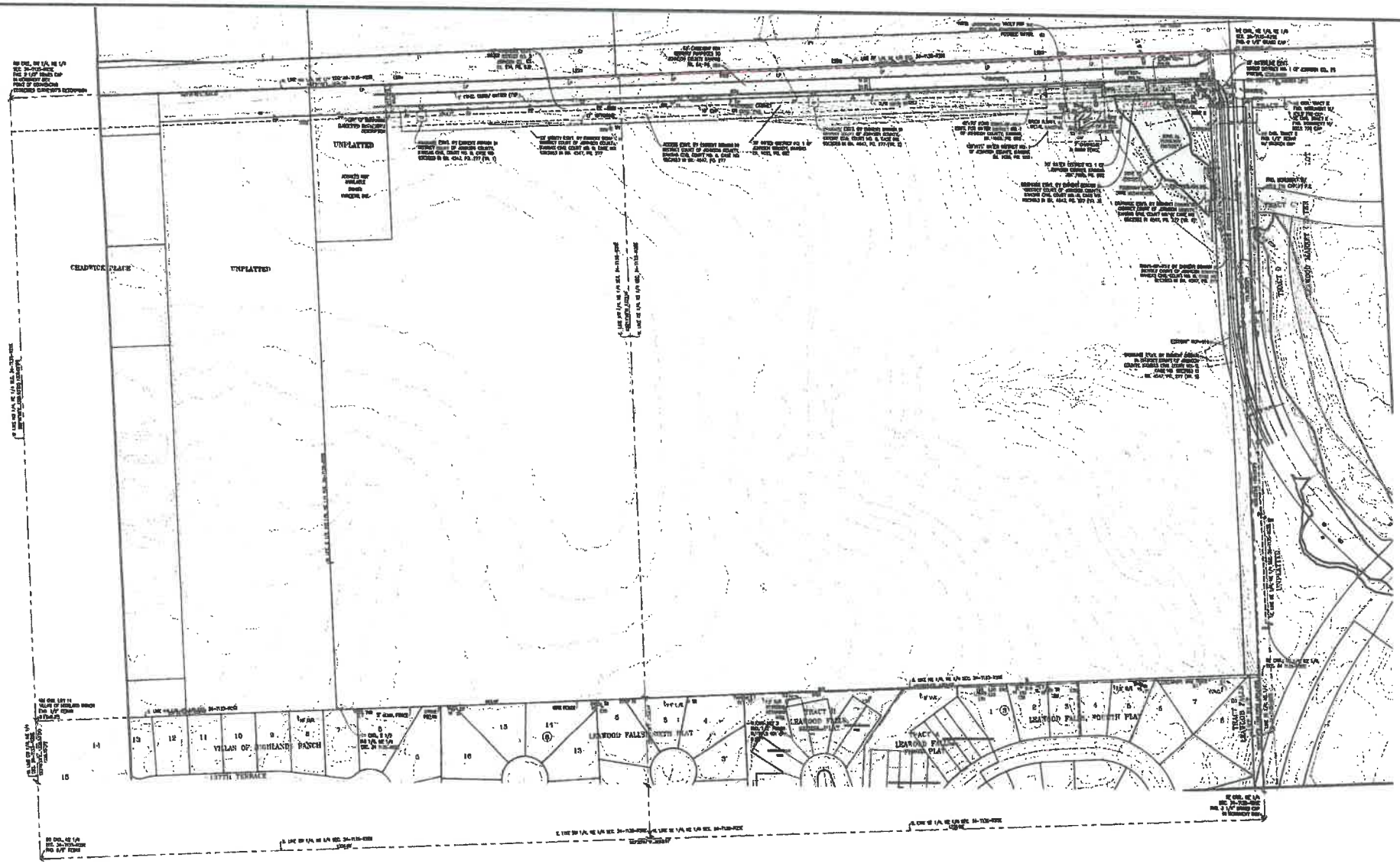
SCALE: 1"=100'

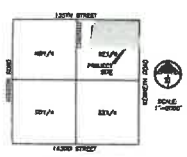


VICINITY MAP
SEC. 34–T13S–R25E

AERIAL SITE PLAN
135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

SHEET
1
OF 10





LEGEND

SITE DATA TABLE

LEGAL DESCRIPTION

LANDSCAPE ARCHITECT

ARCHITECT

CIVIL (COMPANY OWNER)

ENGINEER/SURVEYOR

PROJECT MANAGER

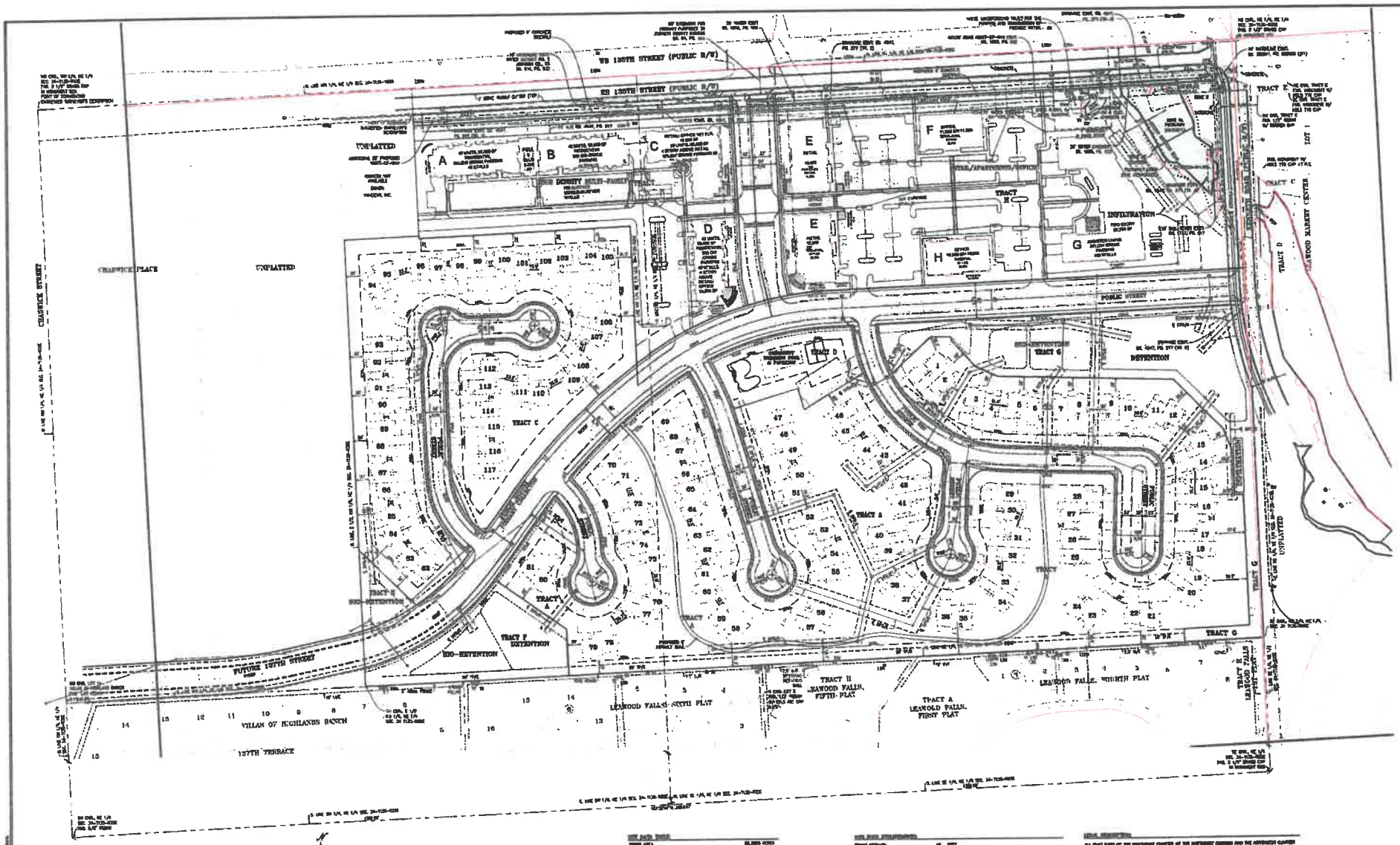
SHEET
2
OF 10

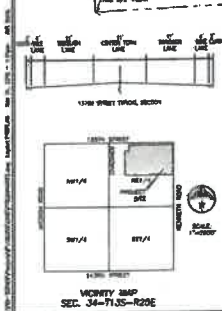
EXISTING CONDITIONS PLAN

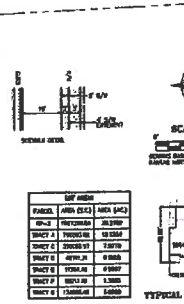
135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

PRELIMINARY PLAN

135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD







LOT AREA		
PARCEL	AREA (S.F.)	AREA (AC.)
BP-2	[illegible]	[illegible]
TRACT A	[illegible]	[illegible]
TRACT C	[illegible]	[illegible]
TRACT E	[illegible]	[illegible]
TRACT G	[illegible]	[illegible]
TRACT H	[illegible]	[illegible]
TRACT F	[illegible]	[illegible]
TRACT D	[illegible]	[illegible]

LEGEND

SITE DATA TABLE

SITE PARKING

SITE PARKING REQUIREMENTS

SITE DESCRIPTION

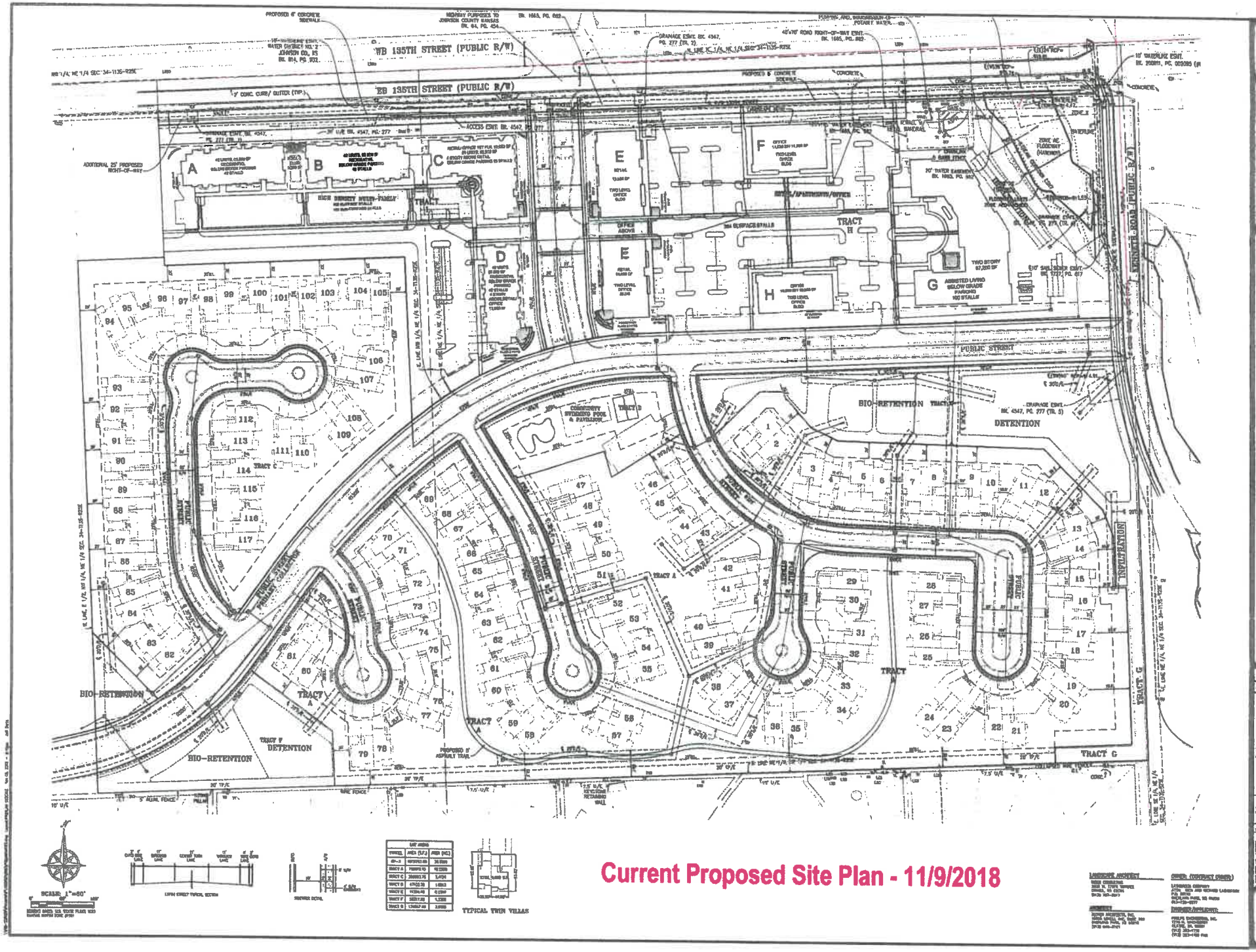
LANDSCAPE ARCHITECT

ARCHITECT

OWNER / CONTRACT OWNER

DEVELOPER/APPLICANT

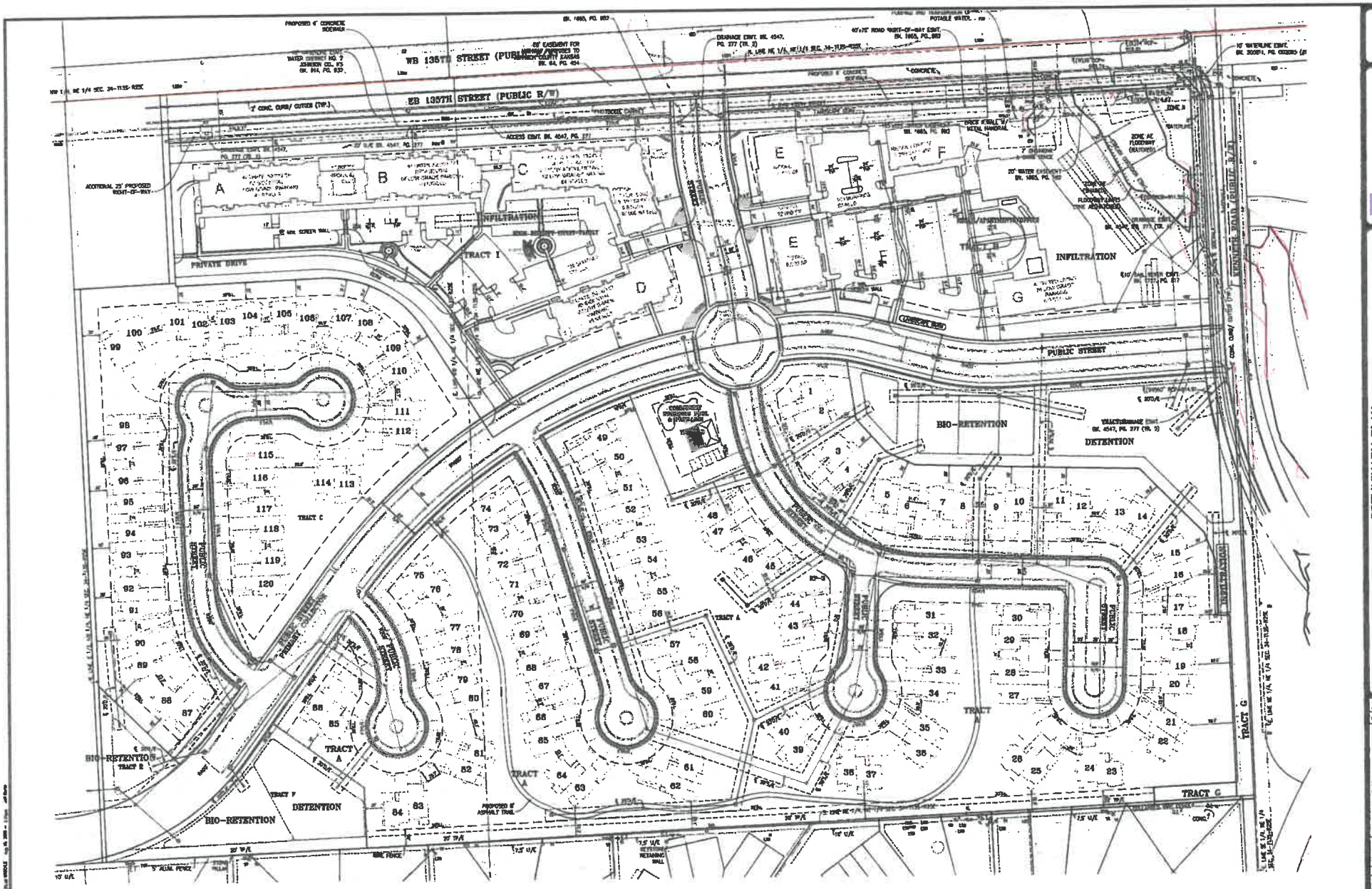
SHEET
3
OF 10



Current Proposed Site Plan - 11/9/2018

PRELIMINARY PLAN
135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

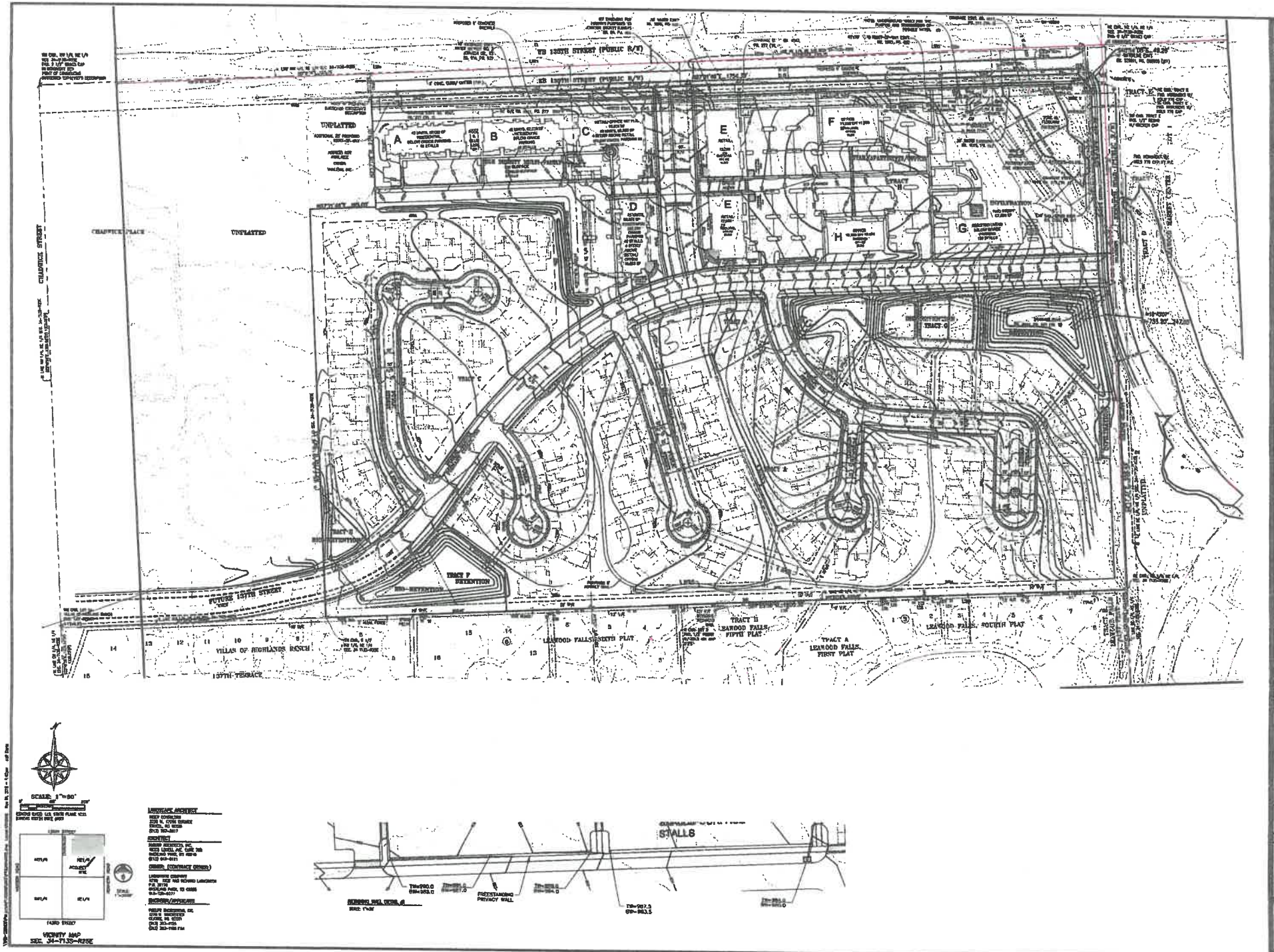
SHEET 4 OF 10



Original Plan from September 11, 2018 Planning Commission Meeting

PRELIMINARY PLAN
135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

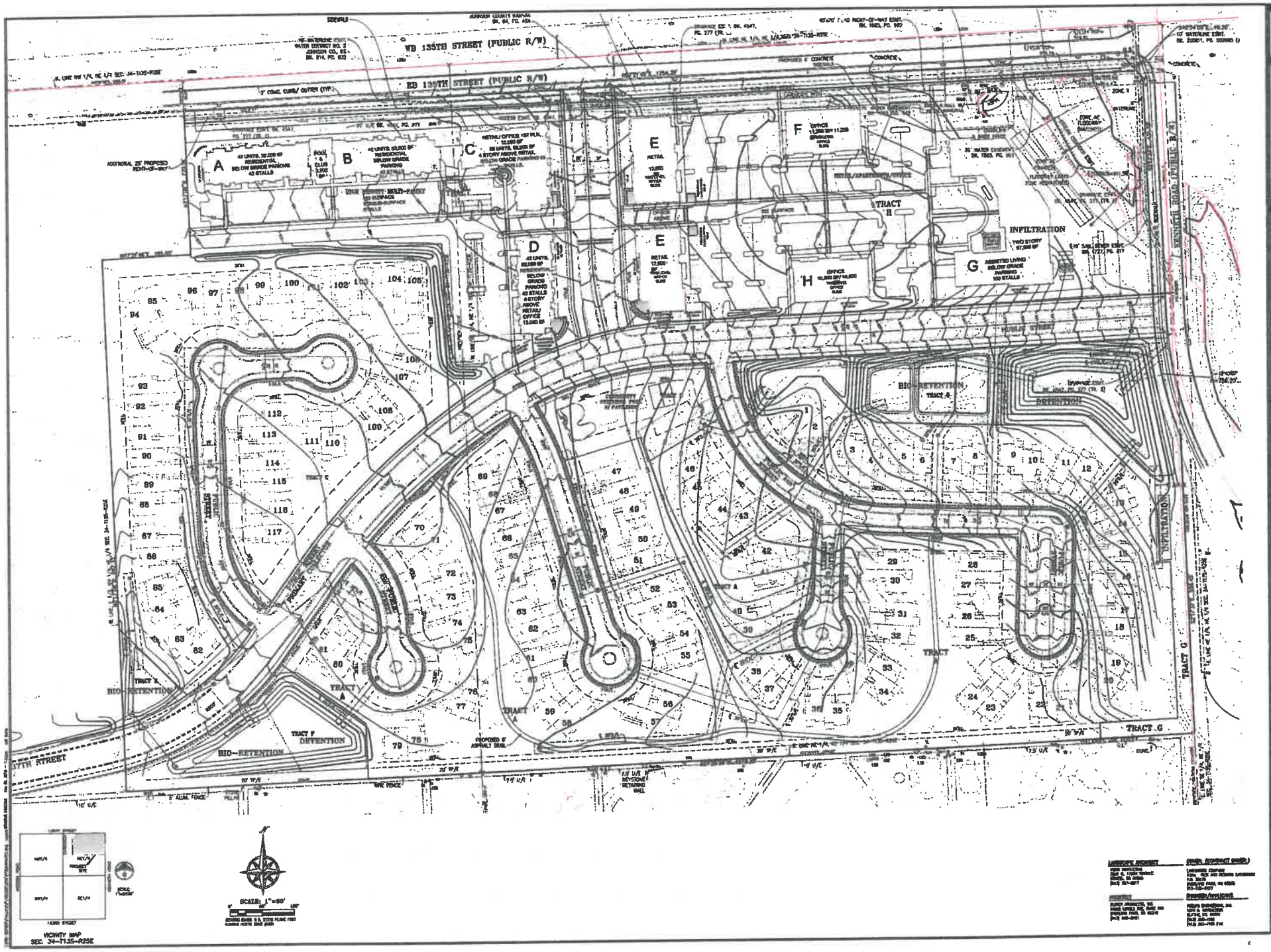
SHEET 4 OF 16



GRADING PLAN

135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

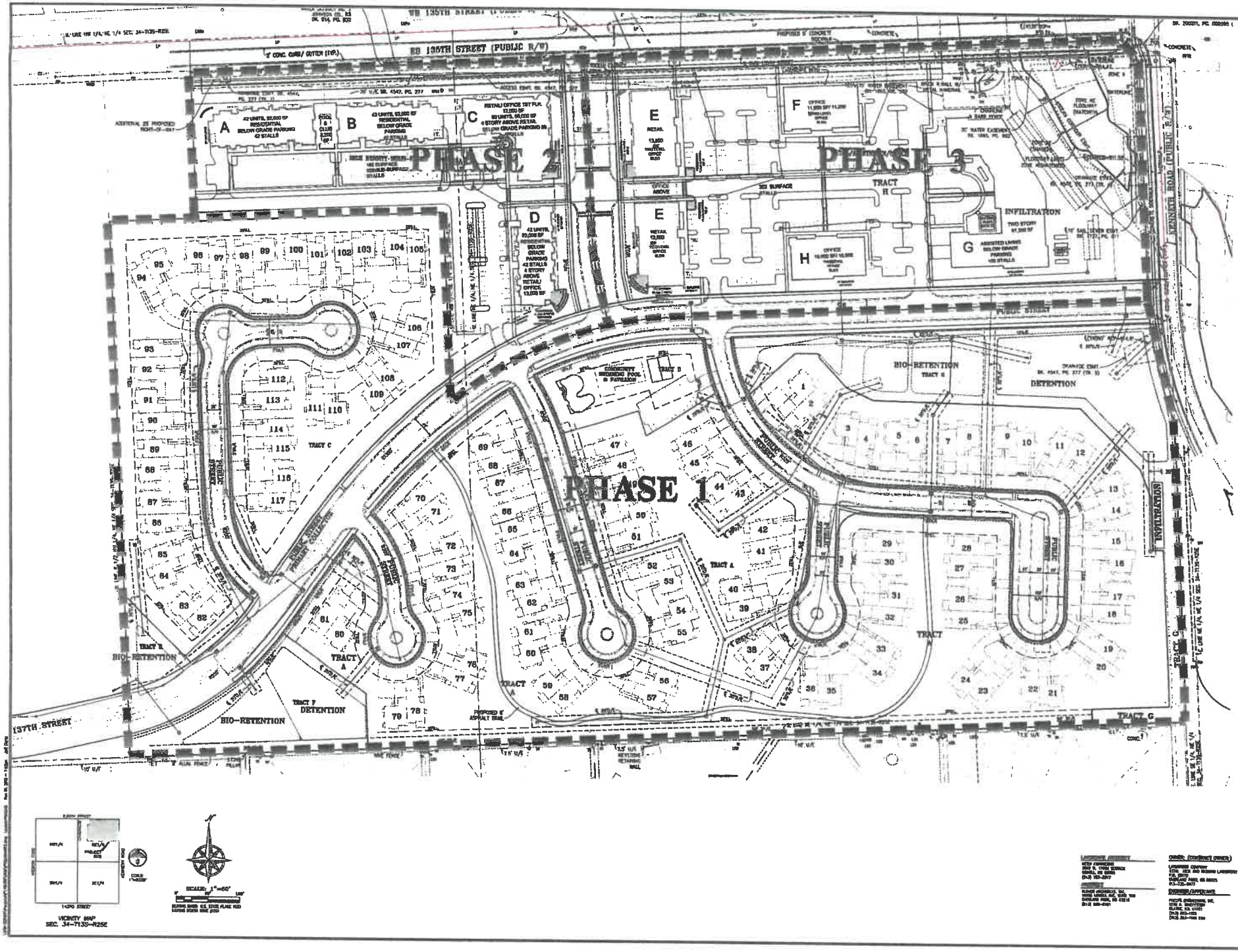
SHEET
5
OF 10



GRADING PLAN

135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

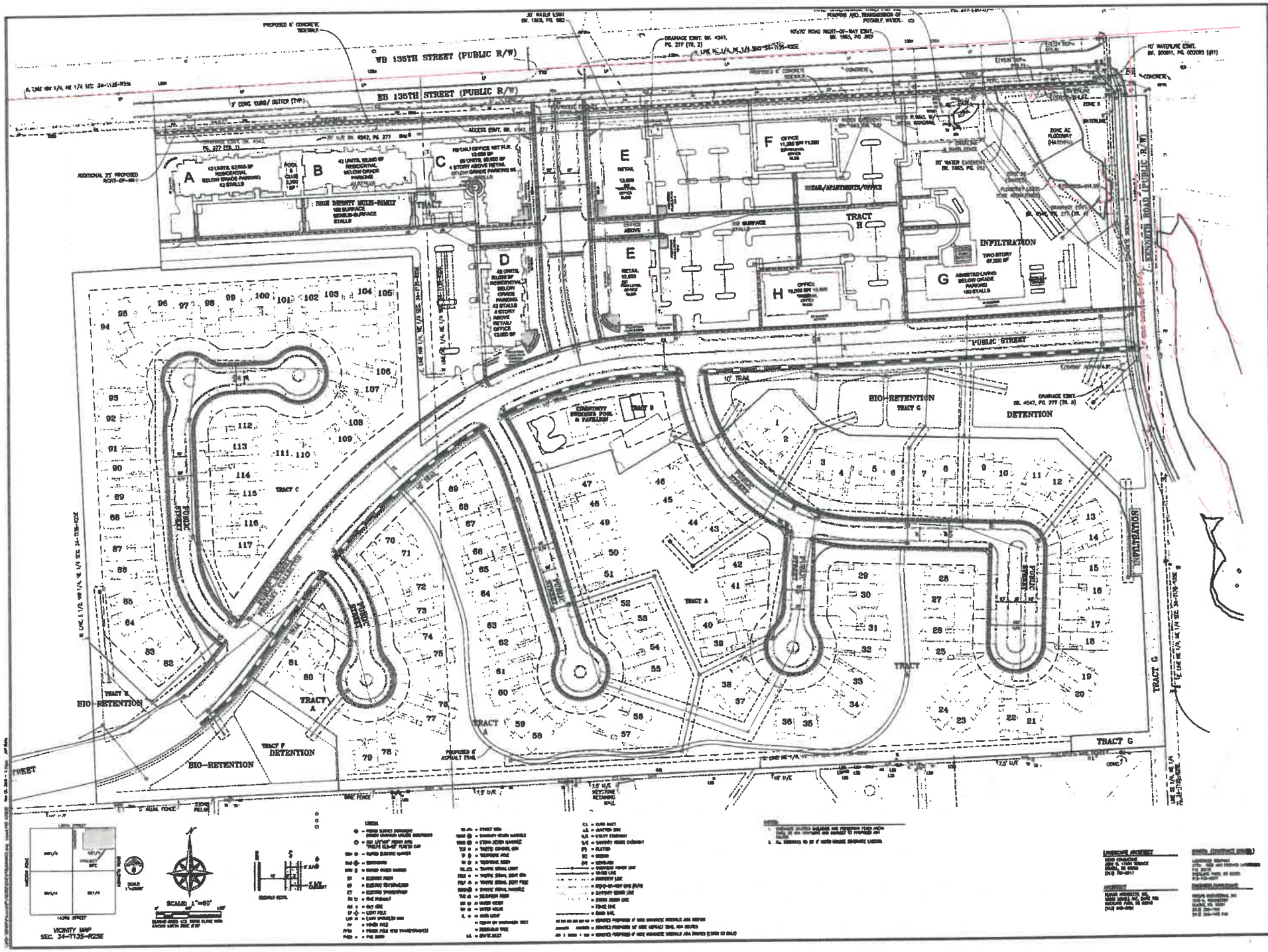
SHEET
6
OF 10



PHASING PLAN

135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

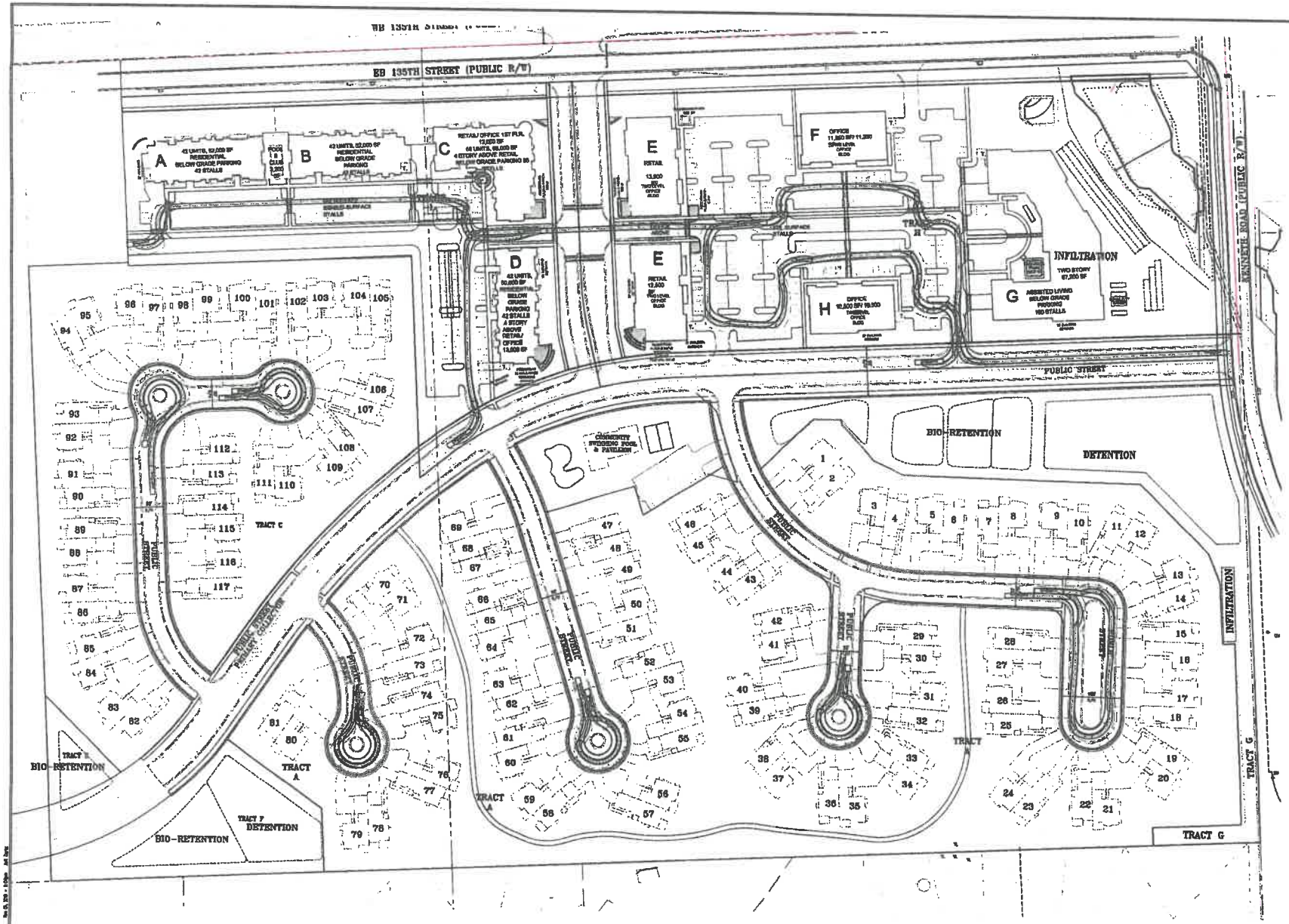
SHEET 7 OF 10



PEDESTRIAN CIRCULATION PLAN

135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34, T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

SHEET 8 OF 10



Firetruck—Leawood

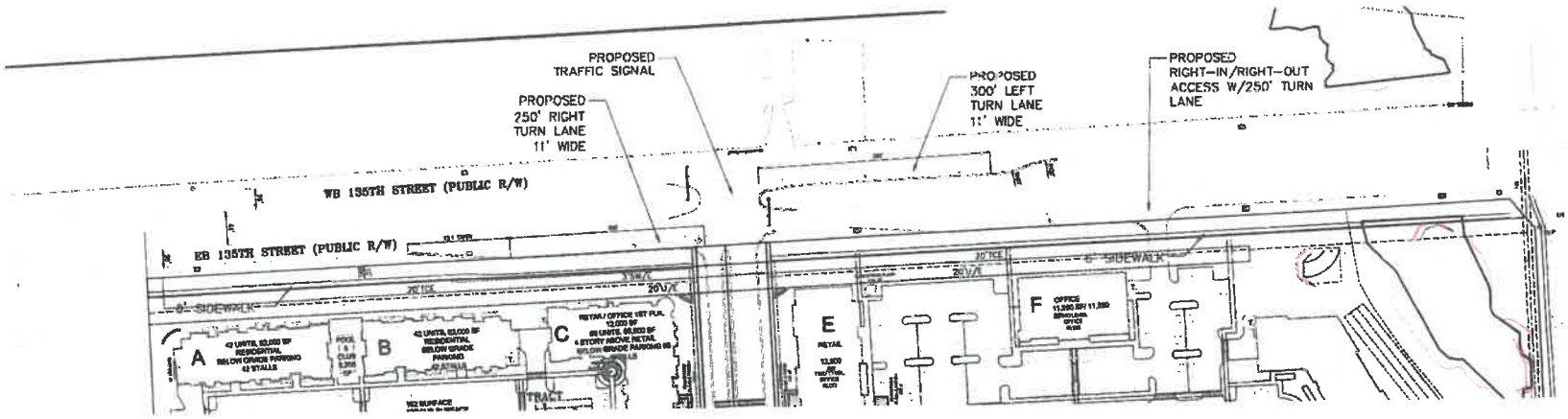
	feet
Width	: 8.14
Track	: 7.61
Lock to Lock Time	: 10.0
Steering Angle	: 39.8

SCALE: 1"=50'

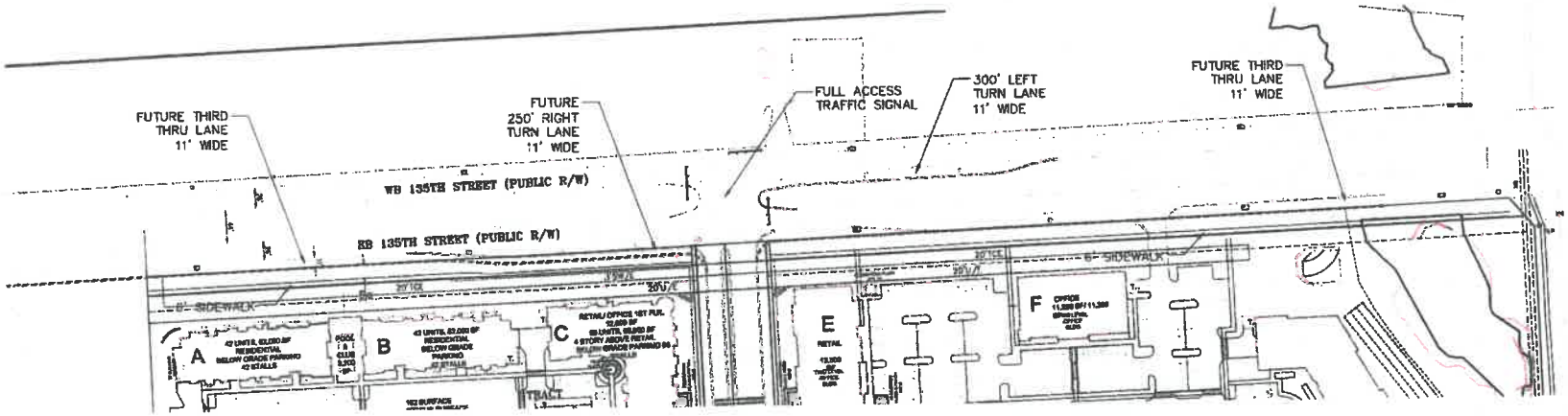
VEHICLE ACCESS PLAN

135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

SHEET 9 OF 10



135TH STREET PROPOSED IMPROVEMENTS



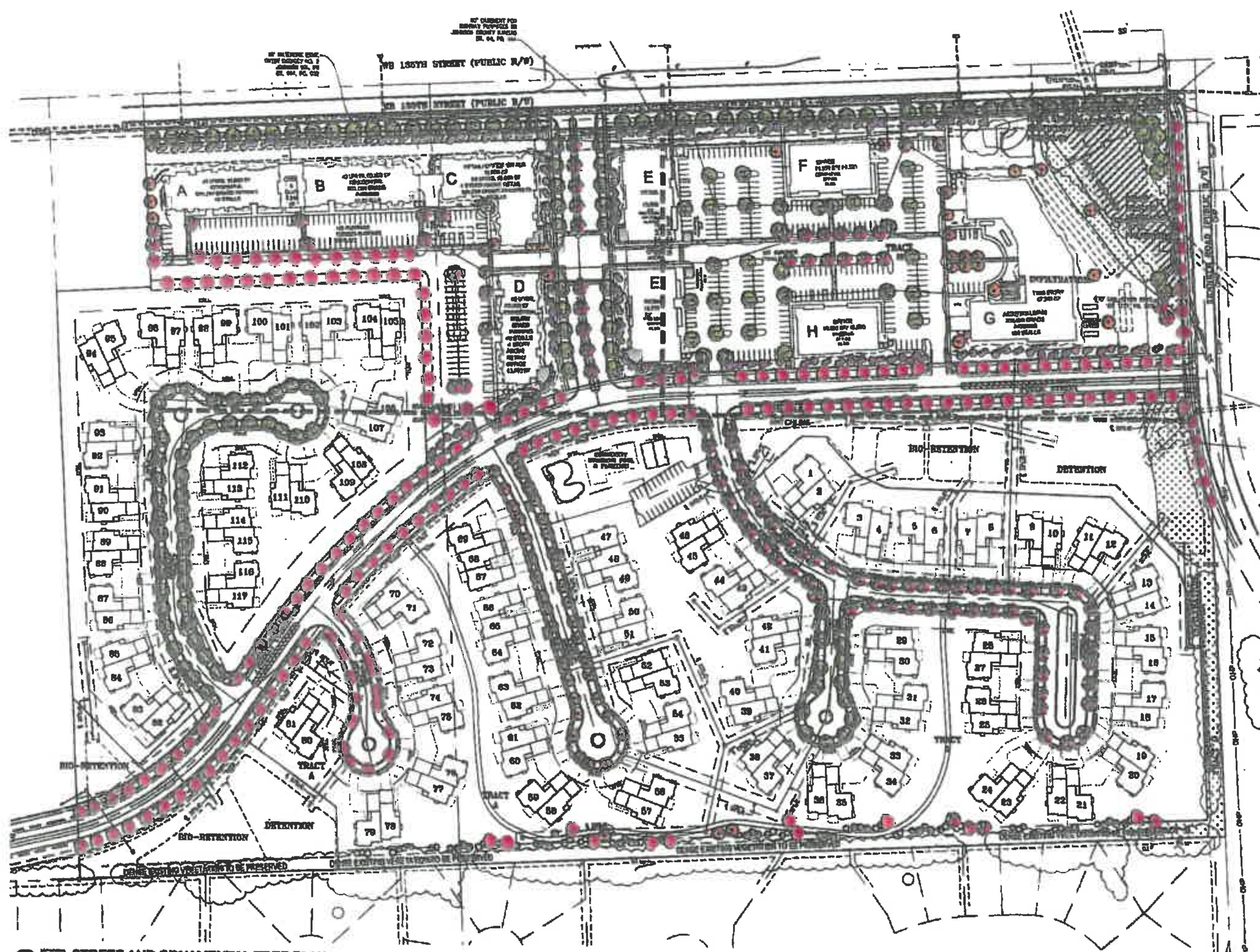
135TH STREET FUTURE IMPROVEMENTS

SCALE: 1"=60'

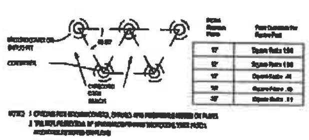
135TH STREET FUTURE PLAN

135TH & KENNETH MIXED USE DEVELOPMENT REZONING & PRELIMINARY PLAN
PART OF THE NORTHEAST QUARTER SECTION 34 T13S – R25E
CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
13500 KENNETH ROAD

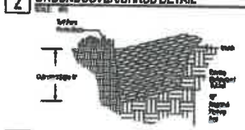
SHEET 10 OF 10



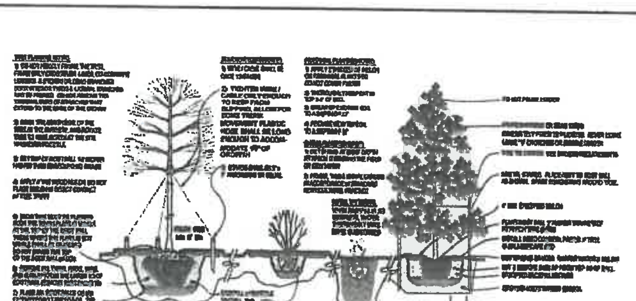
1 STREET AND ORNAMENTAL TREE PLAN



2 GROUNDCOVER/SHRUB DETAIL



3 CULTIVATED EDGE DETAIL



4 PLANTING INSTALLATION DETAILS

Planting Notes

[illegible]

Landscape Calculations - West Mixed-Use Area

Perimeter Landscaping adjacent to public ROW:
Street Tree Requirements:
One Street tree is required for every 35' of street frontage:
Requirement Met.

One ornamental tree per 12 lineal feet (1 shade tree = 2 Ornamental trees) and one shrub per 5 lineal feet are required:
702 L.F. frontage on 135th Street
59 Ornamental trees required 140 shrubs required.
59 Ornamental trees provided 140 shrubs provided
249 L.F. frontage on 137th Street
21 Ornamental trees required 50 shrubs required.
21 Ornamental trees provided 50 shrubs provided
376 L.F. frontage on Entry Boulevard (excludes driveways)
32 Ornamental trees required 76 shrubs required.
32 Ornamental trees provided 76 shrubs provided
Requirements Met

Perimeter Parking lot Landscaping:
All parking areas shall be screened from view of adjacent properties and streets by 3' tall plant material and/or berms and walls.
Requirements Met

Interior Landscaping:
Total Area of the site (excluding setbacks) = 193,127 sf
10% of site shall be landscaped (19,313sf) 24% of site is landscaped. (47,141 sf total)
A minimum of one 4-inch caliper tree shall be planted for every ten (10) parking spaces.
183 Parking spaces provided.
19 Trees required. 19 Trees provided
Additional trees shall be required at a ratio of one tree for every 3,000 sq.ft. of landscaped open space.
47,141 Sf of landscaped openspace provided.
16 Additional trees required. 16 Additional trees provided.
Requirements Met

Landscape Calculations - East Mixed-Use Area

Perimeter Landscaping adjacent to public ROW:
Street Tree Requirements:
One Street tree is required for every 35' of street frontage:
Requirement Met.

One ornamental tree per 12 lineal feet (1 shade tree = 2 Ornamental trees) and one shrub per 5 lineal feet are required:
639 L.F. frontage on 135th Street (excludes areas of dense existing vegetation)
53 Ornamental trees required 128 shrubs required.
53 Ornamental trees provided 128 shrubs provided
906 L.F. frontage on 137th Street (excludes driveways)
76 Ornamental trees required 181 shrubs required.
76 Ornamental trees provided 181 shrubs provided
359 L.F. frontage on Entry Boulevard (excludes driveways)
30 Ornamental trees required 72 shrubs required.
30 Ornamental trees provided 72 shrubs provided
263 L.F. frontage on Kenneth Road (Dense Existing Vegetation Preserved)
22 Ornamental trees required 53 shrubs required.
11 Shade trees provided 53 shrubs provided
Requirements Met

Perimeter Parking lot Landscaping:
All parking areas shall be screened from view of adjacent properties and streets by 3' tall plant material and/or berms and walls.
Requirements Met

Interior Landscaping:
Total Area of the site (excluding setbacks) = 382,220 sf.
10% of site shall be landscaped (38,222sf) 35% of site is landscaped. (136,040 sf total)
A minimum of one 4-inch caliper tree shall be planted for every ten (10) parking spaces.
302 Parking spaces provided.
30 Trees required. 30 Trees provided
Additional trees shall be required at a ratio of one tree for every 3,000 sq.ft. of landscaped open space.
136,040 Sf of landscaped openspace provided.
45 Additional trees required. 45 Additional trees provided. (26 existing trees preserved count towards interior tree requirements)
Requirements Met

Landscape Schedule

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

MEIER LANDSCAPE ARCHITECTURE
15345 Metcalf Ave.
Overland Park, KS 66223
913.787.2617

JASON M. MEIER LICENSED LANDSCAPE ARCHITECT

CLIENT
Rick and Richard Lashbrook

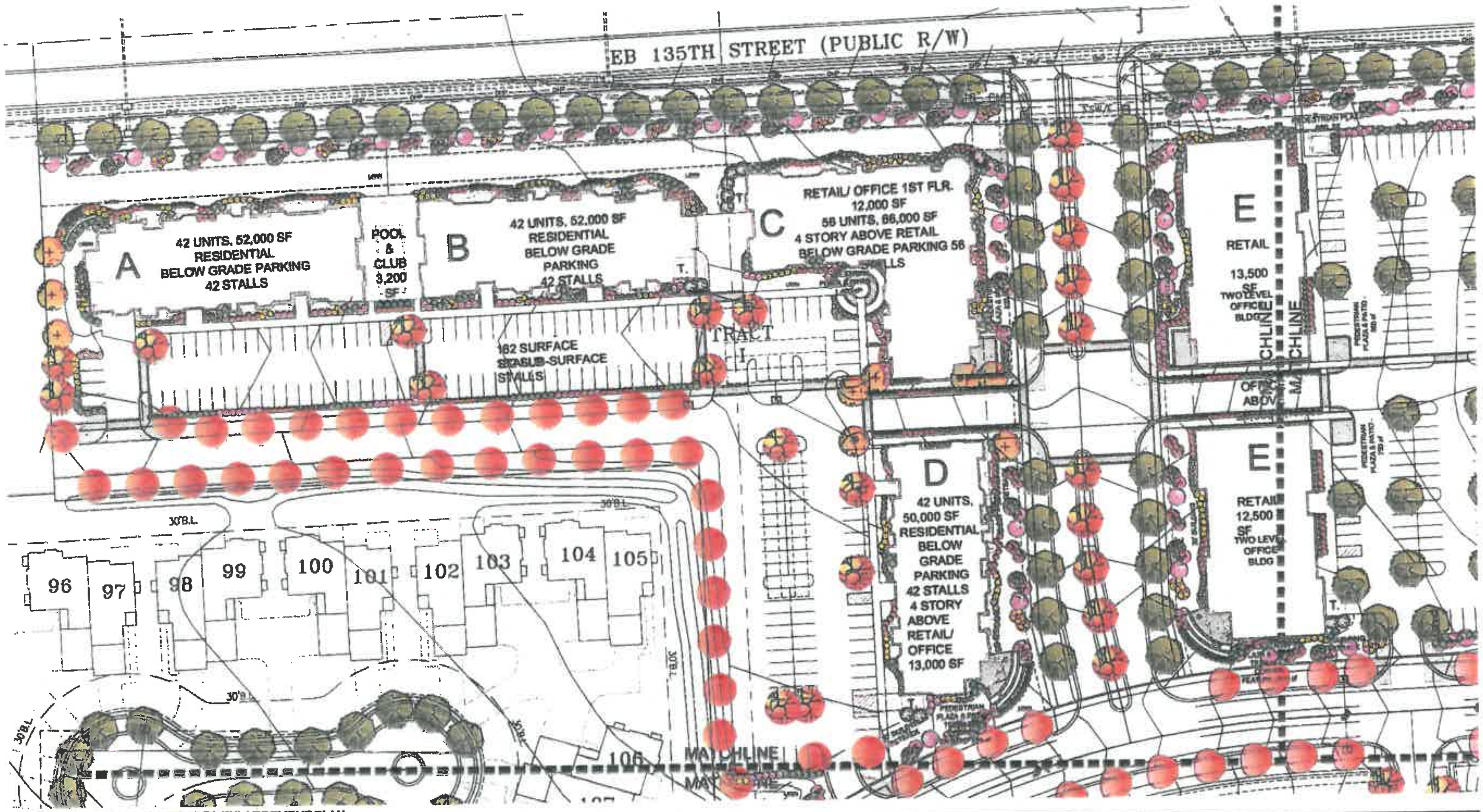
PROJECT
SITE PLAN
135th and Kenneth Rd.
Leawood, KS

Original Submittal Date: 5.22.2018
Revision 1: 6.13.2018
Revision 2: 7.20.2018
Revision 3: 8.15.2018
Revision 4: 11.1.2018

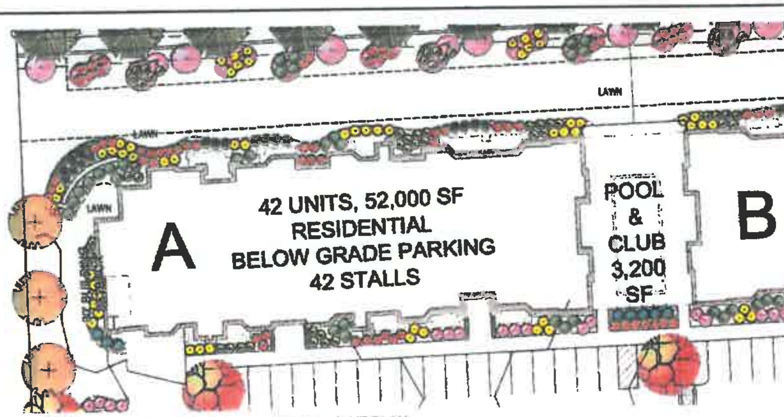
SCALE: 1"=80'
NORTH
0 80 160 240

Landscape Plan

L1



1 WEST MIXED-USE AREA ENLARGEMENT PLAN



2 TYPICAL APARTMENT LANDSCAPE ENLARGEMENT PLAN

Landscape Schedule

MEIER
LANDSCAPE
ARCHITECTURE
10945 Metcalf Ave.
Overland Park, KS 66223
913.787.2617

CLIENT
Rick and Richard
Lashbrook

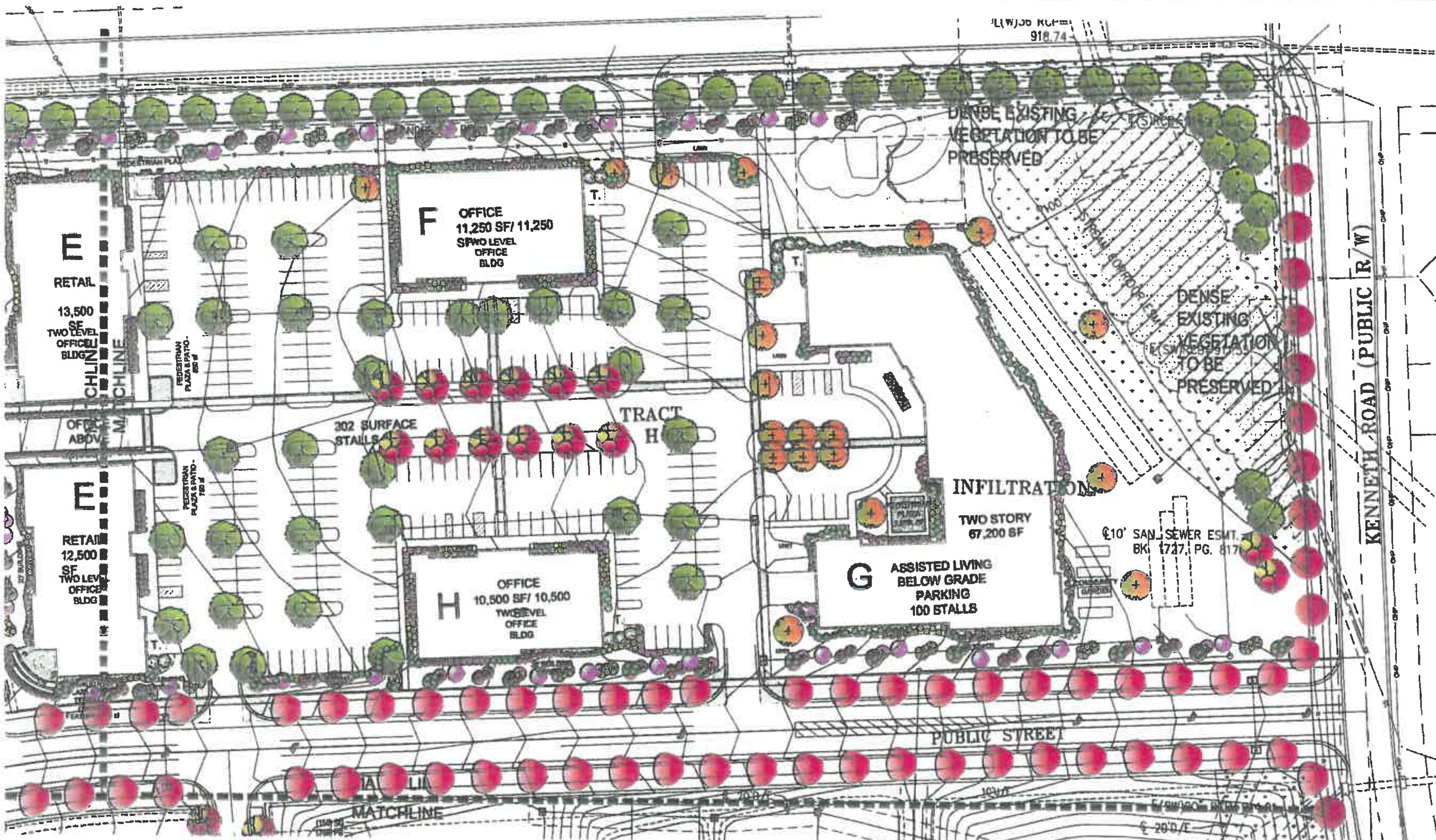
PROJECT
SITE PLAN
135th and Kenneth Rd.
Leawood, KS

Original Submittal Date:
5.22.2018
Revision 1: 6.13.2018
Revision 2: 7.20.2018
Revision 3: 8.15.2018
Revision 4: 11.1.2018

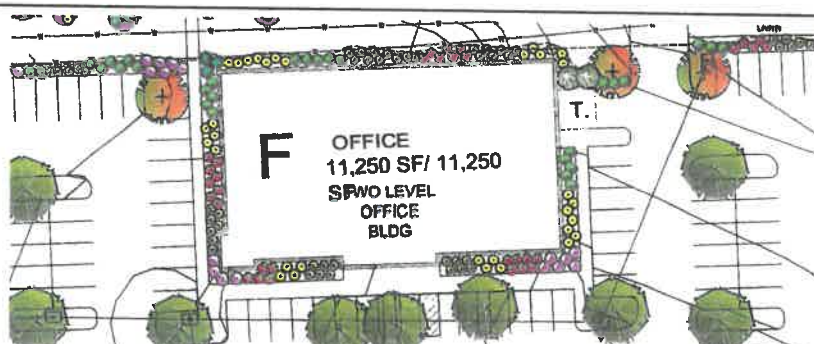
SCALE: 1"=30'
NORTH

Landscape Plan

L2



1 EAST MIXED-USE AREA ENLARGEMENT PLAN



2 TYPICAL RETAIL BUILDING LANDSCAPE ENLARGEMENT PLAN

Landscape Schedule

MEIER LANDSCAPE ARCHITECTURE
15245 Metcalf Ave.
Overland Park, KS 66223
913.787.2817

CLIENT
Rick and Richard Lashbrook

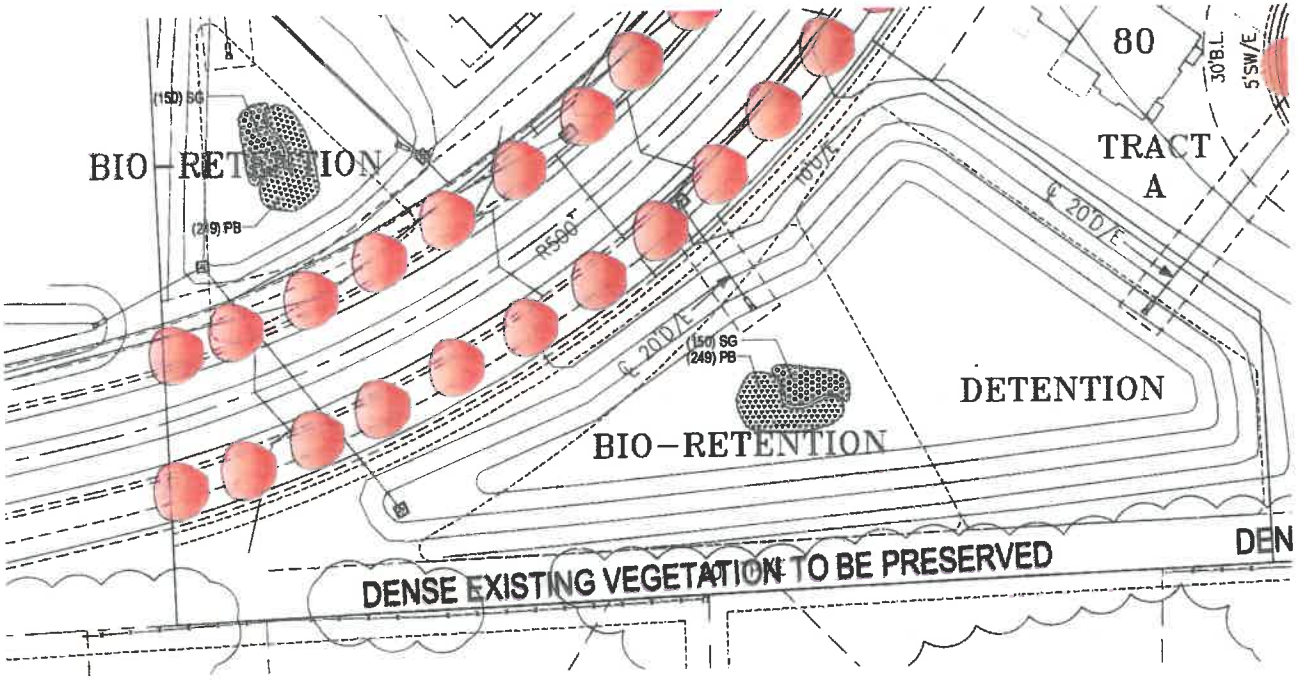
PROJECT
SITE PLAN
135th and Kenneth Rd.
Leawood, KS

Original Submittal Date: 5.22.2018
Revision 1: 6.13.2018
Revision 2: 7.20.2018
Revision 3: 8.15.2018
Revision 4: 11.1.2018

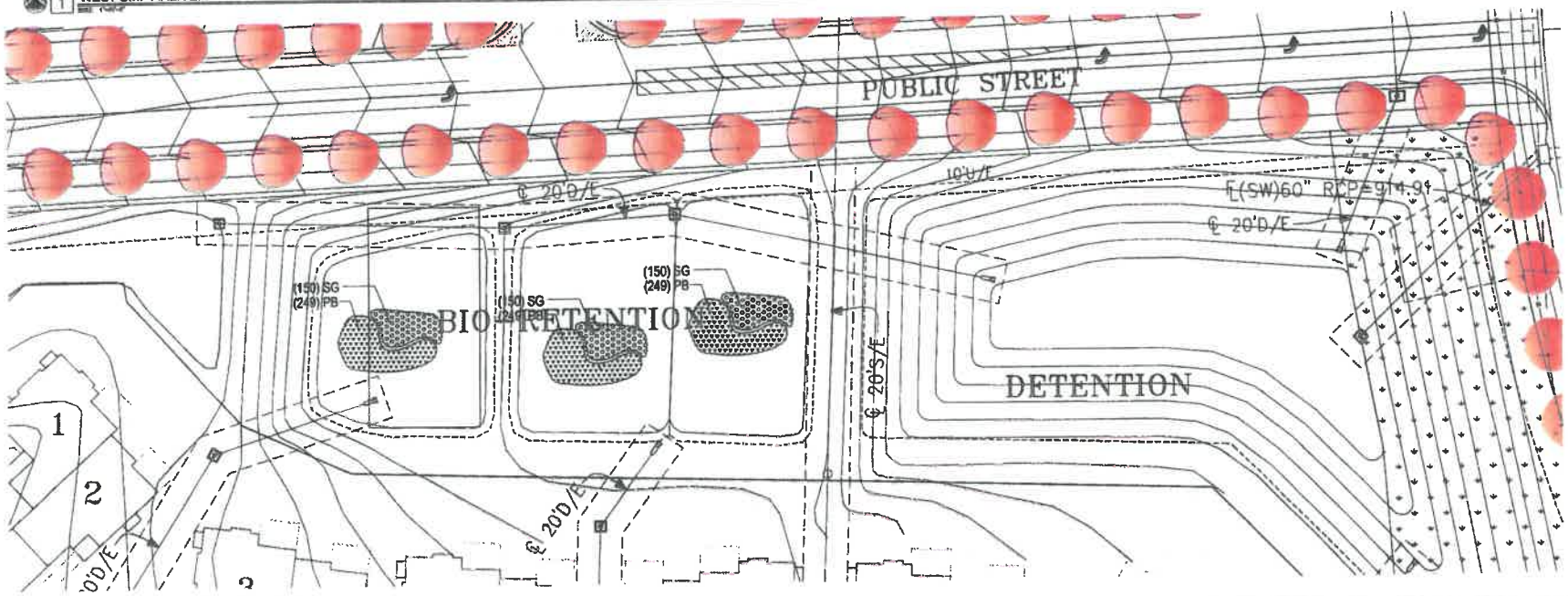
SCALE: 1"=30'
NORTH

Landscape Plan

L3



1 WEST BMP AREA ENLARGEMENT PLAN



2 EAST BMP AREA ENLARGEMENT PLAN

Landscape Schedule

Symbol	Qty	Botanical Name	Common Name	Size	Height	Spacing	Remarks
DECIDUOUS TREES							
	20	Acer rubrum	Red Maple	2.5"	12' min. clear, ground to canopy		
	14	Quercus rubra	Northern Red Oak	2.5"	12' min. clear, ground to canopy		
	14	Platanus occidentalis 'Bloodgood'	Bloodgood Sycamore	2.5"	12' min. clear, ground to canopy		
	14	Acer saccharum	Sugar Maple	2.5"	12' min. clear, ground to canopy		
	14	Ulmus x 'Danzam' 'Emerald'	Pacific Gold Elm	2.5"	12' min. clear, ground to canopy		
EVERGREEN TREES							
	10	Juniperus virginiana 'Emerald'	Emerald Juniper	6' ht.			multi-stemmed specimen form
	10	Picea pungens	Colorado Blue Spruce	6' ht.			multi-stemmed specimen form
	10	Picea glauca	Dwarf White Spruce	6' ht.			multi-stemmed specimen form
ORNAMENTAL TREES							
	100	Malus sp.	Spring Blossom	1.5"			
	100	Cercis canadensis 'Forest Pansy'	Eastern Redbud	1"			
SHRUBS & ORNAMENTAL GRASSES							
	200	Ilex x meserveae 'Blue Prince'	Blue Prince Holly	3 gal.			Plant @ 36" O.C.
	200	Ilex x meserveae 'Blue Princess'	Blue Princess Holly	3 gal.			Plant @ 36" O.C.
	100	Ilex x meserveae 'Blue Stallion'	Blue Stallion Holly	3 gal.			Plant @ 36" O.C.
	100	Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly	3 gal.			Plant @ 36" O.C.
	100	Miscanthus sinensis 'Gracillimus'	Maiden Grass	3 gal.			Plant @ 36" O.C.
EVERGREEN SHRUBS							
	200	Juniperus chinensis 'Sea Green'	Sea Green Juniper	3 gal.			Plant @ 3' O.C.
	200	Juniperus chinensis 'Gold Coast'	Gold Coast Juniper	3 gal.			Plant @ 3' O.C.
	100	Juniperus chinensis 'Spartan'	Spartan Juniper	6' ht.			Specimen specimen form
GROUND COVER							
	100	Juniperus horizontalis 'Wiltoni'	Blue Rug Juniper	1 gal.			Plant @ 36" O.C.
EXISTING TREE TO BE REMOVED							
							EXISTING TREE TO BE REMOVED
EXISTING TREE TO BE PRESERVED							
							EXISTING TREE TO BE PRESERVED
ORNAMENTAL GRASSES							
	1,000	Panicum virgatum	Switch Grass	Grow Out Plug			Plant @ 18" O.C.
	1,000	Sporobolus heterolepis	Prairie Dropseed	Grow Out Plug			Plant @ 18" O.C.

MEIER
LANDSCAPE ARCHITECTURE
16345 Metcalf Ave.
Overland Park, KS 66223
913.787.2617

CLIENT
Rick and Richard Lashbrook

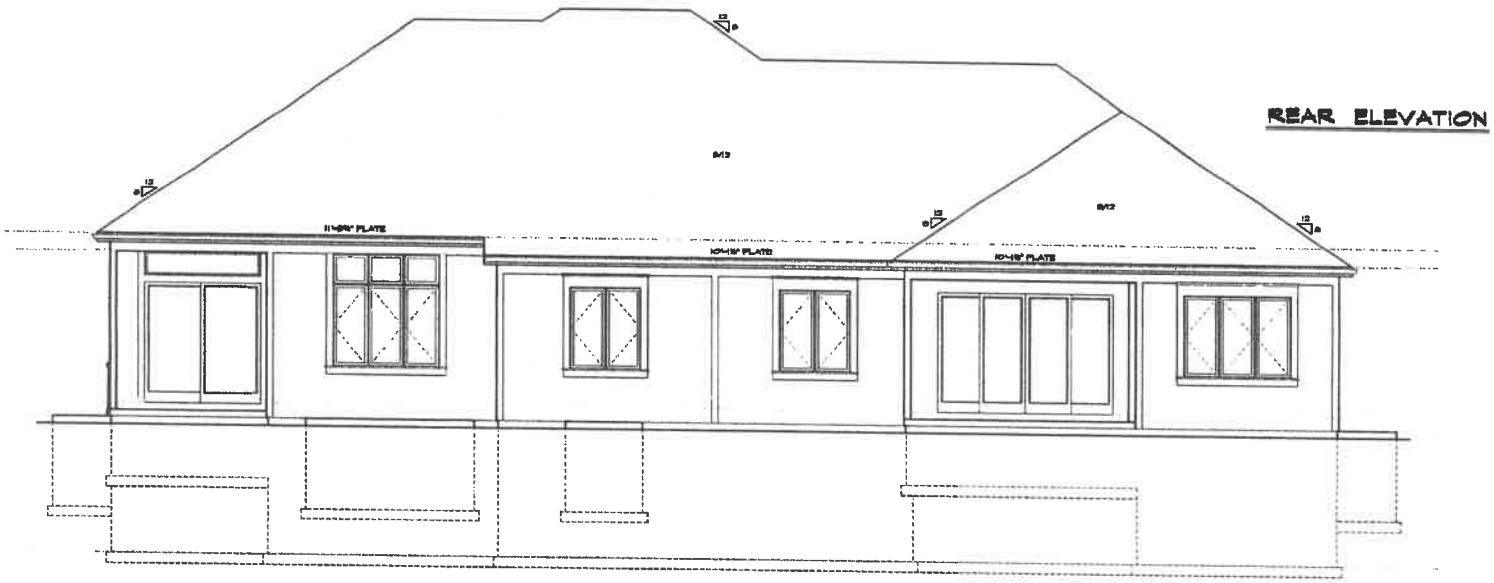
PROJECT
SITE PLAN
135th and Kenneth Rd.
Leawood, KS

Original Submittal Date: 5.22.2018
Revision 1: 6.13.2018
Revision 2: 7.20.2018
Revision 3: 8.15.2018
Revision 4: 11.1.2018

SCALE: 1"=20'
NORTH
0 20 40 80

Landscape Plan

L4

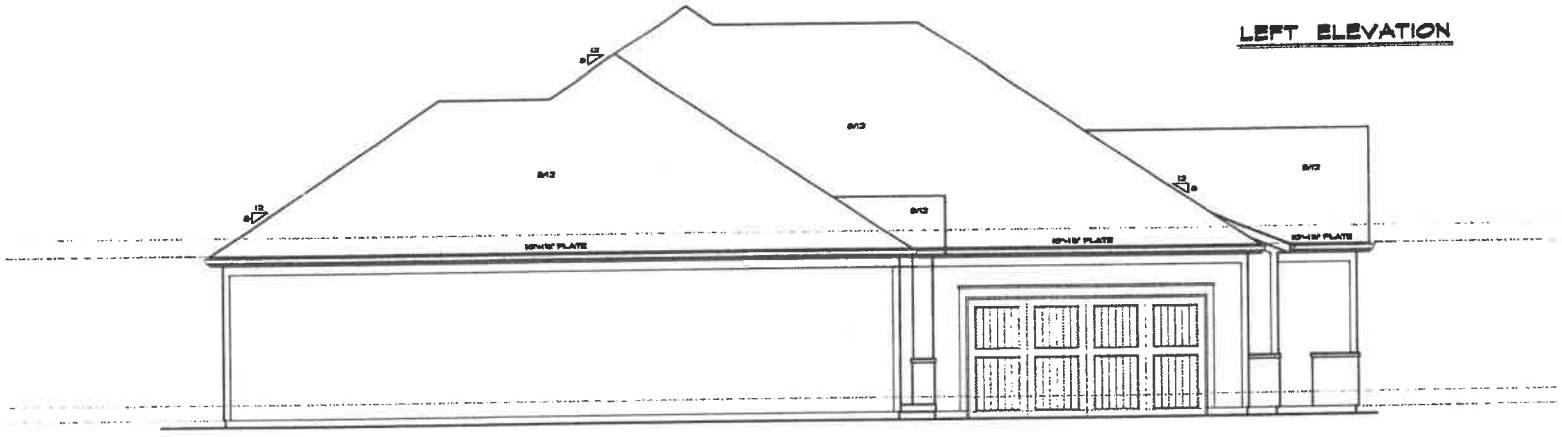


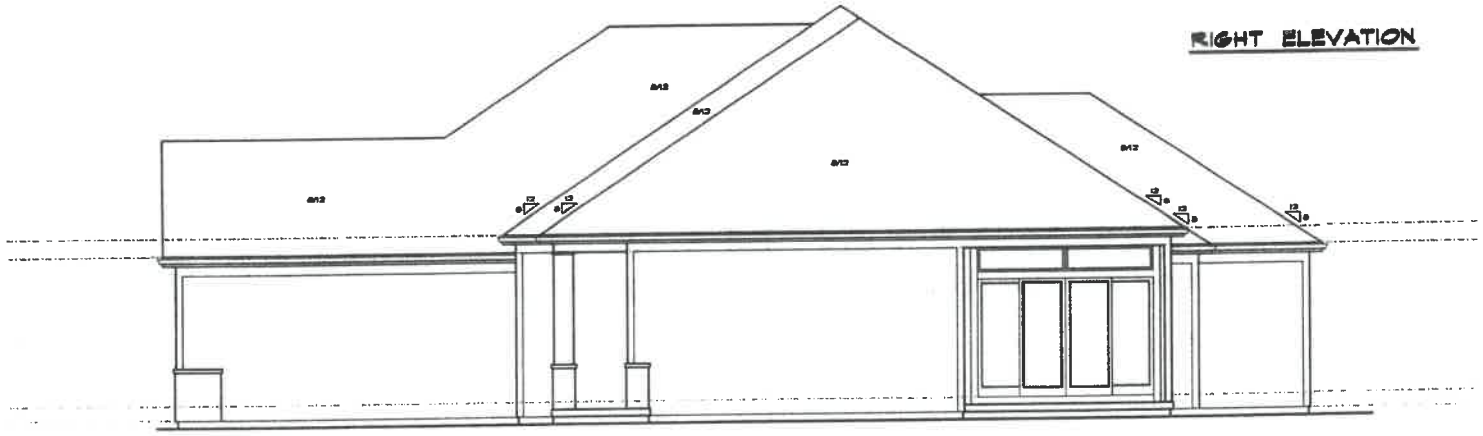
PRELIMINARY DRAWING ONLY-NOT FOR CONSTRUCTION

135TH & KENNETH TWIN VILLAS
FRONT AND REAR ELEVATIONS

BICKFORD+COMPANY
RESIDENTIAL ARCHITECTURE
8500 WEST 110TH, STE 110
OVERLAND PARK, KS 66210
PHONE: 913-451-1480
WWW.BTCR.COM
COPYRIGHT 2010

SHEET 06-6797





PRELIMINARY DRAWING ONLY-NOT FOR CONSTRUCTION

135TH & KENNETH TWIN VILLAS
LEFT AND RIGHT ELEVATIONS

BICKFORD+COMPANY
RESIDENTIAL ARCHITECTURE

8600 WEST 110TH, STE 110
OVERLAND PARK, KS 66210

PHONE: 913-451-1480
WWW.BICK.COM

COPYRIGHT 2013

SHEET 07-6797
PROJECT

***NOTE: MULTIPLE ELEVATION DESIGNS TO BE CONSIDERED**

kloverarchitects incorporated

LASHBROOK COMPANY

MIXED USE DEVELOPMENT

135TH AND KENNETH ST.

LEAWOOD, KS

15 AUGUST 2018

kloverarchitects

LASHBROOK COMPANY

MIXED USE DEVELOPMENT

135TH AND KENNETH ST.

LEAWOOD, KS

15 AUGUST 2018

	Color Option 1	Color Option 2	Color Option 3
Main Body: **LP® SmartSide® Lap Siding Double 8" Bold Profile Lap**	SW 7648 Big Chill	SW 7019 Gauntlet Grey	SW 7642 Pavestone
Trim Pieces: **LP - SmartSide Lap Siding 76 Series Smooth Finish Lap**	SW 7006 Extra White	SW 7006 Extra White	SW 7006 Extra White
Doors + Shutters: **LP - SmartSide Lap Siding 76 Series Cedar Texture**	Black Stain	Black Stain	Coffee Stain
Accent: **Canyon Stone - Canyon Ledge Manufactured Stone Veneer**	Midnight Slate	Morning Mist	Morning Mist
Roof: **CertainTeed - Presidential Shake Shingles**	Charcoal Black	Autumn Blend	Autumn Blend

MATERIALS PALETTE AND COLOR OPTIONS

Color Option 4

Main Body + Trim Pieces:

LP® SmartSide® Lap Siding Double 8" Bold Profile Lap

SW 7006 Extra White

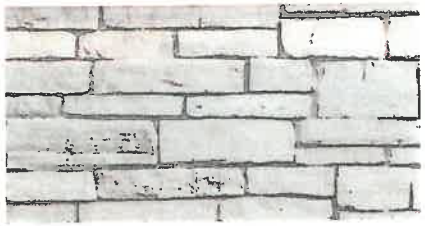
Doors + Shutters:

LP - SmartSide Lap Siding 76 Series Smooth Finish Lap

SW 7069 Iron Ore

Accent:

Canyon Stone - Canyon Ledge Manufactured Stone Veneer



Morning Mist

Roof:

CertainTeed - Presidential Shake Shingles

Autumn Blend

Color Option 5

Main Body:

LP® SmartSide® Lap Siding Double 8" Bold Profile Lap

SW 7603 Poolhouse

Trim + Doors + Shutters:

LP - SmartSide Lap Siding 76 Series Smooth Finish Lap

SW 7006 Extra White

Accent:

Canyon Stone - Canyon Ledge Manufactured Stone Veneer

Morning Mist

Roof:

CertainTeed - Presidential Shake Shingles

Charcoal Grey

MATERIALS PALETTE AND COLOR OPTIONS

PLANNING
ENGINEERING
IMPLEMENTATION

October 31, 2018

Jessica Schuller
City of Leawood Department of Community Development
4800 Town Center Drive
Leawood, KS 66211

Re: 135th and Kenneth Road – Preliminary Plan
Deviation Requested

The following deviations are being requested for Case 71-18 135th Street and Kenneth Road – Preliminary Plan, Preliminary Plat, Special Use Permit and Rezoning:

1. We are requesting a deviation to allow for a minimum separation of 8-feet between buildings from the RP-3 Bulk requirements of 30-feet separation between buildings. The 8-feet separation is the distance measure between window wells, while a minimum of 15.5-feet separation is being provided between the outside vertical walls of the units.

   The request is being made in accordance with the Leawood Development Ordinance, Article 3 Planned Development Procedures, Section 16-3-9 A.5.c. which states:

   c. Side yards between buildings may be reduced to zero when the city approves adequate open space for the project and between buildings.

   The required open space in the RP-3 Bulk requirements is 30% of the lot. We have 31.55 acres of RP-3 lot area; therefore requiring 9.46 acres of open space. The proposed open space being provided with this plan is 20.82 acres of open space, therefore an additional 11.36 acres of open space.

   We are requesting this building separation deviation on 41 side yards with this plan. Exhibit "A" attached illustrated the worst-case scenario on this plan by using the adjacent units with the greatest building depths at the minimum requested separation. In our worst-case scenario we are encroaching 890.5 square feet in the side yard from the RP-3 bulk requirement of 30 -feet. If we multiple the worst-case encroachment of 890.5 square feet by 42 side yards we come up with a maximum of 36,511 square feet (0.84 acres) encroachment. We have provided 11.36 acres additional opens space to provide better than 1:1 ratio compensation.

Sincerely,

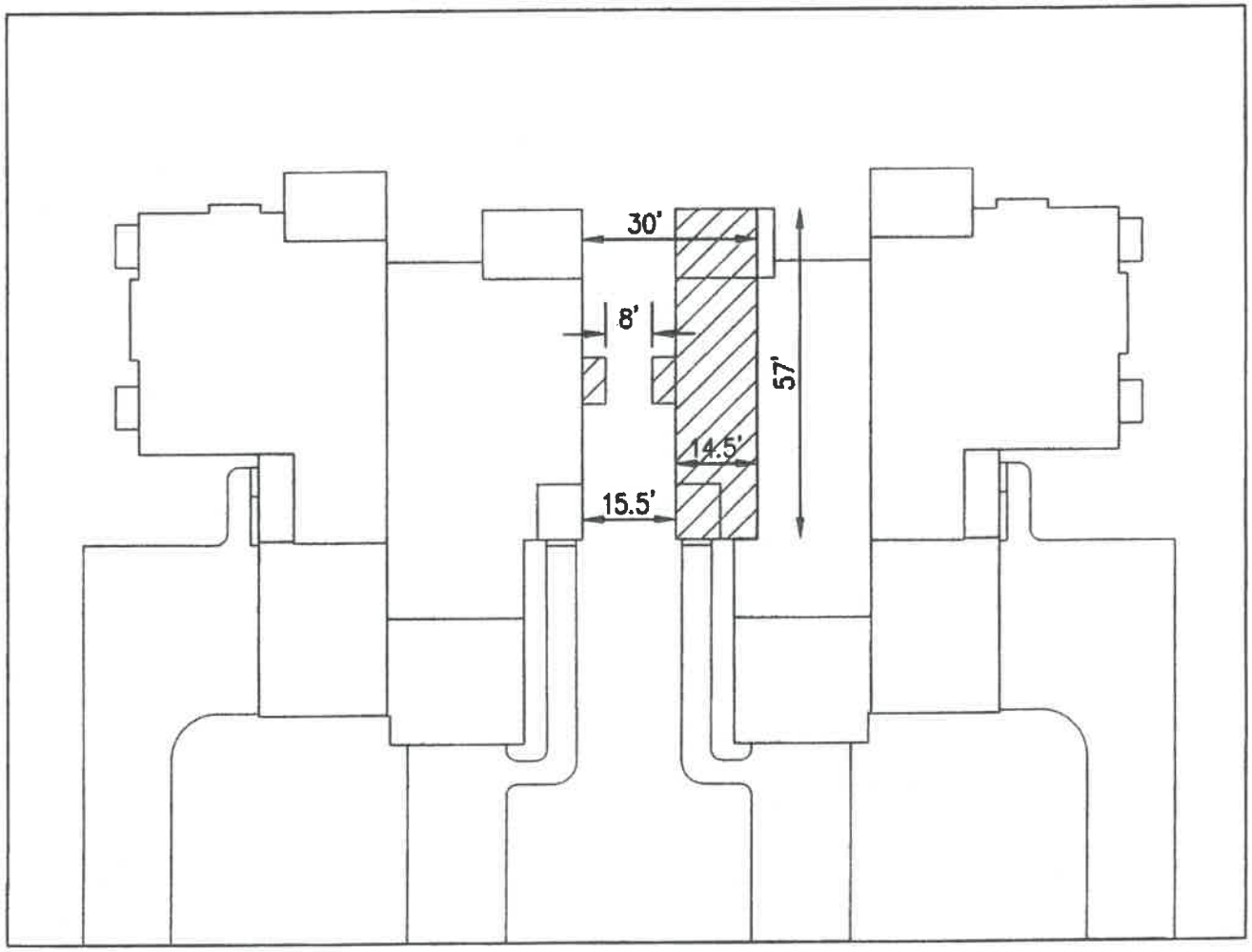
Phelps Engineering, Inc.

Tim Tucker, P.E.
10/31/18

PHELPS ENGINEERING, INC
1270 N. Winchester ▫ Olathe, Kansas 66061 ▫ (913) 393-1155 ▫ Fax (913) 393-1166 ▫ www.phelpsengineering.com

135TH AND KENNETH ROAD - RP-3

EXHIBIT A - WORST CASE ENCROACHMENT



MAXIMUM ENCROACHMENT AREA = 890.5 SQ. FT.

SCALE: 1"=30'

Preliminary Stormwater Study

135th & Kenneth
Mixed Use Development

135th Street and Kenneth Road
Leawood, Kansas

Prepared by:

PLANNING
ENGINEERING
IMPLEMENTATION

PHELPS ENGINEERING, INC
1270 N. Winchester
Olathe, KS 66061
(913)393-1155

PEI #180350
July 24, 2018

PLANNING
ENGINEERING
IMPLEMENTATION

July 24, 2018

Mr. David Ley, P.E.
City of Leawood, Kansas
4800 Town Center Drive
Leawood, KS 66211

Re: 135th and Kenneth Road – Mixed Use Development
Preliminary Stormwater Study
PEI #180350

Dear Mr. Ley:

Phelps Engineering, Inc. is pleased to submit this Preliminary Stormwater Management Study for the above referenced project. The Mixed Use project is located at the southwest of the intersection of 135th Street and Kenneth Road. The site is 56.33 net acres and is currently zoned as Agricultural (AG). The proposed plan will rezone the property to Mixed-Use (MXD). The Mix-Use will consist of 38.91 acres of Twin Villas and 17.43 acres of Neighborhood Business consisting of Apartments/Office/Retail.

Preliminary Onsite Drainage System
The existing site is contained in two watersheds draining to the southwest and northeast. The proposed storm sewer system will maintain the approximate existing drainage paths.

Stormwater runoff will be conveyed in an enclosed public storm sewer system sized to convey the 10-year storm in accordance with APWA Section 5600 and City of Leawood requirements.

The 100-year overflow will be conveyed in the street system in conjunction with engineered overflow swales. The lowest openings of any building adjacent to a 100-year overflow will be set a minimum of one-foot above the 100-year water surface elevation.

Existing Conditions
Soils data for the site watershed was determined using the NRCS Web Soil Survey for Johnson County. The site consists of 0.88 acres HSG "B" (Kennebec Soil), 25.19 acres HSG "C/D" (Grundy Soils), and 30.25 acres HSG "D" soils (Oska-Martin, and Chillicothe). Based on aerial imagery from previous years, the existing site is considered to be a combination of grass in good condition and

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woods poor condition. See Appendix "F" of this report for aerial imagery exhibits and the NRCS Web Soil Survey.

Drainage Computations

The existing site is contained in three watersheds draining to the southwest, northeast, and to the south. Proposed conditions will maintain the same drainage paths. See the enclosed Existing Drainage Map and Proposed Drainage Map in Appendix "B & C".

Using HydroCAD V10 storm modeling software with SCS Type II 24-hr storm duration, the existing 1-year, 10-year and 100-year site peak discharges were determined for the site watersheds that will require detention. The calculated allowable release rates can be found in Table 1 below. See Appendix "D" of this report for the existing HydroCAD modeling results.

Table 1 – Existing Runoff Conditions

Drainage Area	1-Year Peak Flow (cfs)	10-Year Peak Flow (cfs)	100-Year Peak Flow (cfs)
Southwest	15.01	42.52	73.34
Northeast	69.93	193.75	331.33
South	0.85	2.24	3.76

Downstream Analysis

Southwest Watershed

The City of Leawood has been requiring detention in this watershed with past projects, due to downstream overtopping of 141st Street and flooding of a house at 14009 Canterbury Street. Detention will be provided in this watershed.

Northeast Watershed

The onsite drainage area contributing to the northeast watershed is 46.86 acres. The drainage system in this watershed was studied downstream to a point at which the onsite drainage area is less than 10% of the total contributing drainage area, or 46.86 acres. The northeast watershed discharged directly into the FEMA floodplain. The total drainage area to this point is 530 acres. No buildings or street flooding was identified within the drainage to the FEMA floodplain, but immediately downstream of the study area Kenneth Road over tops in the 100-year storm per the FEMA maps. Detention is required in this watershed.

South Watershed

The south watershed is 0.4 acres and the downstream drainage system was not analyzed, since the project is proposing to divert the south drainage into the northeast watershed where it can be detained. No discharge to the south is proposed.

Detention

A total of two detention basins are proposed for the 135th Street and Kenneth Road development, one located in the southwest watershed and one in the northeast watershed. All detention analyses were completed using HydroCAD V10 storm modeling software, using SCS Unit Hydrograph detention modeling with SCS Type II 24-hr storm duration. See Appendix "E" for the proposed HydroCAD modeling results.

Southwest Watershed

The southwest detention basin is a dry detention basin that will contain two bio-retention basins in the bottom of the detention basin. The outlet structure used in the routing analysis is multi-stage structure to treat the water quality volume event to the basin and control peak runoff rates in the 1, 10 and 100-year storm event. The first stage is a 1.2 inch diameter orifice on the bio-retention outlet at an elevations of 969.0. The second stage is a 60 inch wide by 10 inch tall orifice with a flowline elevation of 972.24. The 100-year WSE in the basin is 974.45 with a storage volume of 1.114 ac-ft. The emergency spillway is 20 feet wide and set at an elevation of 977. The emergency spillway conveys the peak 100-year inflow of 60.13cfs at an elevation of 978. The lowest top of berm elevation is set at 979.0 providing a minimum freeboard of one foot over the 100-year WSE. See Table 2 below for the southwest watershed proposed conditions.

Table 2 – Southwest Watershed Proposed Conditions

		Existing Condition	Proposed Condition				Allowable
Storm	Discharge Pt.	Release Rate, cfs	Inflow Rate, cfs	Outflow Rate, cfs	WSE, ft	Storage, ac-ft	Release Rate, cfs
1-year	Pond	NA	15.83	3.72	972.61	0.374	NA
	Southwest Total Outfall	15.01	**NA**	**10.83**	**NA**	**NA**	15.01
10-year	Pond	NA	37.4	19.02	973.56	0.731	NA
	Southwest Total Outfall	42.52	**NA**	**40.27**	**NA**	**NA**	42.52
100-year	Pond	NA	60.13	26.87	974.45	1.114	NA
	Southwest Total Outfall	73.34	**NA**	**62.03**	**NA**	**NA**	73.34

Northeast Watershed

The northeast detention pond is a dry detention basin located adjacent to Kenneth Road near the mid-point of the east property line. The outlet structure used in the routing analysis is a multi-stage structure consisting of a 9" orifice set at an elevation of 918.00, a 8' x 5' riser box with a top elevation of 926.50, and a 48" wide x 16" tall weir orifice on a horizontal plan elevation of 923.4. The 100-

year WSE in the basin is 928.67 with a storage volume of 4.0 ac-ft. The emergency spillway is 200 feet wide and set at an elevation of 929.2. The emergency spillway conveys the peak 100-year inflow of 245.7 cfs at an elevation of 929.78. The lowest top of berm elevation is set at 930.8 providing a minimum freeboard of one foot over the 100-year WSE. See Table 3 below for the northeast watershed proposed conditions.

Table 3 – Northeast Watershed Proposed Conditions

		Existing Condition	Proposed Condition				Allowable
Storm	Discharge Pt.	Release Rate, cfs	Inflow Rate, cfs	Outflow Rate, cfs	WSE, ft	Storage, ac-ft	Release Rate, cfs
1-year	Pond	NA	42.28	4.55	922.94	.985	NA
	NE Total Outfall	69.93	**NA**	**66.47**	**NA**	**NA**	69.93
10-year	Pond	NA	154.34	49.13	926.66	2.694	NA
	NE Total Outfall	193.75	**NA**	**161.48**	**NA**	**NA**	193.75
100-year	Pond	NA	245.7	144.04	928.67	4.0	NA
	NE Total Outfall	331.33	**NA**	**308.19**	**NA**	**NA**	331.33

Stream Buffers

Two stream channels are located on the project and both are located in the Northeast Watershed.

Blue River Tributary "A" enters the site at the northeast corner of the property from a culvert under 135th street and exits the property at the northeast corner of the site under Kenneth Road. The contributing drainage entering the site is approximately 530 acres and the drainage area exiting the site is approximately 550 acres. Blue River Tributary A will be contained in a 100-feet stream buffer measured from the ordinary highwater mark on each side of the stream channel.

An unnamed tributary of Blue River Tributary "A" is located onsite at the east edge of the property and exits the property at the east under Kenneth Road. The contributing drainage exiting the site is approximately 21acres. This drainage will be improved into stormwater treatment facilities and a stormwater detention basin. No stream buffer setback is require for this drainage in accordance with APWA, since the drainage will not be remain undeveloped and be improved into ponds/basins.

FEMA

Blue River Tributary "A" located at the northeast corner of the site is a FEMA regulated floodplain and has been designated as Zone AE. The Zone AE

regulatory flood plain is contained entirely within a 100-feet stream buffer will not be disturbed. No permit is required by FEMA.

All other parts of the property have been designated as Zone X, per Map Panel 20091C0085G of the Flood Insurance Rate Map dated August 3, 2009. Zone X is defines areas outside the 0.2% annual chance flood plain. No permit is required since zone X properties are located outside the regulatory floodplain.

Department of Water Resources (DWR)
The DWR has jurisdiction over drainages with a contributing drainage area in excess of 640-acres. All drainages are less than 640-acres; therefore are not jurisdictional drainages of the DWR.

Corps of Engineers
Two stream channels are located on the property and no wetlands are anticipated based on aerial photography and topographic mapping. It is anticipated that a Corps of Engineers nationwide permit will be required for stream channel impacts to the small drainage that is tributary to Blue River Tributary "A". A Corps of Engineers Permit will be provided prior construction plan approval.

Water Quality BMP Requirements
The site is 56.33 net acres and is being zoned as 38.91 acres of Twin Villa Residential Development (R-3) and 17.43 acres of Mix Use of Apartments/Office/Retail. The proposed twin villa plan has 120 units for a density of 3.08 units per acre.

Pre-development CN
The pre-developed CN was calculated by evaluating the site based on existing ground cover and soil type. The existing site consists of a combination of the majority as pasture in good condition and a small amount of woods in poor condition. The site consists of HSG Type "C/D" and "D" soils. See enclosed NRCS soil survey printouts in Appendix "F". The predevelopment CN is calculated at 78.

The proposed CN was calculated by using a land type of ¼ acre residential lots for the Twin Villas and Neighborhood Business for the mixed use area. The proposed plan contains 1.67 acres of open tract green space, 38.51 ¼ acres residential lots, and the remaining 16.15 acres was analyzed as neighborhood business. The post development CN is calculated at 89.

The proposed development has increased the existing CN by 11, therefore requiring a level of service of 6.44 in accordance with APWA Best Management Practices for Water Quality and City of Leawood's revised scale system for LOS, allowing use of tenths of points instead of whole numbers. See Level of Service Worksheets 1 & 2 in Appendix "H" for more details.

The proposed development BMP mitigation required to provide a minimum water quality level of service of 6.44 is provided by a combination of seven bio-retention basins, native vegetation, and three infiltration practices via Stormtech MC-4500 infiltration chambers. Areas being treated by infiltration trenches will be limited to a maximum of 5.00 acres per system per the MARC BMP Manual requirements.

The Level of Service provided is 6.46, meeting the requirements set forth in APWA. See Level of Service Worksheet 2 and the Post Development Mitigation Exhibit in Appendix "H" for more details.

The lowest openings of any building adjacent to a 100-year overflow will be set a minimum of one-foot above the 100-year EGL in accordance with APWA and City of Leawood requirements.

All maintenance of BMP's will be the sole responsibility of the Homes Association.

All BMP's are contained in a Stormwater Treatment Tract in accordance with City of Leawood requirements, providing access and the required setbacks.

Conclusion

This stormwater management plan and attached exhibits complete Phelps Engineering's submittal of the Preliminary Stormwater Study for the 135th Street and Kenneth Mixed Use Project. Please feel free to contact PEI at (913) 393-1155 if you require additional information.

Sincerely,

Phelps Engineering, Inc.

Tim Tucker, P.E.

Enclosures

TranSystems
EXPERIENCE | Transportation

Memorandum

2400 Pershing Road
Suite 400
Kansas City, MO 64108
Tel 816 329 8600
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To: Mr. Rick Lashbrook
Leawood 135, LLC
P.O. Box 26170
Overland Park, KS 66225

From: Jeff Wilke, PE, PTOE
Date: July 24 2018
Project No.: P101180207

Subject: 135th & Kenneth Shared Parking Analysis

In accordance with your request, TranSystems has completed a shared parking analysis for the proposed mixed-use development at the southwest corner of 135th Street and Kenneth Road in Leawood, Kansas. The study included an analysis of parking demand for the proposed land uses. The concept of shared parking is described in a publication titled *Shared Parking*, published by the Urban Land Institute (ULI). Shared parking is defined as the use of a parking space to serve two or more individual land uses without conflict or encroachment. The key goal of a shared parking analysis is to find the balance between providing adequate parking, land area, and resources dedicated to parking.

Proposed Development

The proposed development includes a mixture of residential, office and retail land uses. The southern portion of the site, generally south of 137th Street, includes 120 twin villas. The northern portion of the site includes the mixture of land uses. Several buildings are proposed with apartments, commercial, and assisted living facilities. The main access driveway for the development will run north/south, bisecting the northern portion of the site. The main driveway creates two separate mixed-use areas, referred to in this analysis as the northeastern and northwestern portions of the site.

The parking areas for the two northern portions of the site were designed independently, to provide ample parking for each area. The northeastern portion includes a 100-space parking garage below the assisted living facility to be used by residents, employees, and visitors to the facility. The northeastern portion also includes a 169 surface parking spaces. The northwestern portion of the site includes 190 garage parking spaces for apartment residents. There will also be 231 surface parking spaces to be shared by the office and retail uses, as well as some apartment residents and visitors.

The proposed development is currently in the planning stages and the specific tenants of the commercial areas are not known at this time. Based on input from the developer's design team, several assumptions were made about the types uses anticipated. The team anticipates the retail uses as being specialty retail and service needs with some small café, local coffee shop, deli, and small restaurants included for the needs of the residential. The sizes of these businesses would be 1,500 to 4,000 square feet. Based on this input, the table on the following page indicates the land uses and sizes assumed for the shared parking analysis.

Shared Parking Analysis Land Uses					
Northwestern Portion			**Northeastern Portion**		
Land Use	**Intensity**		**Land Use**	**Intensity**	
Family Restaurant	3,000	Square Feet	Family Restaurant	4,500	Square Feet
Fine/Casual Dining	4,000	Square Feet	Fine/Casual Dining	0	Square Feet
Retail	8,200	Square Feet	Retail	21,250	Square Feet
Office	48,900	Square Feet	Office	30,205	Square Feet
Apartments	172	Units	Apartments	0	Units
Assisted Living	0	Units	Assisted Living	84	Units

Shared Parking Analysis

In general, methodologies outlined in *Shared Parking* were used to perform the analysis. The parking demand was estimated for each land use in the proposed development based on weekday base parking ratios from *Shared Parking*, average weekday peak parking demand from *Parking Generation* published by the Institute of Transportation Engineers (ITE), or from local data for similar land uses. These ratios indicate the peak accumulation of vehicles at the peak hour for a single land use.

Next the ratios for each land use were multiplied by a percentage for each hour of the day to indicate hourly variations in the demand for parking. Similarly, seasonal variations are accounted for by applying a different percentage for each month of the year. The ratios and variations used in the analysis were obtained from *Shared Parking*, and are included with the analysis files in the **Appendix** at the end of this memorandum. The percentages used for the hourly and seasonal variations in this analysis are a weighted average of the visitor/guest and employee percentages.

Retail Rates

According to *Shared Parking*, the Community Shopping Center is the smallest retail category available to estimate parking demand, with a base parking ratio of 3.6 spaces per 1,000 sf of leasable space. This category includes all retail that is less than 400,000 square feet. The retail portion of the proposed development is much smaller than this (roughly 79,000 sf), and is anticipated to be smaller specialty type stores. These types of specialty stores typically do not generate as much traffic as a drug store or grocery store, which is categorized in the same land use.

Given that the Community Shopping Center land use does not accurately describe the retail component of the proposed development, another source was used to determine an appropriate base ratio for parking demand. *Parking Generation* provides an average peak parking demand for a Shopping Center land use on a weekday of 2.55 spaces per 1,000 sf. This average ratio is likely higher than the demand for parking in the proposed development, however it provides for a conservative analysis of shared parking conditions.

Office Rates

The office land use would not be expected to be used as densely as other general office buildings. The types of offices anticipated are professional offices such as law firms or stock brokers. They would generally have small staff sizes, individual office work areas, and conference rooms. Due to these factors, the generic base parking ratio of 3.6 spaces per 1,000 sf from *Shared Parking* of was not utilized for the analysis. Instead the average peak parking demand for a suburban Office Building land use from *Parking Generation* was used. This ratio is 2.84 spaces per 1,000 sf of leasable space.

Apartment Rates

The base parking rate of 1.65 in *Shared Parking* does not differentiate between one bedroom and two bedroom units, which can have different parking demands. The base parking ratio used for apartment residents in this analysis is 1.3 spaces per unit. This rate indicates one space per unit for one bedroom units, and two spaces per unit for two bedroom units. This rate was provided by the development team based on data from several recent local projects. Data was collected by EPC Real Estate Group from their developments at 51 Main in Kansas City, Missouri, and from the Village at Mission Farms in Overland Park, Kansas. At 51 Main, a 1.3 spaces per unit ratio was provided and found to have a surplus of 10 percent at peak times. The Village at Mission Farms provided a 1.6 ratio, equating to one space per unit for one bedroom units and two spaces per unit for two bedroom units. This development was found to have a parking surplus of roughly 20 percent during peak times. The actual demand is closer to a 1.35 ratio, with more than half of the units having two bedrooms.

For this shared parking analysis, the base parking ratio was reduced from 1.3 to 0.2 spaces per unit, as 85 percent of the base parking ratio, or nearly all of the residents, will be accommodated in the 190 garage parking spaces, which will not be shared. A few residents and the residential visitors will share the surface parking spaces.

Captive Demand

Shared Parking states that some reduction of customer parking needs occurs in a mixed-use development due to patronage of multiple land uses. These patrons are referred to as "captive" since they are already present at the site for another land use. Residents of the proposed development who visit the restaurants or shops would be considered captive, as they do not add to the demand for parking. This is the same for office workers at who shop or go to restaurants in the development. There is also potential for nearby residents, especially in the twin villas to walk to the restaurants or shops. Given these considerations, a reduction of 12 percent was applied to the base ratios for the restaurant and retail land uses to account for captive demand. The 12 percent reduction matches the percentage of internally captured trips indicated in the traffic impact study for the proposed development.

Assumptions

Several factors in the analysis should be noted. First, the northeastern and northwestern portions of the site were analyzed separately as to not share parking across the main access drive. Second, the parking garage spaces are not included in the supply for the shared parking analysis as they will not be shared spaces. The Assisted

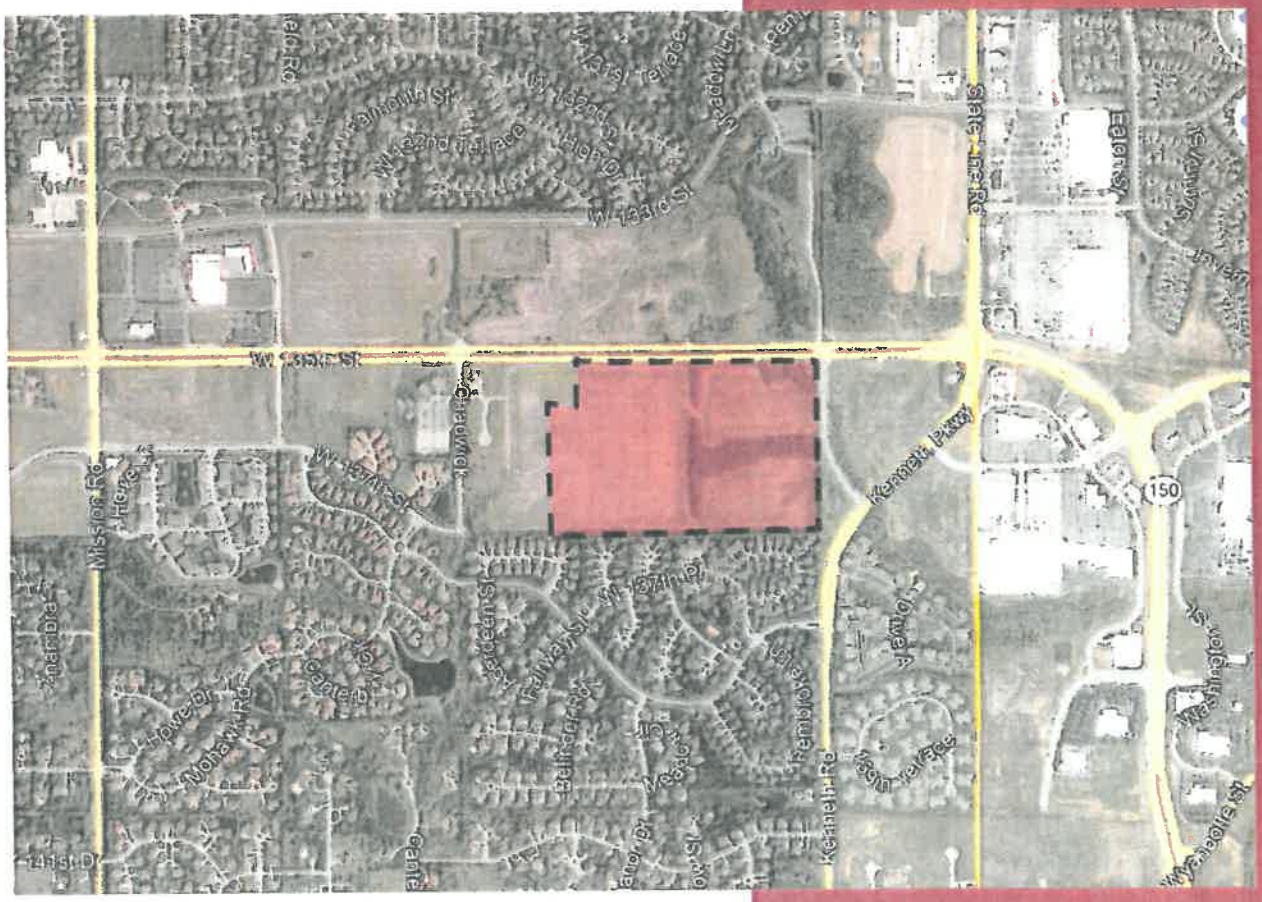
living land use is assume to be fully parked in the garage. Since this land use will not require any shared parking it was not included in the analysis.

Results

The results of the analysis indicate that the parking supplies for the northeastern and northwestern portions are projected to be sufficient for all times of the year. The most critical time periods are projected to be during the middle of the day in December. During those time periods, the parking will be close to 99 percent occupied. This analysis correlates with the fact that December is the peak month for most retail business because of holiday shopping.

[illegible]

Leawood, Kansas



Prepared for:

Leawood 135, LLC

Prepared by TranSystems

July 2018

TranSystems

EXPERIENCE | Transportation

TranSystems
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July 24, 2018

Mr. Rick Lashbrook
Leawood 135, LLC
P.O. Box 26170
Overland Park, KS 66225

RE: 135th Street and Kenneth Road Traffic Impact Study
Leawood, Kansas

Dear Mr. Lashbrook:

In response to your request and authorization, TranSystems has completed a traffic impact study for the proposed mixed-use development to be located generally in the southwest corner of the 135th Street and Kenneth Road intersection in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system.

Included in this study is a discussion of the anticipated impacts of the proposed development on the adjacent street network for the following analysis scenarios:

- Existing Conditions
- Existing Development Conditions
- Future (Year 2040) Conditions

We trust that the enclosed information proves beneficial to you and the City of Leawood in this phase of the development process. We appreciate the opportunity to be of service to you and will be available to review this study at your convenience.

Sincerely,
TRANSYSTEMS

By: _____
Jeffrey J. Wilke, PE, PTOE

JJW/jw:P101180207
Enclosure

Introduction

TranSystems has completed this traffic impact study for the proposed mixed-use development to be located generally in the southwest corner of the 135th Street and Kenneth Road intersection in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system. The location of the project relative to the major streets in the area is shown on ***Figure A-1*** in ***Appendix A***.

In addition to a description of the proposed development and the surrounding transportation infrastructure, this study includes trip generation estimates, trip distribution estimates, capacity analyses, and a summary of findings.

Proposed Development Plan

The proposed development includes a variety of residential, office and retail land uses. The southern portion of the site, generally south of 137th Street, includes 120 attached single-family residences called twin villas. The mixed-use component of the proposed development is north of 137th Street. Several buildings are proposed in the northern portion with apartments, offices, retail, and an assisted living facility. A copy of the proposed site plan for the development is included on ***Figure A-2*** for reference.

There are two access points to the proposed development site. The main driveway to the site will be a new intersection that will extend south from 135th Street. The main driveway is located roughly 1,700 feet east of the signalized intersection of 135th Street and Pawnee Street, and 900 feet west of the signalized intersection of 135th Street and Kenneth Road. The other access point to the site will be 137th Street, which will be constructed west of Kenneth Road as a part of the proposed development plan. In the future, two more access points may become available on the west side of the site to Chadwick Street as future development occurs on adjacent parcels.

Study Area

To assess the impacts of the proposed development, the intersections listed below were identified for study during the A.M. and P.M. peak hours of a typical weekday.

- 135th Street and Kenneth Road
- Site Driveways

Surrounding Street Network and Land Uses

The major road system in Johnson County is primarily a grid pattern with one-mile spacings on section lines. One Hundred Thirty-Fifth (135th) Street is a four lane divided east/west thoroughfare that is part of the grid network. Adjacent to the development site, 135th Street has a posted speed limit of 45 m.p.h. Kenneth Road is a two-lane collector street with a posted speed limit of 35 m.p.h. Kenneth Road extends a short distance from 135th Street south to intersect Kenneth Parkway. North of 135th Street, the alignment of Kenneth Road becomes a long private driveway to a church. Currently, 137th Street does not extend to the development site. West of Chadwick Street, 137th Street is a two-lane collector street that parallels 135th Street.

The development site currently consists of undeveloped land with agricultural land uses. The land to the north of the site across 135th Street is also undeveloped with some agricultural uses. It is anticipated to develop in the future with land uses similar to the proposed development. South of the site are single-family villa type residences. To the west of the site there is a bank, a church, more villa type residences, and some undeveloped commercial lots. To the east of the site across Kenneth Road is undeveloped land that is anticipated to be commercial type development in the future.

Traffic Counts

Turning-movement traffic volume counts were collected at the study intersection on Tuesday, July 10, 2018, from 7:00 to 9:00 A.M. and from 4:00 to 6:00 P.M. Based on the data, the peak hours occur between 7:15 and 8:15 A.M., and between 4:45 and 5:45 P.M. The existing lane configurations, traffic control devices, and peak hour traffic volumes have been illustrated on ***Figure A-3***.

Analysis

The scope of analysis for the assessment of the proposed development's impact on the surrounding transportation system is based in large part on the recommended practices of the Institute of Transportation Engineers (ITE), as outlined in their Traffic Engineering Handbook. ITE is a nationally-recognized organization of transportation professionals with members from both private and public sectors. The analysis of the proposed development's impact included development of trip generation and trip distribution estimates as well as a traffic operations assessment for each study scenario. Each of the analysis methodologies and findings are described in the subsequent sections.

Trip Generation

Trip generation estimates were prepared using the Institute of Transportation Engineer's Trip Generation, 10th Edition. ***Table 1*** on the next page shows the expected trips to be generated by the proposed development. Additional information related to trip generation is included in ***Appendix B***.

The proposed development includes office, retail, and residential land uses. Therefore, it can be assumed that when the development is fully built out, some of the customers of the retail businesses in the development will also live in the residential portion or work in the office portion of the development. These trips are said to be internal trips, because the origin and destination of the trips are within the development site. The ITE internal capture methodology was used to determine the number of trips internal to the site. The internal trips were not applied to the external street system.

Table 1
Proposed Development Trip Generation

Land Use	Intensity	ITE Code	Average Weekday	A.M. Peak Hour			P.M. Peak Hour		
				Total	In	Out	Total	In	Out
Single-Family Residential	120 du	210	1,230	90	23	68	122	77	45
Multifamily Housing (Low-Rise)	172 du	220	1,260	80	18	62	96	60	36
Assisted Living	84 du	254	219	16	10	6	22	8	14
General Office Building	79,150 sf	710	846	88	76	12	92	15	77
Shopping Center	40,950 sf	820	3,277	173	107	66	308	148	160
Subtotal Full Development Trips			***6,832***	***447***	***234***	***213***	***640***	***308***	***332***
Internal Development Trips			--	--	--	--	79	40	39
Total External Development Trips			**6,832**	**447**	**234**	**213**	**561**	**268**	**293**

Trip Distribution

The estimated trips generated by the proposed development were distributed onto the street system based on the trip distributions summarized in ***Table 2***. These distributions are based on existing travel patterns in the area and engineering judgment. The detailed distribution patterns through the study intersections are shown in ***Appendix B***.

Table 2
Trip Distribution

Direction To/From	Residential Percentage	Commercial Percentage
East on 135th Street	50%	45%
West on 135th Street	45%	45%
South on Kenneth Road	5%	10%
Total	**100%**	**100%**

Traffic Operation Assessment

An assessment of traffic operations was made for the scenarios listed below.

- Existing Conditions
- Existing Development Conditions
- Future (Year 2040) Conditions

The study intersections were evaluated using the Synchro traffic analysis software package. Calculations were performed based on the methodologies outlined in the Highway Capacity Manual (HCM), 2000 Edition, which is published by the Transportation Research Board. The operating conditions at an intersection are graded by the "level of service" experienced by drivers. Level of service (LOS) describes the quality of traffic operating conditions and is rated from "A" to "F". LOS A represents the least congested condition with free-flow movement of traffic and minimal delays. LOS F generally indicates severely congested conditions with excessive delays to motorists. Intermediate grades of B, C, D, and E reflect incremental increases in the average delay per stopped vehicle. Delay is measured in seconds per vehicle. ***Table 3*** shows the upper limit of delay associated with each level of service for signalized and unsignalized intersections.

Table 3
Intersection Level of Service Delay Thresholds

Level of Service (LOS)	Signalized	Unsignalized
A	≤ 10 Seconds	≤ 10 Seconds
B	≤ 20 Seconds	≤ 15 Seconds
C	≤ 35 Seconds	≤ 25 Seconds
D	≤ 55 Seconds	≤ 35 Seconds
E	≤ 80 Seconds	≤ 50 Seconds
F	> 80 Seconds	> 50 Seconds

While LOS measurements apply to both signalized and unsignalized intersections, there are significant differences between how these intersections operate and how they are evaluated. LOS for signalized intersections reflects the operation of the intersection as a whole.

Unsignalized intersections, in contrast, are evaluated based on the movement groupings which are required to yield to other traffic. Typically, these are the left turns off of the major street and the side-street approaches for two-way stop-controlled intersections. At unsignalized intersections lower LOS ratings (D, E and F) do not, in themselves, indicate the need for additional improvements. Many times there are convenient alternative routes to avoid the longer delays. Other times the volumes on the unsignalized approaches are relatively minor when compared to the major street traffic, and improvements such as traffic signal installation may increase the average delay to all users of the intersection.

The decision to install a traffic signal, which is often considered when lower LOS ratings are projected, should be based on engineering studies and the warrants for traffic signal installation as outlined in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Signals are typically not recommended in locations where there are convenient alternative paths, or if the installation of a traffic signal would have negative impacts on the surrounding transportation system.

The LOS rating deemed acceptable varies by community, facility type and traffic control device. Most communities in the region have identified LOS D as the minimum desirable goal for signalized intersections. However, at unsignalized intersections LOS D, E, or even F are often considered acceptable for low to moderate traffic volumes where the installation of a traffic signal is not warranted by the conditions at the intersection, or the location has been deemed undesirable for signalization.

Traffic queues were also evaluated as part of the analyses. Long traffic queues which extend beyond the amount of storage available, either between intersections or within turn lanes, can have significant impacts on operations. The projected vehicular queues were analyzed to ensure the analyses are reflective of the physical constraints of the study intersections and to identify if additional storage is needed for turn lanes.

Existing Conditions

The results of the Existing Conditions intersection analyses are summarized in ***Table 4***. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on ***Figure A-3***. The current signal timing and coordination plans for the study intersection was used for the analysis of the traffic signals in this scenario. The Synchro output files are included in ***Appendix C***.

Table 4
Intersection Operational Analysis
Existing Conditions

Intersection	A.M. Peak Hour		P.M. Peak Hour	
Movement	LOS[1]	Delay[2]	LOS[1]	Delay[2]
135th Street and Kenneth Road				
Traffic Signal	*A*	*10.0*	*A*	*8.5*

1 – Level of Service
2 – Delay in seconds per vehicle

The results of the analysis indicates that the existing signalized intersection operates at acceptable levels of service during the A.M. and P.M. peak hour with minimal queuing. This is due to the very low volume of traffic on Kenneth Road, which allows the signal to provide green indications for eastbound and westbound traffic on 135th Street for more than 75 percent of the cycle length.

Given the low volume of side street traffic, the traffic counts were compared to the minimum thresholds of the Peak Hour traffic signal warrant from the MUTCD. The graph of the warrant analysis is included in ***Appendix C***. The results of the warrant analysis indicate that the existing volumes do not satisfy the minimum traffic volume threshold for traffic signal installation. Therefore it is likely that the existing traffic signal at 135th Street and Kenneth Road is not warranted.

It is worth noting that during the traffic counts long queues of eastbound traffic were observed during the P.M. peak hour. These queues extended back from the signalized intersection of 135th Street and State Line Road, which is roughly 1,100 feet to the east of Kenneth Road. This is due to the high volume

of eastbound through traffic at that intersection. These long queues frequently extended through the intersection with Kenneth Road from approximately 4:50 P.M. to 5:20 P.M. The long queues did clear out of the intersection during each cycle of the signal at 135th Street and State Line Road.

There is little that can be done in the short-term to address the long eastbound queues that were observed. Widening 135th Street in Leawood for a third eastbound through lane will not reduce the eastbound queues. A third eastbound lane would need to be constructed east through the State Line Road intersection, and possibly through other intersections to the east, to serve the heavy eastbound through volume. Such an improvement will require coordination with the Missouri Department of Transportation, as 135th Street becomes M-150 Highway to the east of State Line Road.

City of Leawood staff desires traffic signals to be installed at a minimum spacing of one-quarter mile apart along the 135th Street corridor. This allows ample distance for queuing and for coordinating traffic signals to provide progression for through traffic. The location of the signalized 135th Street and Kenneth Road intersection is less than the desired spacing from State Line Road.

Existing plus Proposed Development Conditions

The location of the proposed development's main driveway intersection along 135th Street is 900 feet from Kenneth Road, which is less than one-quarter mile. Therefore, the intersection would not be considered a candidate for signalization. Without a signal at the main driveway all development traffic to and from westbound 135th Street to make left-turn maneuvers at the 135th Street and Kenneth Road intersection. This would add side street traffic to the intersection which is currently blocked by queues at times during the P.M. peak hour. Given that the existing traffic signal is likely unwarranted, it is appropriate to consider removal of the existing traffic signal at 135th Street and Kenneth Road, and installation of a traffic signal at the main driveway intersection instead.

The decision to remove the existing traffic signal at 135th Street and Kenneth Road must be evaluated in terms of the overall street network. The existing signal at Kenneth Road would provide full access to future developments on the undeveloped properties to the east of Kenneth Road. However, these properties are surrounded by a network of other arterial and collector streets that can also provide full access to these properties. The east side of these properties have access to existing traffic signals along State Line Road. A well planned internal street network through these properties can take advantage of the existing signalized access points.

With the signal at Kenneth Road is removed, the main driveway intersection would be an appropriate location for a traffic signal installation. The projected traffic volumes from full build out of the development do satisfy the peak hour signal warrant. The main driveway intersection is spaced nearly one-half mile along 135th Street from the signalized State Line Road intersection. The main driveway intersection is also spaced slightly more than one-quarter mile east of Chadwick Street, which will likely be signalized in the future as development occurs. The result is that the main driveway would be the only signalized intersection along 135th Street between Chadwick Street and State Line Road. These spacings exceed the City's desired minimum spacing between signals.

As a stop controlled intersection, the 135th Street and Kenneth Road intersection, drivers would experience lengthy delays making left-turn and crossing maneuvers from the side street approaches. Therefore these movements should be restricted by a raised island within the intersection area. The island would continue to allow eastbound and westbound left-turn movements, but restrict the side street approaches to right-turns only. For the island configuration to be effective in restricting these movements, an eastbound left-turn lane will be needed at the intersection.

Changing access at the 135th Street and Kenneth Road intersection will alter the existing traffic volumes. The northbound left-turn movement will no longer be permitted. These northbound drivers on Kenneth Road will have to turn left onto 137th Street, travel through the development site, and then turn left onto the Main Driveway to access westbound 135th Street. The existing traffic volumes were redistributed in this manner for the Existing plus Proposed Development Conditions intersections analyses.

To accommodate development traffic and the aforementioned traffic control modifications, the following improvements are identified.

135th Street and Kenneth Road

- Remove the existing traffic signal. Install Stop signs for northbound and southbound traffic.
- Construct a raised island along 135th Street within the intersection area to restrict northbound and southbound left-turn and crossing maneuvers. The median should allow eastbound and westbound left-turn maneuvers.
- Construct an eastbound left-turn lane with 250 feet of storage plus appropriate taper.

135th Street and Main Driveway

- Install a traffic signal.
- Construct a westbound left-turn lane with a minimum length of 300 feet plus appropriate taper.
- Construct an eastbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct three northbound lanes on the Main Driveway exiting the site, to be used as a right-turn lane and dual left-turn lanes. The right-turn lane and one left-turn lane should have minimum lengths of 200 feet plus appropriate tapers.

The results of the Existing plus Proposed Development Conditions intersection analyses are summarized on the following page in ***Table 5***. This study scenario considered the addition of traffic from the proposed development plan. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on ***Figure A-4***. The new traffic signal was evaluated in this scenario with the same cycle lengths as the current coordination plans for the corridor. The Synchro output files are included in ***Appendix C***.

Table 5
Intersection Operational Analysis
Existing plus Development Conditions

Intersection / Movement	A.M. Peak Hour LOS[1]	A.M. Peak Hour Delay[2]	P.M. Peak Hour LOS[1]	P.M. Peak Hour Delay[2]
135th Street and Main Driveway				
Traffic Signal	B	14.3	B	16.1
135th Street and Kenneth Road				
Eastbound Left-Turn	C	17.2	B	12.4
Westbound Left-Turn	A	9.8	C	18.9
Northbound Right-Turn	A	9.6	B	11.6
Southbound Right-Turn	C	17.3	B	13.1
137th Street and Kenneth Road				
Eastbound Left-Turn	B	10.1	A	9.4
Northbound Shared Left-Turn/Through	A	7.5	A	7.2

1 – Level of Service
2 – Delay in seconds per vehicle

As shown in ***Table 5***, each study intersection is projected to operate within acceptable levels of service during the A.M. and P.M. peak hours. All queues are projected to be contained within their respective turn lanes.

Future (Year 2040) Conditions

To estimate future conditions in year 2040 background traffic growth was assumed. An annual growth rate of two percent was applied to the existing traffic volumes on 135th Street. It is assumed that when the property to the north of the development site across 135th Street develops, an access point will align with the signalized Main Driveway intersection. To analyze future conditions at the signalized intersection, the same development trips and distribution projected on the south leg of the intersection are assumed for the north leg. This is a fair approximation since a similar type of development is expected in this area. Similar future development trips are also assumed on Kenneth Road for when the property to the east is developed, except these volumes were scaled to 25 percent, since the property to the east is only 25 percent of the size of the proposed development site.

The additional background growth results in a very heavy volume of through traffic on 135th Street. To support the increased volume, 135th Street will need to be widened to provide three through lanes in each direction. Also, the traffic signal at 135th Street and Main Driveway will need to be split phased for northbound and southbound traffic to allow one of the dual left-turn lanes to function as a shared through lane. These additional lanes and signal modifications are included in the Future Conditions intersection analyses.

The results of the Future Conditions intersection analyses are summarized on the next page in ***Table 6***. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on ***Figure A-5***. The traffic signal timings for the 135th Street corridor were optimized for this scenario. The Synchro output files are included in ***Appendix C***.

Table 6
Intersection Operational Analysis
Existing plus Development Conditions

Intersection / Movement	A.M. Peak Hour LOS[1]	A.M. Peak Hour Delay[2]	P.M. Peak Hour LOS[1]	P.M. Peak Hour Delay[2]
135th Street and Main Driveway				
Traffic Signal	C	33.6	D	50.0
135th Street and Kenneth Road				
Eastbound Left-Turn	D	34.7	B	12.4
Westbound Left-Turn	B	11.7	A	9.8
Northbound Right-Turn	A	9.2	C	12.2
Southbound Right-Turn	C	18.8	B	13.1
137th Street and Kenneth Road				
Eastbound Left-Turn	B	10.1	B	10.0
Northbound Shared Left-Turn/Through	A	6.4	A	6.1

1 – Level of Service
2 – Delay in seconds per vehicle

The results shown in the table indicate that all study intersections are projected to operate at an acceptable level of service in the future conditions scenario. Some lengthy queues of eastbound and westbound through traffic are projected during the A.M. and P.M. peak hours. All other queues are projected to be contained within their respective turn lanes.

When 137th Street is continuous from the development site west to Chadwick Street, there will be another access point to the development site. This additional connection has the potential to reduce the northbound left-turn volume and the eastbound right-turn volume at the 135th Street and Main Driveway intersection by 10 to 30 percent. These reductions are not enough to have a significant impact on the results of the analysis for the study intersections.

Summary

TranSystems has completed this traffic impact study for the proposed mixed-use development to be located generally in the southwest corner of the 135th Street and Kenneth Road intersection in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system.

The Existing Conditions analyses found that the traffic signal at the 135th Street and Kenneth Road intersection does not meet the minimum vehicular volumes for a traffic signal installation, and it is not likely that the signal is warranted. Additionally, the signal is located roughly 1,100 feet west of the signalized intersection with State Line Road. This spacing is less than the City's minimum spacing of one-quarter mile between signals along the 135th Street corridor. During the P.M. peak hour, long queues of eastbound through traffic on 135th Street extend through the Kenneth Road intersection.

In light of these findings, the Kenneth Road intersection is not an ideal location for a signalized intersection and signal removal should be considered. A traffic signal could then be installed at the

development's main driveway intersection along 135th Street. This location would provide greater separation between signals, meeting the City's desired spacing for signals along the corridor.

The following improvements have been identified for the Existing plus Development Conditions scenario.

135th Street and Kenneth Road

- Remove the existing traffic signal. Install Stop signs for northbound and southbound traffic.
- Construct a raised median along 135th Street within the intersection area to restrict northbound and southbound left-turn and crossing maneuvers. The median should allow eastbound and westbound left-turn maneuvers.
- Construct an eastbound left-turn lane with 250 feet of storage plus appropriate taper.

135th Street and Main Driveway

- Install a traffic signal.
- Construct a westbound left-turn lane with a minimum length of 300 feet plus appropriate taper.
- Construct an eastbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct three northbound lanes on the Main Driveway exiting the site, to be used as a right-turn lane and dual left-turn lanes. The right-turn lane and one left-turn lane should have minimum lengths of 200 feet plus appropriate tapers.

In the Future Conditions scenario, 135th Street will need to be widened to provide three through lanes in each direction.

135th & Kenneth
June 14, 2018 Neighborhood Meeting

Attendance:
Richard Lashbrook, Developer
Tim Tucker, Engineer / Phelps Engineering
Jason Meier/Meier Consulting
Len Corsi/Vic Regnier Builders
John Petersen, Polsinelli PC
Amy Grant, Polsinelli PC
Jenn Sears, Polsinelli PC

See sign-in sheet for residents: approximately 44 people in attendance.

The meeting began at 6:00 p.m. John Petersen introduced the development team and provided some information regarding Richard Lashbrook's experience with mixed-use development projects. Mr. Petersen generally walked through the site plans and explained the contrast between the City's plans for the site and the Developer's plan for the site. Mr. Petersen explained that the project would be developed in phases, the first of which would provide luxury "attached villas" along the south property line of 137th Street as a buffer and transition to the north lots which will contain luxury apartments with underground parking, a senior living facility, some office buildings, and some retail. Mr. Petersen explained the process of obtaining approval from the City to proceed with construction and explained that once the plans are approved, the Developer is not allowed to deviate from the final plans. A resident asked about the level of care that would be provided at the assisted living facility. Mr. Petersen stated that the specifics of how the facility have not yet been determined.

The following is a summary of the question and answer portion of the meeting.

TRAFFIC/ACCESS TO SITE

Residents asked about details of the development of 137th Street. Mr. Petersen explained how the cost of road development works and that the Developer is responsible for road construction over his property. Mr. Petersen further discusses future access to 135th Street, 137th Street and Renner Road from the development.

A resident asked if 137th would be a 2-lane road and if there are plans to widen 135th Street. Mr. Petersen confirms that 137th will be a 2 lane road and that the City has no current plans to widen 135th Street.

Residents expressed a significant concern regarding the City's plan to construct 137th Street as a straight road between the proposed development and the existing neighborhood. The main concern was the loss of the existing vegetation and the possibility of drag racing on the road.

The residents expressed their extreme support of a curved 137th Street heading up into the new attached Villas subdivision.

STORM WATER

Residents asked whether there will be additional storm water drainage into their yards. Mr. Petersen explains the City's requirement that no additional storm water is allowed to flow off of the site and how current storm water drainage will likely improve because of City requirements for the developer to install storm water drainage facilities. He explains how there are storm water studies that are completed during City approval process and confirms that there will be no standing water issues.

SETBACKS/LANDSCAPING/SCREENING

Residents asked about the plans to remove the tree line along 137th Street. Most of the residents requested that the tree line be kept as a buffer. Mr. Petersen discussed the current landscape plans and that we intend to keep the tree line.

A resident asked who is responsible for tree maintenance. Mr. Petersen says that is a matter that is typically discussed with the Planning Commission.

Residents asked about the walking path and whether we plan to add any landscaping around the path. Mr. Petersen confirms that the landscaping plans will clean up the landscaping along the path and that there will be some additional landscaping along the path.

Again, the residents expressed extreme concern about losing the existing tree line along 137th street and Mr. Petersen assured that the landscape plans specify the tree line will stay.

A resident asked if there will be green space in the Villas for dogs and children. Mr. Petersen pointed out the areas that are designated as green space on the plans.

Residents expressed concern with the setback from the tree line to the Villas. Mr. Petersen said he would get a drill down for the residents that show the amount of space from the tree line to the villas.

PROPERTY VALUES

Residents asked whether the new construction will bring down property values. Mr. Petersen explained that these attached Villas and the apartment complex will be built as luxury homes and the development will likely increase property values. Mr. Petersen sited the Mission Farms project as an example of how property values increased as a result of the new development.

DENSITY

Residents asked if the Villas will be rental homes or if they will be sold to homeowners. Mr. Petersen explained that these are attached Villas roughly around 2,000 square feet that will be sold in the range of $600,000 to a homeowner.

The residents expressed an extreme amount of concern for the City's existing plan for the site, which include high density retail and commercial buildings. Mr. Petersen explained the proposed Villas are a good transition leading away from the existing residential lots into the mixed use lots proposed for Phases 2 and 3. Some of the residents are not excited about the mixed use lots and the idea of an apartment complex, but they much prefer this plan over the City's plan.

ACQUISITION OF PROPERTY/CONSTRUCTION

A resident asked if Mr. Lashbrook will be the only developer or if there will be multiple developers working on the project. Mr. Lashbrook stated that there will "more than likely just be one."

Another resident asked who the current ownership of the site is and the undeveloped land to the west. Mr. Petersen explained the current ownership of the property and that the ownership of the surrounding area was undetermined. A resident jokingly asked Mr. Lashbrook if he could buy the property to the West and include it in our plans.

A resident asked how long construction would take. Mr. Petersen explained that construction cannot begin until we have obtained all City Approvals and does not suspect that construction will be able to begin until Spring 2019 and will last for about a year.

A woman asked about the timeline to begin construction on Phase 2 – the Apartments. John explained that construction would be driven by the market.

Another resident asks if the Villas will have basements. Mr. Lashbrook confirmed they would.

Residents asked if they would be notified when construction starts and what time during the days construction will be going on. Mr. Petersen assured they would not be working through the night and construction would be during working hours.

GENERAL COMMENTS

A resident asked if the Villas would be ran by a HomeOwner's Association. Mr. Petersen confirmed they would.

A gentleman asked if the plans would be online. Mr. Petersen said they aren't, but we can provide copies.

Mr. Petersen explained to the residents that the Planning Commission is currently scheduled for June 26th. He explained to the residents that the City does not love our plans and it would be beneficial to have community support at the meeting. He also stated that the residents can send letters to the City expressing their support of the project. Many residents asked for an email detailing where letters should be sent and copies of the plans.

The meeting concluded at 7:30 p.m.

MEETING SIGN-IN SHEET	
Project: 135th & Kenneth Project	Meet Date: Thursday, June 14, 2018
Facilitator: Polsinelli PC	Place/Room: Leawood Community Center, Maple Room
Application #: NC #71-18	

Name	Address	Email Address
Mike Lang	2950 W. 137th Terr	michael.lang31@Gmail.com
KATHI SHAW	13727 Pembroke Cir	kshaw2007@gmail.com
Pat Croker	13320 Penn Ct Rcm	jpatcroker@gmail.com
IRENE BLEND	13769 PEMBROKE CIR	iblend@sbcglobal.net
STEVE ELLIOTT	2854 W 137th TER	rsellio@gmail.com
Kelly Sherman	12420 El Monte, 66209	kellyworks2@gmail.com
Sharon Smith	13649 Manor, 66224	ssmith8257@gmail.com
Jeffrey Schlachter	2942 W 137th Terrace	gastro77@aol.com
Steve Tanner	2758 W 137th Terrace	sntanner7@yahoo.com
Ann Tanner	"	atanner@kc.rr.com
Judy Buchman	13737 Pembroke Cir, 66224	judybuchman64@gmail.com
Bill John + Mari	2649 W 137 Terr	billjohnnn@yahoo.com
LEANNE GORSUCH	13715 PEMBROKE CIR	LEANNEG53@gmail.com
Carl + Judy Comstock	2645 W. 137 Terr 66224	carlcomstock@gmail.com
Jim Kleikamp	3110 W 137th St	jimkleikamp@gmail.com
Clark Thompson	13812 Meadow Ln	clark.thompson22@gmail
ROBERT PETSCHE	13717 PEMBROKE CIR	RPETSCHE@KC.RR.COM
RUTH SNYDER	13645 MANOR RD	ggsnyder57@yahoo.com
Susan Hampton	13653 Manor Rd	jshampton1@gmail.com
[illegible]	13721 [illegible]	[illegible]
Colleen Killian	13723 Pembroke Cir	colleen2@aol.com
Karen Stephens	13648 Belinder Rd	[illegible]@gmail.com

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MEETING SIGN-IN SHEET	
Project: 135th & Kenneth Project	Meet Date: Thursday, June 14, 2018
Facilitator: Polsinelli PC	Place/Room: Leawood Community Center, Maple Room
Application #: NC #71-18	

Name	Address	Email Address
Carol Busch	2428 W. 137th Place	mollycat.ch@gmail.com
Leslie + Bob Moreland	13701 Belinder	lesliemoreland@hotmail.com
Steve Brookner	13716 Manor	sbrookner@KC.RR.COM
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Ron Cott	13644 Manor Rd	roncottdvm@gmail.com
Mark & Karen Harrigan	13641 Manor Rd	KMHARRIGAN@MSN.COM
Barbara Summers	2432 W 137th Pl	bnushjoo@aol.com
Marilyn Tesh	2438 W. 137th Place	tesh319@yahoo.com
Anson Li	13720 Pembroke Cir	ansonly@gmail.com

June 16, 2018

Dear Mr. Richard Coleman,

Bruce and I attended the June 14th Interactive Meeting concerning the Leawood 135 Project. Being an owner of a Townhouse located at 2428 W. 137th Place since 1999, Bruce and I were impressed with the presentation of the projected improvement of this project.

Several items stand out as being very positive:

- Having 137th. Street curve away from the southern border
- Maintaining the tree line
- Adequate space beyond the tree line
- Description provided of the planned Villas which maintain the atmosphere of the Highland Ranch homes and Leawood Falls

We encourage you to support this development proposal.

Sincerely,

Carol Busch

Professor Bruce Levine

Washburn Law School Emeritus Professor

Date August 7th, 2018
To: City of Leawood Planning Commission
City of Leawood Council Persons
From Residents of Villas of Highlands Ranch
Re: Leawood 135 Project

We represent the residents of the Villas of Highlands Ranch located in the 2700– 3100 block of 137th Terr. Our subdivision will back up to the property adjacent to the proposed Leawood 135 development. As such, we will be directly impacted by the development and proposed Right-Of-Way (137th Street) servicing the development. Therefore, we would like to address our concerns with this project.

1. We have no issues with the planned development itself. As long as all local ordinances and zoning requirements are met, we see this development as fitting within the overall master plan of Leawood. We appreciate the Planning Dept and City Council's oversight.
2. We do take issue with the planned extension of 137th St between Chadwick and the new development. While we acknowledge that this has been a designated ROW on the city plans, we would respectfully request the City planners and council persons to review the planned location of this street.
3. As you can see from the plan, 137th St is currently slated to be placed approximately 10' north of our property lines. In our particular subdivision, the setbacks from the homes were minimal, making berming on these subdivision homes virtually impossible. While we recognize that this condition was not created by the City of Leawood, we nonetheless are in a position where we have no other recourse but to request for the City's help in a solution.
4. Currently the homes along this ROW have property tax valuations that average $750,000. Should the ROW be installed as planned, these values will undoubtedly be reduced due to the proximity of the new 137th St.
5. Please note that the proposed developer of the Leawood Project recognizes the impact of this ROW on the development properties and as a result has proposed shifting 137th St north within this proposed development. (Actually, the street planning from years ago showed 137th St moving north away from Leawood Falls subdivision and I don't know why. It could be that the development was there since the mid 1990s and was moved due to their objection at public presentation?)

We would respectfully request the City to consider increasing the 137th St ROW from 37' to 50' in order to push the roadway north approximately 12'. Doing this would allow for landscape fencing and berming to be installed south of the roadway. This would also help maintain the property values for the Leawood homeowners within the impacted area

Note: 137th St is already not a straight line – see road west of Chadwick all the way to Metcalf, or as planned within the new development. Therefore, continuing the bend slightly east of Chadwick should not compromise the traffic flow.

Respectfully Yours,

Ed Heilman | Steve Tanner | Steve Elliott

Villas of Highlands Ranch Property Owners

Name	Signature	Address
Mike Lang		2950 W. 137th Terrace
MICHAEL R. STEWART		2857 W. 137th ST.
Linda Schlachter		2942 W. 137th Terr.
Linda Risse		3050 W. 137th Terr
Jeffrey Schlachter		2942 W. 137th Terr.
Steven N Tanner		2758 W 137th Terr.
Lelia Ann Tanner		2758 W 137th Terrace
Jane E. Raetz		3046 W. 137 Terrace
		3046 W 137TH TERRACE
Anna S Heilman		3042 W 137 Terr
Mary A Schmer		2947 W 137th Terr
		2947 W. 137th TERR
Kristi Cowherd		2946 W 137 Terr
Tom Beiser		2842 W. 137th terr
Becky Beiser		2842 W. 137th terr

Villas of Highlands Ranch Property Owners

Name	Signature	Address
Chat Cowherd	Chat Cowherd	2946 W 137 TERR
VICTOR BODNEY	Victor Bodney	2746 W. 137 TERR
MARY BODNEY	Mary Bodney	2746 W. 137 TERR
Kate Schnieders	Kate Schnieders	2742 W 137th Terr
JIM SCHNIEDERS	Jim Schnieders	2742 W 137th Terr
STEVE ELLIOTT	Steve Elliott	2854 W 137th TER
Ed Heilman	[illegible]	3042 W 137th TERR

Kelly M. Sherman

26 Bar Farm, LLC

12920 El Monte Street

Leawood, KS 66209

816-805-3494

RE: Case 71-18 135th and Kenneth Road

Mixed use and Medium Density Residential request for approval of Rezoning, Preliminary Plan, Preliminary Plat and Special Use Permit

Dear Councilwoman Julie Cain and Councilman James Azeltine:

I am a resident in your Ward in Leawood, Kansas. I am writing to express my concern regarding the Leawood Planning Commission's recommendation to the City Council to DENY this case. I am an adjacent landowner and will be expressing this point of view publicly at the upcoming meeting. However, I am sending this to you in advance as you consider your vote on this issue at the October 1st council meeting.

This case was denied based solely on the City Staff/Planning Commission's interpretation of the "Comprehensive Plan/135th Street Community Plan". All of the other requirements under the Leawood Development Ordinance have been met by the development team. In addition, the City Staff offered the developer no stipulations to comply because of the subjective nature of the Comprehensive Plan. Even the Planning Commission members were confused about how to handle the Staff's rigid interpretation of the Plan while reviewing an actual, realistic development proposal with solid financial backing. The Staff's use of the Comprehensive Plan in reviewing developments needs to be evaluated and directed by the City Council.

As a landowner along this 135th Street corridor, I can't help but see the value of our property decreasing with each attempt of another landowner to rezone, desiring to move forward in realizing the potential of their investment. My understanding was that the City of Leawood spent literally years and substantial taxpayer money to get a "general guideline" of "what might be" a "good use" of land in an effort to **encourage, shepherd and coordinate** a VARIETY of development for both the benefit of its landowners and the citizens of the city. A comprehensive plan that could offer guidance while moving forward with real world real estate parameters.

What I saw at the Planning Commission meeting on September 11, 2018 is a City orchestrating the entire development process from start to finish down to the last blade of grass, brick, parking space and community social events. It is my hope that after serious consideration of what has transpired here, you will take a step back from DENY to see a solid, well thought out development plan. I hope that you can step back and see this group of real world , knowledgeable real estate experts, the huge investment of time they have spent working honestly to accommodate the city staff concerns, the large monetary investment and the passion to get something profitable and practical developed to benefit everybody. But they don't have a magic wand to wave to make an urban city center with "activity nodes" out of

suburban bean fields. And they can't conjure up retail stores and office users to make an ideal "mixed use" – it has to be market driven.

The Comprehensive Plan should be a guideline for development, which can take many innovative and exciting routes not previously imagined by the plan. All real estate development is done at the great expense and risk by the landowners. They must gauge what the market wants, as well as all city development rules. They cannot afford to build something that they know will not be successful.

The land we own is 10 acres that has 330 linear feet along 135th street. We are adjacent to the Kenneth Road development plan on our eastern border. Our land goes all the way South to the proposed 137th street road and the residential neighborhood. To the west of our land is an unfinished office/bank development.

We are not developers. This land has been in our family since the 1980's and we would like to sell it. We have had it listed for sale off and on since 2012. Several prospective buyers that we talked to from time to time went elsewhere (in Johnson County) when the "comprehensive plan" was underway because of the uncertainty. Since the plan was completed, the real estate community is watching as re-zoning requests are considered. Since I have had the property for sale by owner, I have personally talked to several prospective buyers who say they do not have the "lawyers and the money to take a development plan to Leawood". The hesitation to take on a development in this corridor is real. And the recent city planning commission meeting on September 11th just reinforces both big and small developers' apprehensions about trying to build in this city. This directly effects the value of our property and our ability to sell it.

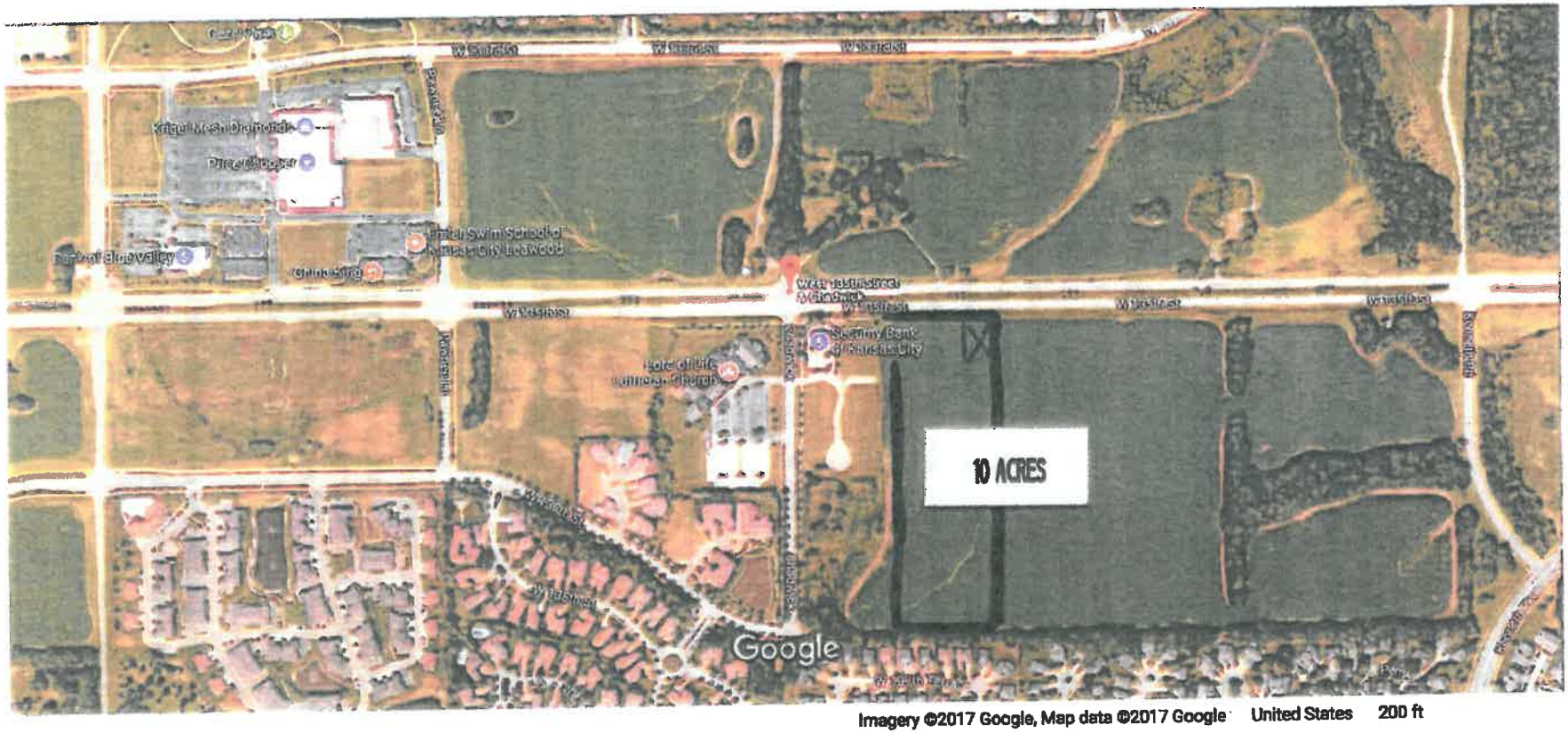
I have attached a map of our property. Please take the time to look at my 10 acres and see how in the world anyone will be able to achieve the exact mix and all the bells and whistles you are requiring of my neighbor to the east. I am asking you to please consider interpretation of your Comprehensive Plan based on the wide variety of configurations of the land, the true demands of real estate uses today (not in the past or in the future), and the rights of landowners to measure the market and create uses that make sense. Our land is a great opportunity, but not if it's use is micromanaged and overly restricted.

Finally, I am a Leawood resident. The city is beautiful because of the hard work of many, the investment of the private sector working with the City, and the communication of the public about our priorities. I personally don't believe that fancy pavement, "natural" areas, "a sense of place", a specific rigid road configurations, transects and activity nodes, and subjective restrictions make happy citizens. Common sense, flexibility, and working together makes well thought out real estate developments become assets to our community. I was at the neighborhood meeting that the developer had and there was a very large turnout of people very interested in what is proposed. The development team did a great job presenting the project and answered questions for two hours. The neighbors liked the new road configuration, the residential use being close to them, and the care taken to preserve the tree line. That is why they did not bother to come to the Planning Commission meeting to object, and not one citizen stood to oppose it.

Thank you so much for your willingness to review all of the information about this exciting new development on 135th street. I know it can work for everyone if you want to find a way forward.

Respectfully submitted, Kelly Sherman

Google Maps **W 135th St & Chadwick**



Imagery ©2017 Google, Map data ©2017 Google United States 200 ft

From: Barbara Summers <bnash100@aol.com>
Date: September 29, 2018 at 8:15:44 AM PDT
To: <allcouncil@leawood.org>
Subject: 135th & Kenneth Road Projecr

Since I will be unable to attend the upcoming meeting concerning this project, I would like to lend my support to the proposed development as presented at the June meeting.
My townhome is 10 feet from the hedge row. I definitely do not want a street that close to my bedroom window.
I have lived in Leawood for 30 years because of the high quality of lifestyle that has been maintained here.
Please consider the impact on our home values here at Leawood Falls. Thank you for your service, your time and energy. I hope everyone can work together to agree on a plan that will satisfy all parties.
Barbara Summers
2432 W. 137th Place
Leawood. 66224

Sent from my iPad

From: Carl Comstock <carlcomstock@gmail.com>
Date: September 28, 2018 at 4:41:01 PM PDT
To: <allcouncil@leawood.org>
Subject: 135th & Kenneth Road Project

To the members of the Leawood City Council:

I live at 2645 W 137th Terrace in Leawood Falls, the community which is immediately south of the proposed development known as the 135th & Kenneth Road Project. I want you to know that I am in favor of the proposed development as presented by Mr. John Peterson and Mr. Richard Lashbrook at the Neighborhood Meeting I attended on June 14, 2018.

Specifically, I like that they intend to keep the tree line as a buffer between the two properties and that they won't build any closer than 30' from that line. The Villas in their plan will be a further buffer between my home and the retail/commercial buildings along 135th Street and the design of the Villas and the amenities of their community are intended to be as nice as those in Leawood Falls. I'm glad that 137th Street will not be directly adjacent to the northern border of Leawood Falls and that there will be an Assisted Living facility in their Plan. Also, a big plus is that the apartments near 135th Street will have underground parking so vehicles will be protected and there won't be huge parking lots everywhere. Lastly, it's nice that not every building will be a business and their planned buildings closest to 135th Street won't be extremely tall.

I understand that the Planning Commission has said no to this development because it doesn't meet the vision for 135th Street that was approved several years ago but I think there should be some type of compromise. The Commission's plan to have all retail/commercial buildings on this property (no homes) will make it look like a 'strip mall' and I didn't move to Leawood Falls to live next to a strip mall.

I ask that you take these points into consideration before you vote.

Sincerely.

Carl Q Comstock

From: Carol Busch <mollycat.cb@gmail.com>
Date: September 28, 2018 at 4:16:49 PM PDT
To: <allcouncil@leawood.org>
Subject: 135th. & Kenneth Road Project

Members of the Leawood City Council:
I live at 2428 w. 137th. Place in Leawood Falls. Bruce and I attended the presentation by Mr. John Peterson and Mr. Richard Lashbrook of their proposed development at a Neighborhood Meeting.
This letter is to share with you our support for the proposed development.The proposed plans were compared to a drawing representing the current city plan to be primarily commercial. We feel the proposed development presents the best use of the land by combining upscale residential and commercial/retail. We support a combination of uses as being the most appropriate instead of a "strip mall approach".
We understand the Planning Commission has recommended to deny the proposed plan for not meeting specific requirements.
Surely, differences in the two plans can be resolved by negotiations between both parties- the City and the developer.

Sincerely,

Carol Busch & Bruce Levine

From: Carolyn Garbo <carigarbo@gmail.com>
Date: September 30, 2018 at 11:51:05 AM PDT
To: <AllCouncil@Leawood.Org>
Subject: I support PC Case 71-18

As homeowners whose property is immediately adjoined to the projected proposal, we DO NOT support the Leawood Planning Commissions 135 th Street Corridor Study. We DO support the application for PC 71-18 for the Leawood 135 th Street and Kenneth Road Development.

Name: Sam and Carolyn Garbo
Address: 13721 Pembroke Circle, Leawood, KS 66224
Telephone: 913-742-3312

From: Christen Danielsen <cndanielsen@gmail.com>
Date: September 29, 2018 at 12:43:06 PM PDT
To: "allcouncil@leawood.org" <allcouncil@leawood.org>
Subject: 135th & Kenneth Road Project

To the members of the Leawood City Council:

I reside at 13819 Pembroke Lane in Leawood Falls, the community which is immediately to the south of the proposed development known as the 135th & Kenneth Road Project.

I know that you are receiving multiple emails with a similar message, and that's because my Leawood Falls neighbors and I feel strongly about this.

I want you to know that I am in favor of the proposed development as presented by Mr. John Peterson and Mr. Richard Lashbrook at the Neighborhood Meeting in June.

Specifically, I like …
- keeping the tree line as a buffer between the two properties, and that they won't build any closer than 30' from that line
- their Villas will be a buffer between my home and the retail/commercial building closer to 135th Street
- 137th Street will not be DIRECTLY adjacent to the northern border of Leawood Falls.
- the design & look of the Villas and the amenities of their Community will be as nice as those in Leawood Falls
- there will be an Assisted Living facility in their Plan...it's nice that not every building will be a 'business'
- the apartments near 135th Street will have underground parking. Their vehicles will be protected and there won't be huge parking lots everywhere.
- the buildings closest to 135th Street won't be very tall – I don't want to live next to an area like Corporate Woods.

I understand that the Planning Commission has said NO to this development because it doesn't meet the 'vision' for 135th Street that was approved several years ago. I think there should be some type of compromise. The plan to have all retail/commercial buildings on this property (no homes) will make it look like a 'strip mall' and I didn't move to Leawood Falls to live next to a strip mall.

I enjoy the quiet suburban neighborhood where I am raising my young children.

I ask that you PLEASE take these points into consideration before you vote.

Most sincerely,
Christen Danielsen
913-217-5153

From: Colleen Killian <collroll2@aol.com>
Date: September 30, 2018 at 11:30:50 AM PDT
To: <AllCouncil@Leawood.Org>
Subject: I support PC Case 71-18

I do not support or approve the city of Leawood plan.

Name: Colleen A. Killian
Address: 13723 Pembroke Circle
Telephone: 913-706-4254

Sent from my iPad

From: Debbie Hackett <debrakhackett@gmail.com>
Date: September 28, 2018 at 2:55:24 PM PDT
To: <allcouncil@leawood.org>
Subject: Please approve the plan for 135th and Kenneth Rd.

Leawood City Council,

We plan to be in attendance at the City Council meeting on 10/1/18 in support of the proposed development at 135th & Kenneth Rd. We live on Belinder just a few houses south of the proposed villa development and believe it's a positive use of the land on the 135th St. corridor.

We do not believe having "mixed use" in all the vacant land acreage is feasible for the entire 135th St. corridor. This proposed plan will be good since it backs up so closely to the homes in Leawood Falls.

Thank you for considering a "yes" vote for this development.

Dennis Hackett 913-219-8974
Debra Hackett 913-706-4102
residents of Leawood Falls

From: janna bridges <jbridges5@kc.rr.com>
Date: September 29, 2018 at 10:24:05 PM PDT
To: <allcouncil@leawood.org>
Subject: 135th & Kenneth Road Project

To the members of the Leawood City Council:

I reside at 13705 Pembroke Cir in Leawood Falls, the community which is immediately to the south of the proposed development known as the 135th & Kenneth Road Project. I have lived here 29 year in a townhouse that is specifically affected by this development. I want you to know that I am in favor of the proposed development as presented by Mr. John Peterson and Mr. Richard Lashbrook at the Neighborhood Meeting in June. Specifically, I am supportive:

- that they are going to keep the tree line as a buffer between the two properties, and that they won't build any closer than 30' from that line

- that their Villas will be a buffer between my townhouse and the retail/commercial building closer to 135th Street

- that 137th Street will not be DIRECTLY adjacent to the northern border of Leawood Falls.

- that the design & look of the Villas and the amenities of their Community will be as quiet, safe, family oriented and nice as those in Leawood Falls (This is the prestigious Blue Valley school district).

- that there will be an Assisted Living facility in their Plan. It's nice that not every building will be a 'business'

- that the apartments near 135th Street will have underground parking. Their vehicles will be protected and there won't be huge parking lots everywhere.

- that the buildings closest to 135th Street won't be very tall – I don't like the idea of living next to an area like Corporate Woods.

I understand that the Planning Commission has said NO to this development because it doesn't meet the 'vision' for 135th Street that was approved several years ago. I think there should be some type of compromise. The plan to have all retail/commercial buildings on this property (no homes) will make it look like a 'strip mall' and I didn't move to Leawood Falls to live next to a strip mall with its noise, night light levels, safety concerns, parking congestion, trash issues, and people (workers) coming and going who do not live here.

I am requesting that you take these points into consideration before you vote.

Thank you,

Janna Bridges

13705 Pembroke Cir

Leawood Falls 66224

From: Joel Blumenthal <joel.blumenthal@gmail.com>
Date: September 28, 2018 at 3:11:00 PM PDT
To: <allcouncil@leawood.org>
Subject: 135th & Kenneth Project

We are Leawood Falls residents. We support the recently rejected 135th & Kenneth Project. If the City's plan is instituted instead the properties in Leawood Falls will be devalued because of the commercial properties abutting our community.

Joel Blumenthal
Linda Nylen
13708 Pembroke Circle
Leawood, KS

From: John Becker <becker@johnbecker.info>
Date: September 30, 2018 at 4:39:29 PM PDT
To: <allcouncil@leawood.org>
Subject: Against Application PC 71-18

Dear Sir/Madam:

We are in receipt of an email sent by the developer of the above referenced project seeking support to overturn the decision of the planning commission.

We are against this development. We support the planning departments vision for this area as well as the decision of the planning commission to recommend that this zoning change request be denied.

We are not opposed to all development, just to the "our way is the only way" type of one sided proposition that is being proposed by Rick and Richard Lashbrook.

Sincerely,

John & Carol Becker, Trustees
The Carol T. Monaghan Trust
13640 Belinder Rd
Leawood, KS 66224
(913)814-9566

From: Judy Buchman <judybuchman64@gmail.com>
Date: September 29, 2018 at 12:33:31 PM PDT
To: <allcouncil@leawood.org>
Subject: 135th & Kenneth Road Project

To the Members of the Leawood City Council:

We bought a villa at 13737 Pembroke Circle in Leawood Falls almost a year ago. The reason we chose this area was the wooded area around the Falls. We felt like we had left the city & were in the country. What we don't want is a strip mall or high buildings replacing the beautiful farmland that we admired originally. If this farmland must be developed, we are in favor of the proposed development as presented in June by Mr. Peterson & Mr. Lashbrook. The positives in the plan are:

- The tree line as a buffer between the two properties
- The high-end villas that will add to our property values & be between our homes & the retail development close to 135th
- The Assisted Living Facility
- Underground parking for the apartments

Before you vote, I hope that you take these into account.

Sincerely,
Judith D. Buchman

From: Judy Buchman <jdbuchman@hotmail.com>
Date: September 29, 2018 at 12:42:40 PM PDT
To: <allcouncil@leawood.org>
Subject: 135th & Kenneth Road Project

To the Members of the Leawood City Council:

I live at 13737 Pembroke Circle, Leawood, KS in Leawood Falls. I support the proposed 135th & Kenneth Road Projects as presented at the June meeting by Mr. Richard Lashbrook & Mr. John Peterson. I do not agree with the vision for 135th Street that the Planning Commission approved earlier. One reason we bought in Leawood Falls was the quiet of the area. We haven't lived in our home a full year yet & I would hate to see our investment decrease in value because of high rises and retail development.

Please consider these points when making your decision.

Sincerely,
Daniel K. Buchman

From: Judy Comstock <judy.comstock8@gmail.com>
Date: September 28, 2018 at 6:07:25 PM PDT
To: "allcouncil@Leawood.org" <allcouncil@leawood.org>
Subject: 135th & Kenneth Road Project

To the members of the Leawood City Council:

I live at 2645 W 137th Terracein Leawood Falls, the community which is immediately south of the proposed development known as the 135th & Kenneth Road Project. I want you to know that I am in favor of the proposed development as presented by Mr. John Peterson and Mr. Richard Lashbrook at the Neighborhood Meeting I attended on June 14, 2018.

Specifically, I like that they intend to keep the tree line as a buffer between the two properties and that they won't build any closer than 30' from that line. The Villas in their plan will be a further buffer between my home and the retail/commercial buildings along 135th Street and the design of the Villas and the amenities of their community are intended to be as nice as those in Leawood Falls. I'm glad that 137th Street will not be directly adjacent to the northern border of Leawood Falls and that there will be an Assisted Living facility in their Plan. Also, a big plus is that the apartments near 135th Street will have underground parking so vehicles will be protected and there won't be huge parking lots everywhere. Lastly, it's nice that not every building will be a business and their planned buildings closest to 135th Street won't be extremely tall.

I understand that the Planning Commission has said no to thisdevelopment because it doesn't meet the vision for 135th Street that was approved several years ago but I think there should be some type of compromise. The Commission's plan to have all retail/commercial buildings on this property (no homes) will make it look like a 'strip mall' and I didn't move to Leawood Falls to live next to a strip mall.

I ask that you take these points into consideration before you vote.

Sincerely.

Judith N Comstock

From: Kathi Shaw <kshaw2007@gmail.com>
Date: October 1, 2018 at 7:12:55 AM PDT
To: <AllCouncil@leawood.org>
Subject: I support PC Case 71-18 for the Leawood 135th Street and Kenneth Road Development

I am in total support of the proposed development at 135th Street and Kenneth Road and believe the Leawood Planning Commission is wrong in its "no" recommendation.

The proposed development will enhance not only the surrounding area but will add value to the area.

The 135th Street Corridor Study promotes high density retail, office and high rise residential. That type of development is not wanted by the homeowners in Leawood Falls or the Villas of Highland both of which are on the south border of the proposed development.

I urge you to overrule the recommendation of the Planning Commission and let the development move forward.

Thank you for your consideration

Name: Kathleen Shaw
Address: 13727 Pembroke Cir Leawood Falls

From: Leanne Gorsuch <leanneg53@gmail.com>
Date: October 1, 2018 at 6:02:42 AM PDT
To: <chucks@leawood.org>, <lisah@leawood.org>
Cc: <allcouncil@leawood.org>
Subject: 135th Street & Kenneth Road Project

To Mr. Sipple and Ms. Harrison:

I am a resident of Leawood Falls and my property directly abuts the south border of the proposed development known as the 135th & Kenneth Road Project. I attended the Neighborhood Meeting where Mr. John Peterson, representing Mr. Richard Lashbrook, discussed the project at length. I have also read the minutes of the Planning Commission meeting where this project was discussed.

I want to express my support of this project for many reasons, the most important of which are:

- 137th Street will not be within 'arms reach' of my back door
- the existing tree line will remain as a buffer between the two communities
- the proposed Villas/ community will be equal to better than my own which will maintain my property value
- the Mixed Use Development [MDX] section of this Plan is truly 'mixed' use – apartments, offices/ retail and an Assisted Living center. There are a limited number of buildings which, although I would prefer no MDX anywhere close to me, is much better than a large number of buildings/ associated parking lots.

With that said, I also want to express my concern at the apparent stalemate between the City and the developer as related to the City's 135th Street Corridor Plan.

My interpretation is that the City's Plan requires a majority of the property to be MDX which I'm sure was the 'correct' idea when was the Plan was established. However, with *so many* existing vacant retail/ business spaces along 135th Street, and within two miles of 135th & State Line, why would the City insist a developer build even more MDX space? As you can see from developments (current and planned) directly to the south and west of this property, VILLAS and APARTMENTS are what people who want to move to Leawood are looking for. Mr. Lashbrook's proposal offers both.

Finally, I can only imagine the millions of dollars needed to develop these 50+ acres. Since this plot has been vacant for decades, I'm assuming no other developer was willing to take the risk. Now you have Mr. Lashbrook and his team, with a proven record of developing high-quality, high-occupany communities, who present you with a Plan that does not specifically match your original 'concept.' Wouldn't it be better to compromise and work with Mr. Lashbrook than leave the property as Agricultural for many more years?

As my representative to the Council, **I ask that you do not deny this Plan outright,** but rather ask the Planning Commission and Mr. Lashbrook to continue the discussion. Allow the Commission to "see" his Plan in light of current economic conditions and perhaps request an exception/ revision to the City's Plan to accommodate Medium Density Residential for this particulate corner of the 135th Street Plan.

I ask that you take these points into consideration before you vote today.

Respectfully yours,

Leanne M. Gorsuch,

13715 Pembroke Circle, Leawood, KS (913) 485-8263

Secretary, Leawood Falls Home Owner's Association Board of Directors

CC: All Council Members, City Administrator and Mayor

From: Leslie Moreland <lesliemoreland@hotmail.com>
Date: September 30, 2018 at 7:50:04 PM PDT
To: "allcouncil@leawood.org" <allcouncil@leawood.org>
Subject: I support PC Case 71-18

We support the plan proposed at the June meeting.

Name: Leslie and Bob Moreland
Address: 13701 Belinder Rd, Leawood 66224
Telephone:913-232-7979

Get Outlook for Android

From: mark/karen <kmhorrigan@msn.com>
Date: September 30, 2018 at 7:17:58 PM PDT
To: "AllCouncil@Leawood.Org" <AllCouncil@Leawood.Org>
Subject: I support PC Case 71-18

Dear Leawood City Council members,
Our property is directly connected to the proposed development. We've been to the informational meetings and are highly in favor of the proposed development. One of the key components of the development is their plan to not have 137th street right along the tree line on the south edge of the property.
Please do not reject this proposal.

Name: Mark & Karen Horrigan
Address: 13641 Manor Road
Telephone: 913-638-4986

In addition, our neighbor to the east is also in favor. She asked us to reply on her behalf.

Name: Ruth Snyder
Address: 13645 Manor Road
Telephone: 913-681-2088

-----Original Message-----
From: Peggy Dunn
Sent: Friday, September 28, 2018 4:40 PM
To: Joe Hesting <hestingj@yahoo.com>
Cc: Peggy Dunn <peggyd@leawood.org>; Scott Lambers <scottl@leawood.org>; Richard Coleman <richardc@leawood.org>; Mark Klein <markk@leawood.org>
Subject: Re: 135th street mixed retail/villa plan

Dear Mr. and Mrs. Hesting,

Thank you for your communication. I have also copied the Director of Community Development.

Peggy Dunn

Sent from my iPhone

> On Sep 28, 2018, at 11:21 AM, Joe Hesting <hestingj@yahoo.com> wrote:
>
> Hello,
>
> I live at 2709 W 137th Place in Leawood falls and would like to give my support for the proposed mixed retail/villa plan that is on the table now. As a home owner nearby, I do not want a busy commercial development right out my front door. We have a peaceful neighborhood now, and would hate to have our quiet neighborhood disrupted by constant traffic and noise.
> The mixed plan sounds great, and I don't believe Leawood can even support much more commercial development with all the shops down the street on 135th.
>
> Thank you for your time,
> Joseph and Stacey Hesting
>
> Sent from my iPhone

From: Patricia Baker <1pb807@gmail.com>
Date: September 29, 2018 at 8:53:50 PM PDT
To: <allcouncil@leawood.org>
Subject: 135th & Kenneth Project

Hello, I would like to voice my support for the Developer's Plan for this project, which I understand you all may be on the verge of declining. Please reconsider and know that the residents of Leawood Falls are very concerned that an alternate plan may adversely affect our property values and neighborhood security.

As a resident of Leawood Falls and within 500 ft of the proposed development, I strongly urge you to approve this plan. I am unable to attend the 10/1 meeting but hope this email will adequately express my opinion.

Thank you.

Patricia A. Baker
13652 Belinder
Leawood, KS 66224

From: Patti DeWalt <pattidewalt@ymail.com>
Date: September 30, 2018 at 10:12:56 AM PDT
To: "AllCouncil@Leawood.Org" <AllCouncil@Leawood.Org>
Subject: I support PC Case 71-18
Reply-To: Patti DeWalt <pattidewalt@ymail.com>

Application for PC Case 71-18 for the Leawood 135th Street and Kenneth Rd development.

Homeowner:
Patricia DeWalt
2430 W 137th Place
Leawood, KS 66224
913.710.9362

Leawood City Council Members,

I am writing in support of the proposed development plan for PC Case 71-18 for a number of reasons. Based on the developer's proposed plan, my property value could increase significantly, resulting in more tax revenue for the city. My property backs up to what will currently be the extension of 137th Street to Kenneth Road. This plan will destroy my property value and will force me to move from Leawood very soon before the extension of the street in an effort to save my current property value and equity in my home.

I have lived in Leawood most of my life and enjoy it immensely. If the current plan remains, I won't continue to be a resident.

The plan proposed by the developer seems to be a good way to develop the land behind my house, increase or at least maintain the property value of the residents of Leawood Falls.

I implore you to approve the Application PC 71-18. Please feel free to contact me with any questions.

Sincerely,

Patti DeWalt
pattidewalt@ymail.com
913.710.9362

From: Reynold Middleton <reynold.middleton@gmail.com>
Date: September 30, 2018 at 10:13:33 AM PDT
To: <AllCouncil@leawood.org>
Subject: I support PC Case 71-18

Our property is adjacent to the proposed development. Since we moved into the neighborhood more than10 years ago, we knew that one day the land would be developed. When I heard about the original proposal, I went to city hall to look at the plans and talked to two staff members. I got the impression that is was not what they wanted to see for this land. However, many of my neighbors and I support this plan or a plan similar, as opposed to a higher density, more retail plan. Thank you for your time.

Name: Reynold Middleton
Address: 13641 Belinder Leawood, KS 66224
Telephone: 913-402-0396

From: Ron Cott <roncottdvm@gmail.com>
Date: September 30, 2018 at 10:23:03 AM PDT
To: <AllCouncil@leawood.org>
Subject: I support PC Case 71-18

All Leawood City Council Members:

Please let this email serve as a matter of record that we thoroughly support as Leawood Falls residents the **Application for PC Case 71-18 for the Leawood 135th Street and Kenneth Road development.** We are 100% opposed to the Leawood City Staff and Planning Commissioners' idea of more density forcing the 137th street connection closer to our backdoor. If you lived in the Leawood Falls subdivision I am sure you would NOT want a major road in your backyard.

Name: **Ronald Kenneth Cott and Mary Jane Cott**
Address: **13644 Manor Rd., Leawood, KS 66224**
Telephone: **573-424-0240 and 573-424-0254**

From: ggsnyder57 <ggsnyder57@yahoo.com>
Sent: Monday, October 1, 2018 9:55 AM
To: Committees - City Council <Allcouncil@leawood.org>
Subject: I support PC Case 71-18

Name: Ruth Snyder
Address: 13645 Manor
Telephone: 913 681 2088

The proposed development for 135th and Kenneth Road is a good plan that includes both commercial and residential areas, and fits in with the current housing south of this area. More commercial development is not the answer to successful use of this land. Leawood already has too many vacant stores. However, residential development in the area would give more people the opportunity to say, "I live in Leawood! "

Please consider the developer's plan for this area as a better use of the area.

Sent from my Samsung Galaxy Tab® S

From: ggsnyder57 <ggsnyder57@yahoo.com>
Date: October 1, 2018 at 7:54:47 AM PDT
To: <AllCouncil@Leawood.Org>
Subject: I support PC Case 71-18

Name: Ruth Snyder
Address: 13645 Manor
Telephone: 913 681 2088

The proposed development for 135th and Kenneth Road is a good plan that includes both commercial and residential areas, and fits in with the current housing south of this area. More commercial development is not the answer to successful use of this land. Leawood already has too many vacant stores. However, residential development in the area would give more people the opportunity to say, "I live in Leawood! "

Please consider the developer's plan for this area as a better use of the area.

Sent from my Samsung Galaxy Tab® S

From: Sharon Smith <ssmith8257@gmail.com>
Date: October 1, 2018 at 6:56:14 AM PDT
To: <AllCouncil@Leawood.Org>
Subject: 135th and Kenneth Road Project

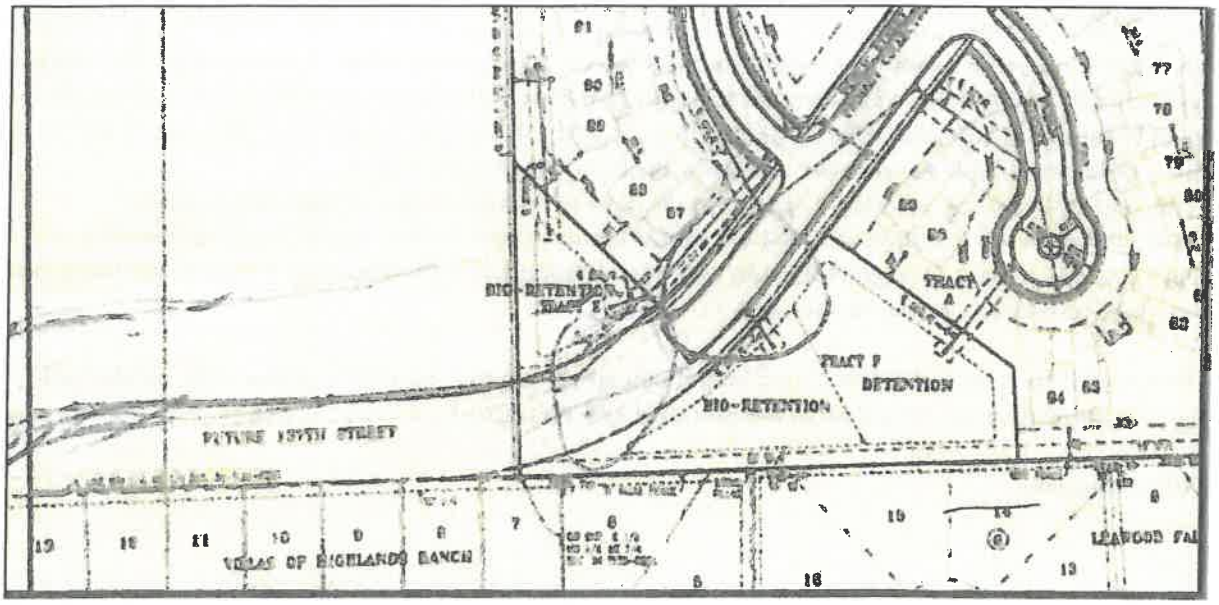
My name is Sharon Smith and I reside at 13649 Manor Rd, Leawood, KS. in the Leawood Falls subdivision just south of the proposed development at 135th and Kenneth Rd.

I am in favor of the proposal presented to homeowners in our subdivision in July by John Peterson and Richard Lashbrook. Specifically, I like that villas will be a buffer between the retail areas and our subdivision and that 137th Street will not be directly adjacent to Leawood Falls. I think the developer proposes a very attractive combination of residential, commercial and retail offerings and especially like garage parking for the apartment units. Please consider my comments when you
vote on this plan.

Sent from my iPad

From: Jane Raetz <jane.raetz@gmail.com>
Date: October 1, 2018 at 9:57:16 AM PDT
To: <AllCouncil@leawood.org>
Subject: Concerns about PC Case 71-18

Name: Villas of Highlands Ranch
Address: 3046 West 137 Terrace
Telephone: 402-968-7277



From: <sbrookner@kc.rr.com>
Date: October 1, 2018 at 9:52:00 AM PDT
To: <AllCouncil@Leawood.Org>
Subject: 135th and Kenneth Road project

to whom it may concern:
I have been a observer in the 135th St. development project for several years as a homeowner in the Leawood Falls subdivision. I attended a outreach meeting with a presentation from the developers of a proposed plan for the development of the area west of Kenneth Road and South of 135 th St.
I have also read the response from the Leawood Planning Commission along with its recommendation to not support the plan.
I frankly could not understand nor support the planning commissions decision to not support the plan. There was lot of mention of lack of protection of green areas, as well as the lack of support for the moving of a street to meander through the development instead of in a straight line along the property boundaries of Leawood Falls homeowners. I also drew the conclusion that the city's plan is for a much greeter density of buildings (retail, office apartments etc.). Not sure if this is for a greater tax base or what the hesitancy is about the proposed plan.
This part of Southern Johnson County is in dire need of additional "downsizing housing". Downsizing in the is situation is not the introduction of low grade , cheap, housing alternatives, but a smaller square footage residence with less upkeep but a development meant to maintain the integrity of housing prices in this area.

This note is to ensure that the City Council can count me as a supporter of this plan unless there is a "more definitive" response to the proposal and its impact.

Steve brookner

From: Jane Raetz <jane.raetz@gmail.com>
Date: October 1, 2018 at 10:33:48 AM PDT
To: <AllCouncil@leawood.org>
Subject: Villas of Highlands Ranch concerns

Please be advised of our concerns in this matter regarding PC Case 71-18.
Jane Raetz
President, Villas of Highlands Ranch HOA

--

Jane E. Raetz
Management & Marketing Director
Benchmark Financial Group, LLC
9300 W. 110th St. Suite 160
Overland Park, KS 66210
Phone: 913-534-8253
Fax: 913-534-8253
jane.raetz@gmail.com
jane@bfgkc.com

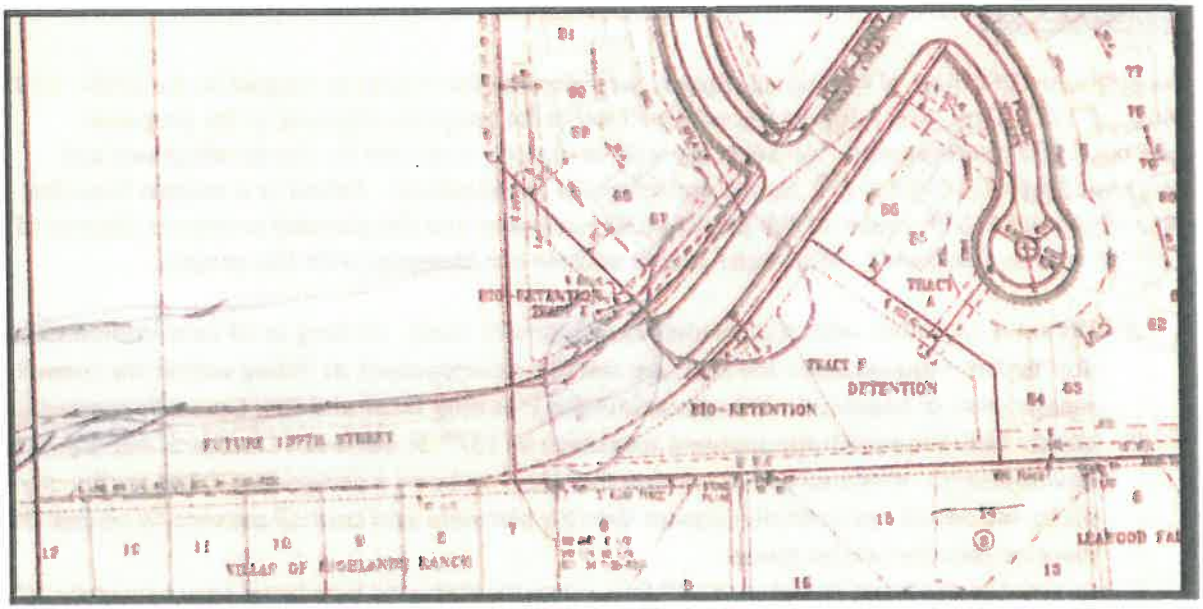
As the Board of Villas of Highlands Ranch, we represent the residents located in the 2700– 3100 block of 137th Terr. Our subdivision will back up to the property adjacent to the proposed Leawood 135 development. As such, we will be directly impacted by the development and proposed Right-Of-Way (137th Street) servicing the development. Below is a snippet from this plan showing the SW corner of the proposed development and the planned extension (future) of 137th St west to Chadwick. We would like to address our concerns with this project.

1. We have no issues with the planned development itself. As long as all local ordinances and zoning requirements are met, we see this development as fitting within the overall master plan of Leawood. We appreciate the Planning Dept and City Council's oversight.
2. We do take issue with the planned extension of 137th St between Chadwick and the new development. While we acknowledge that this has been a designated ROW on the city plans, we would respectfully request the City planners and council persons to review the planned location of this street.
3. As you can see from the plan, 137th St is currently slated to be placed approximately 10' north of our property lines. In our particular subdivision (Villas of Highland Ranch), the setbacks from the homes are less than the Leawood ordinance for minimum rear setbacks (30'). While we're not sure how our developer was granted this variance (approved by the City of Leawood?), the end result is that we'll have a primary collector road about 20' from our patios. This reduced setback makes "berming" on our properties virtually impossible.
4. Currently the homes along this ROW have property tax valuations that average $750,000. Should the ROW be installed as planned, these values will undoubtedly be reduced due to the proximity of the new 137th St.

5. Please note that the proposed developer of the Leawood Project recognizes the impact of this ROW on the subdivision just south (Leawood Falls) and as a result has proposed shifting 137th St north within this proposed development.

We would respectfully request the City to consider having the developer terminate the western point of 137th St within his development approximately 50 - 80'north of the current plan. This could be easily accommodated by swapping one duplex with detention. We would then request the City to keep the new 137th St pushed north of its current placement by approximately 30' to allow for landscape berms to be installed. We understand it eventually needs to be tied into the existing 137th @ Chadwick, but it does not have to be a straight line, it's not a straight road anywhere west of Chadwick (all the way to Metcalf). Doing this would help maintain the property values for the Leawood homeowners within the Villas of Highlands Ranch and protect the City's tax base.

Jane Raetz, President
Ed & Anna Heilmann
Steve & Ronda Elliott
Steve & Ann Tanner
Barry Hopkins



From: sbrookner@kc.rr.com
Date: October 1, 2018 at 11:52 AM PDT
To: <AllCouncil@leawood.org>
Subject: 135th Street and Kenneth Road

to whom it may concern:
I have been a observer in the 135th St. development project for several years as a homeowner in the Leawood Falls subdivision. I attended a outreach meeting with a presentation from the developers of a proposed plan for the development of the area west of Kenneth Road and South of 135 th St.
I have also read the response from the Leawood Planning Commission along with its recommendation to not support the plan.
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Steve brookner

City of Leawood
Planning Commission Meeting
September 11, 2018
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160

Chairman Pateidl: I'd like to take a moment to pause and remember and honor the victims of 9/11 - 17 years ago.

Moment of silence

CALL TO ORDER/ROLL CALL: Hunter, Hoyt, Pateidl, Coleman, Block, and Stevens. Absent: Belzer, Elkins, and Strauss.

In Chairman Elkin's absence, Vice-Chairman Pateidl served as Chairman.

APPROVAL OF THE AGENDA

Chairman Pateidl: It is noteworthy that there is one item on the agenda.

A motion to approve the agenda was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 5-0. For: Hunter, Hoyt, Coleman, Block, and Stevens.

Chairman Pateidl: I see a number of people in the chamber tonight, you're all welcome, and we're very happy to see the support of the citizenry for these kinds of activities. Many of you, perhaps, like me, before I became a part of this commission, had no idea what these meetings were really about or who these players were. I'd like to take just a minute to explain and introduce some of the participants, their responsibilities, and their activities. What is our Planning Department? They are employees of the city. They are officials and experts educated and trained in planning. Their primary responsibility is to be in charge of the construct of our community in accordance with the laws that we have ordained inside the City of Leawood and the direction of the Governing Body or City Council. Remember, City Council are officials that were elected by each of you and all of us that are sitting here. We are the Planning Commission. Basically, we are citizens just like you. We've been appointed by the mayor to serve in this body. After we're suggested to be appointed by the mayor, we're vetted by our individual councilmen, the people you have elected to be your representatives. Then, we are privileged to have the opportunity to serve the community as volunteers. Our job in this whole process is to make a recommendation to the Governing Body with respect to any given application. We're filtering the activity that is coming through to make a recommendation as to whether or

not a proposal is good for the city or acceptable to the city, as deemed by our body in conjunction with the Planning Department. Last, the applicant is a person wishing to develop a project and make an investment in the City of Leawood and probably the most important part of this whole process. Without them, we don't have any growth. In the process, the applicant brings a project to the Planning Department, who then reviews it. They're reviewing it in the construct of the ordinances, which the Governing Body has passed as law. This is known as the Leawood Development Ordinance [LDO]. They are also directed by the Governing Body as to the desires and intent of development inside of Leawood for the community we want to have. They are, for lack of another description, quality control. We, the Planning Commission, are filtering these proposals. At the end of the meeting, when we take a vote, we vote on whether to recommend a proposal to the Governing Body for their consideration and approval, deny it, or continue it. Those are the three options we have. With every recommendation for approval, you will hear a comment regarding stipulations, which are items that the Planning Department and applicant have codified in the agreement that it is how the application will go forward. It is important to have the stipulations because they are the pathway for the approval. There could be as few as a handful or as many as 25-30; it depends on the application. If a continuation becomes a decision, it is simply an opportunity for the applicant and the Planning Department to have more time to work toward an understanding if there is a problem or discrepancy as far as the application or design. The last option that the Planning Commission has is to deny the application or state in the denial that we don't believe it is ready to be recommended to the City Council. At this point, the applicant has the right to go to City Council and seek a hearing with them as far as their proposal is concerned. However, if the denial takes place and the applicant moves forward, the City Council would then have to approve the application with a super majority, meaning 2/3 of the members. That brings us to where we are this evening. To begin with, it is noteworthy that there are no stipulations associated with this application. There are any number of stipulations that are common to an application that would deal with compliance with certain elements of the LDO. Some stipulations should be there. It also has a position for the Planning Department that they do not believe this application should be approved and moved to City Council. With that comes a question that I want to raise to my fellow commissioners in the sense of the conduct of this meeting. We don't have a pathway to approval. We don't have stipulations. We don't know how to judge this. It is sort of like having a swing set and not having any instructions. How are we going to get this done? Therefore, if we don't have a pathway to an approval, are we left with a decision of either a continuance of the application or a denial? I'm open and asking for your thoughts and your feeling toward how, after having studied this application, you would like to proceed.

Comm. Hoyt: I guess I anticipated we would follow the same basic protocol that we typically do; however, I don't know at what point it is appropriate to enter into various issues, but clearly, from my perspective after reading through the materials, there does seem to be a rather huge gulf between what the applicant is proposing and the issues the city has that make it difficult and, as they speculate, impossible to pass on as a recommendation even with extensive stipulations. One of my biggest questions is the process that has been followed up to this point and why and how we've gotten here.

Mr. Hall: If I could interrupt, your best course of procedure would be, as Commissioner Hoyt indicates, to follow your normal procedure: hear from the staff, the applicant, and the public, and then hold discussions. I think if you proceed in that fashion, all of your questions should be able to be answered.

Chairman Pateidl: Based on legal counsel, that is the city's position. Are there any other commissioners wanting to make any comment?

Comm. Block: I think we should follow that path.

Chairman Pateidl: All right; following the path of the normal procedures and noting that there are myriad of issues contained in this as the gap that Commissioner Hoyt pointed out, I'm going to suggest that we ask for an overview from the city and an overview from the applicant. Then, we will take the points of contention, for lack of another description, one-by-one, and we will discuss those points so we can maintain focus. If we've got 16 wheels going this way and 16 going that way, we'll never get this truck out of the parking lot. If that is agreeable to the city, the applicant, and to counsel, we will proceed on that basis.

NEW BUSINESS:

CASE 71-18 – 135th STREET AND KENNETH ROAD – MIXED-USE AND MEDIUM DENSITY RESIDENTIAL – Request for approval of a Rezoning from AG (Agricultural) to MXD) (Mixed-Used Development) and RP-3 (Planned Cluster Attached Residential District), Special Use Permit for an Assisted Living Facility, Preliminary Plan, and Preliminary Plat, located south of 135th Street and west of Kenneth Road. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: Mr. Vice Chair and members of the Planning Commission, this is Case 71-18 – 135th Street and Kenneth Road – Mixed-Use and Medium Density Residential project. The applicant is requesting approval of a Rezoning from AG to MXD and RP-3, Special Use Permit for an Assisted Living Facility, a Preliminary Plan and Preliminary Plat. The project itself is located south of 135th Street and east of Kenneth Road. I have a presentation with pictures that might make it easier to understand.

(Refers to presentation throughout) The aerial photo shows the general area. The subject property is about 56 acres. It is currently being used for agricultural purposes and also some natural area as well. There is now alignment and extension of 137th Street to the east. A vacant property is located west of the subject property. There is a subdivision that has been platted and approved as well.

This application proposes to extend 137th Street from the western terminus. It will proceed northeast and then tie into the property on Kenneth Road. We will talk fairly extensively about the alignment of 137th Street. The applicant is proposing the alignment to be much farther to the north than what the city has shown since 1996 on the

Comprehensive Plan. The applicant is proposing two zonings with this project. The first is MXD between 135th Street and 137th Street. The west side consists of apartment buildings with underground parking. Building C is a combination of Retail, Office, and Residential above. Building D is also an apartment building with underground parking. Buildings A, B, and D are four stories and approximately 58' in height. Building C is 71' in height. The east side of the development has Office and Retail. One building spans the area and accesses the parking that is interior to the site. It has Retail on the first floor and Office above that. They also have another building on 135th Street. That building is Retail and Office above. There is an 84-bed assisted living facility on the far east with 100 spaces of underground parking. This side of the development has 172 residential units. The maximum density in MXD is 15 units per acre. They are well below that at around ten units per acre. Regarding Floor Area Ratio [F.A.R.], the maximum F.A.R. in MXD is .25; however, the LDO allows for bonuses to increase that number up to .45. Anything above .45 is still possible but would require a ¾ majority by the Governing Body. In order to receive the F.A.R. bonus, they are proposing increased open space as well as underground parking. Both carry a 15% bonus. I'll give some history on the bonuses.

Chairman Pateidl: I think we'll get into those issues there, and it will be easier for us to focus if we do it that way.

Mr. Klein: The area that is located on the south side of 137th Street and on the north side of 137th street on the western portion of the property, the applicant is proposing to rezone to RP-3 [Planned Cluster Residential Attached]. They are proposing 60 duplexes in 120 units. Nearly 43 of them will be located on the southern part of 137th Street; 17 will be located on the northern side of 137th Street. The maximum density within the RP-3 is 7.26, and they are well below that at three dwelling units per acre.

That was an overview. The items we would like to discuss are outlined in the Staff Report. We'd be happy to discuss those further.

Chairman Pateidl: Are there questions for the city?

Comm. Coleman: I have a question in terms of how we got to this point. Obviously, we have had multiple continuances to get to this point. Usually, when those occur, things are being worked out between the developer and the staff. It doesn't seem to be the case here. Is there an impasse at this point between staff and the developer?

Mr. Klein: As Commissioner Pateidl indicated, staff is charged to consider ordinances and the Comprehensive Plan, which is a guide for the future development of the city. It gets reviewed on an annual basis. It is more of a vision for where the city would like to go in the future. Unlike the LDO with a specific standard for density or F.A.R on a particular site, the Comprehensive Plan looks at land that is available and tries to project the best future use of the land. In this case, the city hired a consultant and adopted the 135th Street Community Plan in 2014. This looked at the area located between State Line Road, Nall Avenue, 133rd Street, and 137th Street. That is part of the Comprehensive Plan. As part of that process, Mixed-Use was considered as one of the primary directions the city wants to go. We go to planning conferences, pay attention to peers, read the

research, and look across the country. There are certain things that more successful Mixed-Use Development projects have. Those were incorporated into the 135th Street Community Plan. The city looks at projects in that area and applies the principles to those and to any Mixed-Use projects. We'd like to talk tonight about what we're looking for, what was outlined in the 135th Street Community Plan, and what their application is bringing forward.

Mr. Coleman: We explained the 135th Street Community Plan and the Comprehensive Plan to the applicant and the points they can comply with. They acknowledged that and wanted to go a different direction, so the discussion ended.

Comm. Block: I'm looking at the map with the phases. Phase 2 and 3 are the Mixed-Use portions. Do those comply with the requirements for Mixed-Use, aside from the street alignment?

Mr. Klein: They don't contain many of the components we are looking for in Mixed-Use.

Comm. Block: That was with the streets and the nodes, but do the ratios comply?

Mr. Klein: The uses comply.

Comm. Block: You showed the alignment. Where 137th Street should be per the Comprehensive Plan is on the other side of the bio-detention area. Where should the alignment of Kenneth Road have been?

Mr. Klein: It lines up with High Drive to the north, so we would expect full access there.

Comm. Block: The radius of the street on the southwest corner where 137th Street intersects the existing street is too tight?

Mr. Klein: There has been dialogue between staff and the applicant, even today. The applicant has indicated compliance with certain standards, such as this radius. The city has a standard of a 500' radius along a collector street. They are showing a 400' radius but have indicated they would change it to 500'. Additionally, they will comply with the requirement for the roofing material within the RP-3 portion of the development. Also, staff has had conversations with them with regard to the spacing of the side yards of the RP-3, and I think that we have reached a resolution to that as well: they will maintain a minimum of 15' between the side walls of those structures.

Comm. Block: I thought I saw something talking about 137th Street not being so close to the existing homes to the south.

Mr. Klein: Staff would be interested in that. There are some constraints, but we would like to move the street away to preserve the tree line. The rectangle to the east is right-of-way that the city has already obtained. The street will need to go within that right-of-way;

however, from that point on, we would like to start move the street up a bit to the north while maintaining the 500' radius. It would be gradual and not a steep turn.

Comm. Block: Can you do that by acquiring a right-of-way from that property owner?

Mr. Klein: Typically, the developer comes in with a piece of property and then we get the right-of-way for 137th Street. At that point, we would look for the right-of-way to shift to the north.

Chairman Pateidl: Any other questions? I have one. We have 137th Street stubbed at Chadwick, and then there is a piece of undeveloped land and then this property. Is 137th going to be completed at that point?

Mr. Klein: There would be a time when there would be no connection. Basically, 137th Street would stub out. They don't own the property adjacent to the west, so they can't extend the street through that. We don't have the right-of-way for it at this point, and we won't until that property develops. The city requires a temporary cul-de-sac, and the applicant does not want to construct it; they prefer to stub it out. We also require signage at the end of the cul-de-sac just so everybody is aware that the street will go through.

Chairman Pateidl: That stub will remain there until somebody develops that little piece of ground on the bottom?

Mr. Klein: Yes; we typically get the right-of-way as each individual piece of property comes in. The hope is that, as development occurs within 135th Street in that area, more development pressure will occur. Then, other properties would want to develop.

Chairman Pateidl: Thank you. Mr. Petersen?

Mr. Klein: We have a lot of other items, too.

Chairman Pateidl: In terms of an overview, that is pretty much what I wanted to hear. We'll go into each of these objections one-by-one and hear them out from each perspective. To hear all of that in one presentation and then all in another presentation is going to be too difficult to focus on. The city has done an outstanding job of delineating the difficulties that we face, and I think that each of those should be aired but not collectively; it's just too complicated.

Applicant Presentation:
John Petersen, Polsinelli Law Firm, 6201 College Blvd., Overland Park, appeared before the Planning Commission and made the following comments:

Mr. Petersen: I'm appearing on behalf of Leawood 135 LLC, the proposed developer, in conjunction with another entity, of the entire project. I'd like to quickly introduce the members of our team. Two gentlemen will commit millions of dollars to bring actual development to the 135th Street Corridor are Richard and Rick Lashbrook. They are

proposed to be the sole developers of the attached villa concept south of 137th. The Lashbrook Group will take the lead in developing the west side; the Regnier Group will take responsibility for the eastern side with the assisted living and other elements. Henry Klover is the architect for the MXD portion. Jeff Wilkey has provided expertise in terms of traffic management. Tim Tucker with Phelps Engineering has done our civil work, helping us lay out Site Plans and ensuring we have adhered to every single element of the LDO. Jason Myer is our landscape architect, playing an important role with our existing neighbors to the south as we've moved our project along that southern property line. Len Corsi with Vic Regnier Builders is also here this evening.

I am going to have to try to break ranks in terms of how I do it because I hear your message about not getting into too many details. I have to say that I found the initial dialogue interesting because I understand it. Regarding stipulations, I asked for them. I wish we had some. It's pretty hard to actually get a project that can come to fruition if we don't have those typical stipulations. There is a reason for that, and it gets to the point of the gap. The gap can be perceived as a reluctant, dismissive developer. The city put the rules out with the LDO, a Master Plan, and the Community Plan. They say the developer ignored it. I want you to know that we are at a gap, but it wasn't because we were dismissive, because we were being hypercritical, because we don't respect the expertise of your professional planning staff, nor the deliberations that took place to come up with the 135th Street Community Plan. Our problem is that we can't build the project in strict accordance with the 135th Street Community Plan. We can't finance it. The market is not there to support it. It is not just us. Nobody can. I would respectfully suggest that it is the exact reason this corridor shows up as plowed ground while billions in investment has taken place to the west and millions of dollars of development has taken place directly to the east. Maybe you're good with the reason, but there is a reason. The development community in Kansas City and beyond has been waiting for this day since 2014. Somebody has to bring an application in. It's going to have a gap, and we have to see what we can do to work it through and find common ground. We can get into the details of the differential, but the bright line is not the LDO. We've met every setback, every landscaping requirement. We have density issues we can deal with through the process that's embedded in the LDO. Then we move to the Comprehensive Plan. Pre-135th Street Community Plan, we had issues to deal with. The Comprehensive Plan has been in place and showed 137th with a certain configuration. Somebody drew that line in 1996. It's been sitting on a piece of paper for 22 years. I don't think anybody said that they would draw the line and it should be exactly where the road should be built without thought for circumstances for where the road should go when the development goes in. Staff alludes to the fact that it shows it very close to the neighbors in the southwest corner of the project. We'd like to move it. That issues is not based on the LDO; it is based on a vision from 26 years ago.

Chairman Pateidl: I think we're getting into specifics.

Mr. Petersen: This gets to where the rubber meets the road.

Chairman Pateidl: The rubber will meet the road shortly.

Mr. Petersen: It is the concept of a Mixed-Use project. What we tried to do in the overview of our efforts was to say that we understand the LDO; we understand the Comprehensive Plan and the vision. We want Mixed-Use in this corridor. We tried to buffer those headwinds of a market that won't respond, banks that won't finance and developers' inability to bring forward a certain type of plan that staff has staked their position on. We tried to find a middle ground. This is a Mixed-Use project. It is partially vertically Mixed-Use and partially horizontally Mixed-Use. The whole 52 acres is a mixture of Residential of different classes and different types, Retail, Office, and even some assisted living opportunities. Portions on 135th Street with that presence are vertical with structured parking. The allows for more open space. As we move south, our compromise was to move to a more horizontal Mixed-Use and bring buffering techniques that blend better with the neighbors to the south. Staff's position, standing firm on the 135th Street Community Plan is that they want all vertical Mixed-Use with all the parking underground. They want three-story to nine-story buildings up against 137th Street. They want mass and verticality. That is the gap. That is our plan, and staff walked you through it. We have details we can talk about. We have buffering to the south, elevations that we can discuss, LDO requirements, and Comprehensive Plan elements. I can make the case for why we moved 137th Street. It is an additional seven acres out of 52. It is not a significant move, but it makes for a better mixture of vertical and horizontal planning. I can walk through our bike lanes and trails. The grid street system is in the 135th Street Community Plan, and that is why staff is recommending denial. We can't build that. It just can't be built. I don't need to talk to you about Park Place. It can't be replicated in the kind of size and density it is. I would suggest that this actually has been tried in the 135th Street Corridor itself: verticality, internal streets, cool urban stuff. It hasn't worked anywhere in Johnson County. The Villaggio said they could do it. What stands vertical in Villaggio are two buildings and weeds. The street system on the left side is in. Because it's in and the market didn't respond, that property went through foreclosure and is now owned by another client of mine. He bought it for the cost to put the streets in. He won't bring a plan forward. He's one of the most prolific Mixed-Use developers based out of Denver. That is the dilemma. I need to speak to the golden criteria sometime tonight to close out our Public Hearing. I am ready with a plethora of details. I have design team members who can come up and speak to any issue. That is the reason there is a gap. The other dilemma is if this developer chooses to do the grid street system, the transects, and the buildings to 8-9 stories, it couldn't be done in Leawood because the LDO doesn't allow it. I'd be happy to answer questions now, or I'll follow your lead.

Chairman Pateidl: I would offer an opportunity of the commissioners to ask questions of Mr. Petersen.

Comm. Hoyt: To clarify, in your opinion, the main sticking point that creates this huge gap is the fundamental concept of a Mixed-Use development and that the city is defining it in vertical terms, and you and the applicant think that horizontal is the way to go. Is that correct?

Mr. Petersen: That's close. Mixed-Use is very specifically dialed out. It is Residential, Office, and Retail. In this case, it is primarily vertical. We have Residential over Retail

and Office over Retail. We designed to the code of what Mixed-Use means in that section. The idea of verticality is alive and well and in full compliance with the LDO. Where we break is we want to move down for the overall project and build horizontal Mixed-Use where we take another type of living opportunity and do it in a more horizontal fashion as we move to the south. We think it is a more compatible transition for our neighbors to the south. It is more economically viable. It is a market that is there today, but it still brings vibrancy to the area. It supports the amount of Retail and Office and other uses along the street. That is the difference. It is a difference of opinion, and we have some flexibility to take pieces of what the Community Plan spoke to, which is mass and height, utilizing structured parking. Can we speak to part of that up along the street but not have to do the entire program? Again, it's a matter of opinion, proved by the fact that nobody has tried it yet, that we can't do it. We're not going to say we can do something we can't produce. I'm always careful to use an analogy out of another city, but it is so relevant in this case. It is the concept of Vision Metcalf in Overland Park. There was a study commissioned and paid for by a highly regarded consultant. It had 25-story buildings at 435 and Metcalf, 15-story buildings at 103rd and Metcalf. It was this thing. What happened is people said they couldn't do it but they could take pieces of it. In certain specific nodes, we will build some height and mass. We could be at a gap forever. We want to move it through the process.

Comm. Coleman: You've referenced that, on this whole tract of land between Roe and State Line, the plan is not feasible. Why not redo the plan? I haven't heard any negativity about that until you mentioned that. Why aren't the developers asking us to change the plan instead of altering it piece-by-piece?

Mr. Petersen: They did. I was at some of the workshops. People said it was a lot. Maybe in these 600 acres, there is one node that could support something like this, but it can't be 600 acres. Atlanta couldn't support something like that. Whether it's the brokerage community, the landowner community, professionals, or lawyers, we all sat there. Your own consultant came back after the plan was adopted and said that retail has totally changed, and we have to rethink this. That's typical. That is what Master Plans are. We are putting in as little as we can. Nobody knows what retail is doing. Nobody knows what Class A Office will do this far from an interchange. What we do know is that, very early on, Leawood didn't want large-format Retail here. That left it plowed ground. There was probably an opportunity that not all 52 acres had to be planned at the same time, so Multi-Family could come in. Now, we're trying to find a balance with the concept and do what we know we can do. We can connect 137th. We can bring some great residential in that will feed in. We have the walkability. We will put this higher-density stuff in, and it's trying to get that one started. Maybe if another one starts, one can merge as a Park Place-kind of node. When a developer looks at what you want and goes to the bank, it creates the gap. I guess we can just wait, but we have landowners who want to use the land and put in some vitality. I think it's important to drill through the issues. Let's go to the LDO. Did we adhere to the LDO? I will tell you, when it comes to transects, grid streets, and nine-story buildings, we don't comply by intention.

Chairman Pateidl: Thank you. Mr. Petersen alluded to the Golden Rule and the factors involved. They will be discussed. I believe, perhaps, right before or right after the Public Hearing would be an appropriate time to address that subject. Passing from roughly Page 9 to Page 12 and getting to some specifics, we've got alignment on 137th Street. If I understood Mr. Petersen correctly, you've stated you're simply not in compliance with that particular aspect of it.

Mr. Petersen: I can give you an exhibit that will give you the parameters of the so-called noncompliance. (*Shows graphic)* The street as depicted takes 137th from our western property line intersecting with Kenneth Road. We solved the radius problem. We have proposed to curve the street. We took the same kind of curve in the road that interfaces with the single-family homes at Tuscany. It is bent around it with the exact same configuration. We incorporated that into our plan and popped a little bit of our Residential on the north side of 137th just like they did at Tuscany. We are just trying to follow a pattern that was approved.

Chairman Pateidl: I think we're getting a bit away from the point. We have the position that the applicant is stating noncompliance. Mr. Klein, what is the importance of this from the city's point of view.

Mr. Klein: I'd like to clarify a few things with regard to the LDO. I understand Mr. Petersen's position. With regard to the Mixed-Use Development, the LDO originally came about in December 2002. To a large extent, it was developed in response to Park Place. The city wanted to allow Mixed-Use, but the LDO wasn't the best at doing that. They already had a bit of that pressure at Mission Farms, who wanted to be a bit more Mixed-Use. The city got a consultant and developed the current LDO. I want to read one section with regard to MXD. Mr. Petersen is right that it specifically calls out number of uses. Again, this was written in 2002, so well before the current 135th Street Community Plan. "The MXD District allows for traditional town center marketplace development and other coordinated pedestrian-oriented Mixed-Use Development by authorizing interrelated uses and structures. This specific additional regulation of design, architecture, lighting, green space, and other site requirements appropriate to ensure the location of the appointment and retail centers in proximity to higher density housing." The argument is that the application before you actually does have higher-density Residential; it has Office; it has Retail. Where we are differing is how that is interrelated to each other. For the city, Mixed-Use means a lot more than just a mix of uses within a particular site. It goes into how those uses fit together and what kind of environment they produce. There is a big difference between developments like Park Place, Mission Farms, City Center, and Prairie Fire. It's a different feel than a lot of what we typically have along 135th Street. The majority of what is on 135th Street is the strip-style development. Before 2008, we were having three regular Planning Commission meetings a month. We did away with work sessions because we had so much development pressure. A lot of that was strip-style development with a lot of Retail and Office. I want to make sure everyone understands that Villaggio wasn't really Mixed-Use. It had split zoning. When they originally brought in the project, it was a lot of individual buildings within a massive parking lot. There was no internal network of streets at all. Staff worked very hard to get

the looped street so vehicles could circulate through there without having to go through a parking lot to get to each of the buildings. It was zoned SD-CR [Planned General Retail] and SD-O [Planned Office]. Mixed-Use was available at that time. That is some of the background.

Chairman Pateidl: Thank you. I'm not clear on the city's position as to the importance of this relocation of 137th Street.

Mr. Klein: Pictures might be able to make it easier to understand the city's position (*places pictures on the overhead)*. We tried to show alignment as well as Mr. Petersen's display. This does not include the change that Commissioner Block brought out with regard to moving 137th Street to the north for that section to preserve the trees. The exhibit Mr. Petersen used showed it diving down more in another area and coming up the other way. The city would like to respond to that. The alignment is the crux of the whole dilemma. In order for Mixed-Use to be developed and incorporate the elements that the city is looking for, we need enough depth of land and/or area to do that. We still want to buffer the existing homes. The land needs enough depth for a grid network. Currently, this has 720' from 135th Street down to the area where the street would be. That is significantly more than 440', which is more or less where they have the alignment. There is also a difference with how they lined it up. There is an area in the middle that is approximately 23 acres. That is a lot of land that is shifting from MXD to Medium-Density Residential. I do understand that it makes a great transition from the existing homes to the south to MXD, which is a little bit higher density; however, the plan does take into account 137th Street being used as a buffer, the Medium-Density as a transition, and also transects, which vary the density, which gets higher from south to north within the area between 137th and 135th Street. Part of why this is so important is that if this alignment is moved, the depth becomes much more difficult to get a grid network of streets. Without the grid network, it will be difficult to get activity nodes designed around that. It will make it difficult to incorporate the green areas. It has a huge effect on what we will be able to do if that street alignment moves to the north. You're seeing the style of development they have for the Mixed-Use with the buildings organized more around the parking lot as opposed to interior streets. Some of the pictures Mr. Petersen showed with regard to the 135th Street Community Plan is a totally different environment. If you walk into the development they're proposing, you will pull into a parking area. They did try to incorporate a larger green space, but it is located within a parking area. Visitors would have to walk through the parking lot to get to the green area. We have tried a little bit of that at Town Center Crossing with the large median between the main center and Crate & Barrel. It's a beautiful green area, but we've found that it's not really used.

Chairman Pateidl: Are there questions?

Comm. Hunter: What is your reason for not deviating from the grid network that's in the plan?

Mr. Klein: We would like to create more of a village-style or town center-style development. The grid network is important for that. It is not that it can't have other

things, but it actually does create an environment with nodes of activity with uses that attract more pedestrian but also other areas to gather or a community element. It is not supposed to be this big, high-density thing throughout the entire corridor.

Mr. Coleman: They help create walkability, which is one of the key components of the plan. The plan they presented does not really have walkability in it. It is really focused around the parking lots.

Mr. Klein: *(Refers to overhead)* This is the 135th Street Community Plan. It shows the overall 135th Street Corridor. It shows the nodes of activity. It will have mini downtown-type areas with a little more density, a little more activity, a little more interest. Then they bleed out into different street types. This is something we'll talk about a little later as well. It will still have businesses along there but also a little bit more Residential. Finally, they disperse out into more Residential. The grid network is a way to incorporate all those different pieces, trying to create a unique sense of place for each one. Even in the LDO, it does not call for vertical Mixed-Use. Park Place is horizontal. The city is supportive of both. The difference between Park Place is that the horizontal element is integrated into the development as a whole with the nice park area between some of the buildings. That bleeds into Berkley Square with the ice-skating rink and more of the Office and Retail.

Chairman Pateidl: Mark, interpreting what you were saying with the example you gave, as I recall, Mixed-Use requires a minimum of ten acres. Of the area that is being proposed, does that meet that minimum requirement?

Mr. Klein: The ten acres is for all development to ensure the piece is unified. They have about 17.43 acres on that parcel that is proposed to be Mixed-Use.

Chairman Pateidl: What you are proposing is that the element of property to be used in the Mixed-Use concept be expanded to 33 acres?

Mr. Klein: Yes, we are looking for something that would increase that area and still maintain Medium-Density Residential on the south. It would increase in density from 137th Street to 135th Street, starting out with lower building heights and less density. As it moves toward 135th Street, that height and density would build, creating a transition between that area that is Mixed-Use. Then, 137th Street would be 80' of right-of-way that also acts as a buffer, and the Medium-Density Residential would create a buffer to the south.

Chairman Pateidl: Are you envisioning additional retail, apartment, office space, etc., in that 23 acres?

Mr. Klein: As you mentioned, there are certain usage minimums. A larger area would allow for more in there. It could also have more features within there as well. It doesn't mean it needs to have more buildings. It could have gathering areas, a town square, and a lot of different things.

Chairman Pateidl: Are there other questions?

Mr. Petersen: May I respond to that point?

Chairman Pateidl: Mr. Petersen, you conceded that you're not in compliance with that, and we've heard a lot from you to begin with.

Mr. Petersen: I'm not in compliance with what?

Chairman Pateidl: At the very beginning, you said you admit that you're not in compliance with the desires of the city and the Comprehensive Plan as it relates to 137th Street. Did I misunderstand you?

Mr. Petersen: No, as long as we keep it to the Community Plan. There is no LDO requirement for where 137th Street goes. There is no Master Plan requirement. Quite honestly, if you look at the transect that Mark put up there, you'll see that 137th Street is in a totally different configuration than what's in the Master Plan today that they're asking us to adhere to. It's a floating, conceptual document. Bottom line is the reason they want us to push 137th Street down south is so we have a bigger area to do the transect grid system Mixed-Use Development. It's not a safety issue. By pushing the street south, we're forced to do more commercial north of 137th.

Mr. Coleman: They're not forced to do more commercial to the north; it is basically the overall layout and plan of the project that doesn't meet many criteria.

Mr. Petersen: You keep making statements like that for the public record. This record will stick all the way through until we find out who's right or wrong. We can't keep saying that we don't adhere to a lot of the requirements. It needs specificity.

Mr. Coleman: Outlined in our report.

Chairman Pateidl: Gentlemen, I would appreciate brevity. My second question is about access from 135th Street and its location in relationship to the intersection of Kenneth Road and 135th.

Mr. Petersen: I'll be brief. We understood, as rules of engagement, that the Master Plan concept of the city for the 135th Street Corridor should not have any signalized intersections any closer than ¼ mile from each other. Let's be cognizant of where we're placing signalized intersections. First, it's been violated because from State Line to Kenneth Road is less than ¼ mile. So, why do we have a signal at Kenneth Road? We studied it. There is no reason to have a light from a traffic management standpoint. It's a loop road that goes right back to a street that has controlled interactions. Maybe to the north, but is that the best place to serve the property to the north? The proposal was to decommission Kenneth Road. We observed during our traffic counts that State Line backs up through the light at Kenneth Road. We proposed to move it farther than ¼ mile,

and then we'll take the next one to Chadwick, which has always been contemplated as a signalized intersection. I know the property owner that owns the property this development is proposing to be developed on owns the property on the north side of 135th, which would welcome the idea of a public street back to 133rd Street.

Chairman Pateidl: Mr. Ley would respond to that, I believe.

Mr. Ley: The Kenneth Road intersection with 135th Street is about 1,100' from State Line Road. That intersection has existed since 1941. That's not something that was recently built. Back in the '90s, the city worked on trying to develop an access plan for 135th Street to try to maximize access for the developers. It was determined not only to maximize access for the developers but also try to get the east-west traffic through 135th Street. That's when it was determined to maintain the ¼ mile max close spacing. It is not a minimum of ¼ mile; it's supposed to be in ¼ mile intervals. We're trying to coordinate the signals between Metcalf and all the way over to old M150. It's 3 ½ miles. Every signal, except for Kenneth Road, is at a ¼ mile interval. Our concern with this is they're not coming anywhere close to being ½ mile from State Line Road. They're 600' short of that. It's a fairly large difference. The other issue is we would never recommend removing this traffic signal. It's been there for over 20 years. It's access for the development on the southeast of this property, and the engineer never provided future traffic counts at this intersection to determine if the signal would actually be warranted in the future. They would be permitted a signal, but it would be approximately 400'-600' west of where they're currently showing it on their plan. He also mentioned traffic flowing through the PM peak, and that is true; it does happen for about ½ hour per day. We have that at many signals in Leawood, but it doesn't mean we're going to start removing traffic signals to account for that. This street is coordinated for 13 hours of the day, so for 12 ½ hours of the day, it's being coordinated where there is no traffic backing up through that intersection. By not installing the signals at the ¼ mile interval, it would really impede traffic flow. Their traffic engineer never provided any time-space diagrams to show us how that would actually flow, either currently or in the future along 135th.

Chairman Pateidl: To simplify your comments, basically, the importance of the ¼ mile interval is the overall timing and traffic flow through the busy periods of time on 135th Street.

Mr. Ley: The ¼ mile is for the 13 hours of the day we are coordinating signals along 135th Street and not just the PM peak. The PM peak is critical, but the timing to get the traffic flow with the fewest stops possible is to maintain that ¼ mile access.

Chairman Pateidl: For the benefit of the general public that's here, I understand we go to great lengths with Mid-America Regional Council or others to consult, coordinate, and establish this timing.

Mr. Ley: That is correct. Operation Green Light is through Mid-America Regional Council, and they provide the traffic signal timings along the 135th Street Corridor. They

work with Overland Park. They share timings back and forth so we can try to keep the traffic moving.

Chairman Pateidl: Even out to Olathe, don't they?

Mr. Ley: It's metropolitan-wide into Missouri.

Chairman Pateidl: I guess the point is that it is an important factor as far as the community is concerned.

Mr. Ley: That's correct.

Chairman Pateidl: Mr. Petersen, do you have any further comments you would like to make?

Mr. Petersen: No, sir; we were just trying to adhere to the stated plan with the ¼ and ½ mile sections. It doesn't comply today, so we were trying to suggest what would be a good alternative.

Chairman Pateidl: Where is the noncompliance?

Mr. Petersen: Kenneth Road is too close to State Line. It violates your principle that you have at least a ¼ mile separation between signalized intersections.

Chairman Pateidl: It is roughly 1,368' for a ¼ mile.

Mr. Petersen: It's 900'.

Mr. Ley: It's 1,100', so it's a couple hundred feet off, but like I stated, this intersection existed in 1941. The signal has been there for 20 years. The city adopted these standards back in the '90s to try to maintain this ¼ mile. We are stuck with this one intersection, but going forward, we still need to try to maintain those ¼ mile distances. They could be ¼ mile from this intersection, and we would be perfectly fine with that.

Chairman Pateidl: Let's go to land use designation. Mr. Klein, would you like to present what this means to the city?

Mr. Klein: We've been talking about this regarding the rest of the plan. Really, it's kind of that with the alignment of 137th Street. What it comes down to is the city's Comprehensive Plan. It shows alignment of 137th Street in that location. It's been shown that way for a while. The intention was to have Mixed-Use to the north. We've already talked about the amount of land and depth of land that's available to the north to do the type of Mixed-Use development that the city would like while still maintaining that area to the south of 137th Street as the buffer to the existing residential neighborhood. The street itself is considered a transition and buffer. It has 80' of right-of-way. I believe back of curb to back of curb is 45'-49'. It is a critical component for the Mixed-Use.

Chairman Pateidl: Are there questions? I have one. It deals with the last sentence on Page 15 of your comments. It states that the proposed plan provides little transition or buffering between the duplexes on the north side of 137th Street from the higher density and taller buildings within the Mixed-Use Development along 135th Street. What bothers me about that statement is that we, in the City of Leawood, or on the Planning Commission have received frequent complaints from residents of The Woods as to the light pollution that goes into their residences. We went to great lengths talking about that issue for the apartments down in Mission Farms as it related to the homes to the east of the apartment complex and the buffering that was required. I'm bothered that taller buildings will be constructed in Phase 3. By the time we get around to constructing those buildings, there's a strong likelihood that we will have residents that would be directly impacted by that. I know we haven't gotten to the illumination study, and I know that it's all part and parcel of the Final Plan, but it concerns me that we're looking at creating the exact problem that we are living with. How does the city feel about that particular issue?

Mr. Klein: The city is always concerned about the buffer and transition between Residential and something that is denser. Mixed-Use is a little bit different animal in that it also has Residential as a part of that. The Woods definitely had some issues. When that subdivision was constructed, the houses maximized the size of the lot. They removed many of the trees that were providing the buffer. Suddenly, there is a lot of exposure to the office buildings that were already constructed. As new office buildings came in, there was a bit of conflict. Regarding this one, the units have a 30' rear yard setback. There will be street trees, but then there is a private street on the north side of that, which typically isn't as wide as a public street. The LDO has a requirement for a residential setback. It is measured from the building to where the zoning changes. The applicant complies with that at 75'. Staff has concerns because it is still in close proximity of the RP-3 and apartment buildings with not much buffer. If they had 137th Street creating the transition from the Mixed-Use to the RP-3, it would have the 80' of right-of-way adding to the buffer.

Mr. Petersen: I think there was a first question about land use. I think we've already covered it. I'll just reiterate that it goes to the issue of the placement of the road. We followed the rules. For the most part, we've got a line with Mixed-Use north. We've put another higher density Residential to the south. Just like they did at Tuscany, we had one piece that was just being discussed, which interfaces more closely. That's not uncommon. Tuscany will have some commercial uses interfacing them to the north. At Prairie Fire, where Jim Lambie built those townhomes on the south side of the golf course directly across the street from Multi-Family and Commercial, it was appealing to some buyers. The villa concept that the City of Leawood approved at 133rd and State Line right behind the shopping center has lots that are the back door to retail establishments. Some like to be closer to activity than others. When we come back with Final Plan, we'll show the screening that the Lashbrooks always do in these types of situations. One difference is that you've got people buying with the understanding that commercial development will

be there. We're not concerned that we can adequately buffer it, and it will actually just be another choice for those who want to buy a home in Leawood.

Chairman Pateidl: On to Question No. 4: preservation of natural areas. Mr. Klein?

Mr. Klein: Part of the Comprehensive Plan for the City of Leawood as a whole is the preservation of natural areas. Part of that is the city recognizing that there are not a whole lot of areas that are left with native trees or drainage areas. Natural areas can be viewed as an obstacle to development, in which case a developer would deal with drainage and create other drainage structures underground and provide more buildings and density. That sacrifices aesthetics. I realize some of these aren't native trees and are not grand oaks lining beautiful streets, but they do have a natural ambiance to them, and once that ambiance is gone, it is gone. It also creates some opportunities for buffering. For instance, with the road alignment located on this side of the development is the RP-3, and then there are fairly tall trees creating a full buffer. There are opportunities within the MXD to try to take advantage of some of those natural features and turn them into an asset. There may be a gathering area located within a shaded area, providing seating or passive recreation. It would offer not only a buffer to the existing residential area but also an asset as far as a gathering space. It could be an amenity that can't be found throughout the city. Their development has access of 135th Street through the stand of trees adjacent to 135th Street. If the road shifts, the access shifts to the west. Those trees could actually be saved and comply with the city's ¼ mile regulation. Farther down with the roundabout, more trees would be taken out. They are creating an amenity area located at the southwest corner of that roundabout where there is a large stand of trees. They would take out the trees to provide the pool and cabana. Farther south, they have the street network going in that would take out some more. Some is understandable, but this pretty much wipes out a lot, and then duplexes are located on either side, which takes out a lot more. The bioretention basin will take out that large stand of trees. Again, this is one of the areas with a significant number of trees. I think the city has thought that would provide some opportunities to do something. This particular development is proposing to remove most of those. They are proposing to keep a 20' tree preservation easement, which staff supports. The only area of contention is we would like a 35' easement.

Chairman Pateidl: Are there questions? Mark, the very first picture you showed in your presentation was an overhead of the property. Can you bring that back up?

Mr. Klein: *(Shows picture)*

Chairman Pateidl: Can you indicate what trees will be left after this proposal?

Mr. Klein: The developer might be able to further talk about this. Not all these trees will remain because I think the assisted living facility is located in there, and that will take out a portion of those. The area in the northeast corner will stay. I believe there is an area running down along the east property line on the southern portion that would stay as well and most of the trees on the southern boundary.

Chairman Pateidl: The bulk of the trees on the center piece of property would be gone. All right; Mr. Petersen?

Mr. Petersen: First of all, I think Mark pretty well described it. Let's just drive down with a bit more detail on the hard corner at 135th and Kenneth. That's right at an area of about 31,000 square feet. It will remain. We'll minimally impact it with the assisted living. That's moving toward an acre of vegetation. We consider that a passive open space amenity for the project. One that really has been the focus of our efforts is our southern border. We have done a tree survey. On our property, we have identified 108 specimen trees of 8" caliper or more that we are going to design around. Then, on top of that, we are planting thousands of additional trees so we not only have a good buffer but a good strategic buffer, taking into account what we are trying to buffer. The piece in the middle will go away whatever goes on this site. If we bring 137th Street down to where staff wants it, it is in the middle of it; it's gone. It's a bio detention facility. It is where we're treating our stormwater. We are putting some streets in there. There is grading that has to go on. At Final Plan, we'll look to see if we can't save this and this in here, but please don't think if you say no to our plan and wait for the city's plan to come in that the t-shape of trees will remain; they're not. If this site is developed, those trees are not going to remain if it is developed for a use other than Agriculture.

Chairman Pateidl: Any other questions? I think we've touched on this, but the next section is pedestrian connectivity. This gets into the issue of the grids that both have discussed. I think more the issue of importance is what I would like to hear from the city and the applicant.

Mr. Klein: I believe the issue with the grid is at the heart of the Mixed-Use, including the feel, the connectivity, and the walkability. Basically, Mixed-Use is trying to create an environment that doesn't encourage parking at one location and needing to get back in the car to get to another location in the same development or navigate a large sea of parking surface. The plan that is proposed provides a good contrast between the two as far as the feel. This feels much more vehicular oriented. It has the surface parking lot. The buildings are organized around the lot. To be fair, they have done a great job and have provided underground parking. Another applicant could come in with structured parking to meet the enclosed parking requirement. That would take up another footprint, so it will get even tighter and, depending on how it's developed, push the buildings even further apart. The current concept lends itself to a visitor driving from one side to the other. The whole concept of Mixed-Use is to have these connections so that there is a network of streets. They're like blocks similar to what would you would see downtown. The blocks are short enough to walk a short way to find another street that goes in the opposite direction. It is intended to be a fabric with a lot of opportunities to disperse traffic. The development they are proposing with certain points has certain points of building exits and certain access points on the private drive on 137th Street. It is more of a multifaceted fabric with a lot of different routes. There might be mid-block crossings interspersed. There might be a gathering area.

Mr. Coleman: In the psychology of walking, if there is a lot of visual impact, people will walk farther. People won't walk far through a big parking lot. That is what we see on this. Also, the roundabout between the north-south street and 137th Street is a pedestrian barrier. Roundabouts are terrible for pedestrian connections, so it is essentially blocking off all the people that are in the duplexes from the commercial area to the north. No cars stop for pedestrians.

Mr. Klein: Really, what it comes down to on a lot of these is creating a sense of place. There are a lot more opportunities and flexibility to create a sense of place with each of these. Park Place, Mission Farms, City Center, and Prairie Fire are all a bit different. The city doesn't want to replicate Park Place down the corridor; that is not the intent. Some of them will be horizontally integrated; some will be vertically integrated; some will have both. The idea is they would create more of a destination that gives visitors a sense that they know they are located in that particular development as opposed to just most of the strip center development that goes along the corridor.

Chairman Pateidl: Are there questions? The Mixed-Use component consists of north of 137th Street as it is configured. Realistically, is there any potential for integrated streets?

Mr. Klein: I can't say never because I'm not a land planner or developer. I do know that the blocks have to be a certain width. There must be distance for a deceleration lane to turn in. That block width is going to have to vary probably 300'-600'. There is flexibility as far as design, but it can't just have one intersection next to another. I think that is part of the reason their development has less land depth between 135th Street and 137th Street. They don't really have that ability to create that separation from the intersection coming off 135th Street to create a grid network. That is one reason staff is concerned with regard to the alignment.

Mr. Petersen: We did not design to replicate downtown Kansas City. We did not factor in the psychology of walking. I'm not being demeaning when I say that. What we tried to do was get back to the balance. The grid system is part of the reason for the gap. You'll note in all the descriptions of the street network, the psychology of walking, and the high buildings, something is missing: parking. There is street parallel parking. Every bit of parking is underground or structured. This is millions and millions of dollars. No project in this county has been developed without literally millions of dollars of incentives given by the community that those things are built in. I don't think this city is in the mindset to do that. It can't be done. Again, we go to a balance. Half of our parking is underground. Not one dime in incentives is being requested. Half is surface parking. Let's go to pedestrian. I'd like to go to our Site Plan (*refers to overhead plan*). We paid a lot of attention to pedestrian utilization of the corridor. We have 10' sidewalks on both sides of 137th Street. There is going to be ample opportunity for walking along 137th Street, interaction between pedestrians, bikes, and kids. As you can see, we have designed a trail system that will traverse through the site and be open to the public. It's an 8' trail that will move through from those living in the multi-family units. It will have plenty of sidewalks they can come down, use the trail system, the city's trail system, and a diversionary 8' trail that comes through our residential community. There are 5'

sidewalks on all the internal streets on both sides and 6' sidewalks on 135th Street as required. Additionally, we are designing 137th Street to not only have those sidewalks and trails but also dedicated bike lanes within the curb-to-curb area of the street on both sides. We don't have a short place for people to walk so they'll walk farther, but we've got a denser community living, working, and playing. There are protected pedestrian ways through any of the exposed parking lots. They can access classic utilitarian sidewalk systems, recreational sidewalk systems, and systems dedicated solely to bikes very easily. Really, this is honoring what is going on east in the city and west in connecting with the overall trail system throughout Johnson County. We paid a lot of attention to the pedestrian and leisure component of the project.

Chairman Pateidl: The next issue is Mixed-Use activity nodes. I think we've had a lot of discussion on this already. At least we know from the previous discussion that the bulk of the commercial activity is either going to be apartments or offices with a minimal amount of retail if I'm accurately recounting what Mr. Petersen told us earlier.

Mr. Klein: You are correct. We have talked a lot about activity nodes and how important that is. The activity nodes are integrated into the rest of the development. They don't have to be fixed locations as suggested, but the one thing that would stay the same is that there would be more activity to create an interest in walking. These are intended to have a little bit more glass storefronts with a little more visual interest, more seating areas, and more weather protection over the building fronts. Additionally, parking was brought up as well. It does not all need to be structured parking. We understand that there is going to be surface parking. It does propose on-street parking along the private streets, creating the internal grid. The 135th Street Community Plan looks at surface parking as well. It doesn't want large parking fields out by the street; they just feel like the streetscape has a much more viable use to it as far as showing off the activity with the buildings. They gave us a number of different examples of things that could be done. They could be enclosed or behind the buildings, as is the case in Lawrence on Mass Street. The parking isn't overly visible but easy for people to get through. Teaser parking could be utilized as well with parking located directly in front of the building or along the storefronts. Lawrence would be an example again with diagonal parking that goes along Mass Street. It shows activity and creates a buffer between the pedestrians on the sidewalk and the street; yet, it creates an inviting atmosphere. The activity nodes would be clustered around, and then moving into more residential-style development. It is all based on street types, which we can talk about a little bit later. That would be an example down in the activity node itself. There is much more visual interest with the planters, storefronts, awnings, and a mixture of Retail, Office, and Residential. The idea is to create an environment that attracts people. Moving away from that, it goes into areas that have a bit more Residential but still some businesses. This is trying to create a sense of place.

Chairman Pateidl: Any questions? Mr. Petersen?

Mr. Petersen: I think we've drawn the stark difference between what the Community Plan would be and what we are proposing to do to find that middle ground. I think I would just be repeating myself.

Chairman Pateidl: Very good. The next question deals with the variety of street types tailored to the land use and sense of place. I sense that we've discussed that.

Mr. Klein: That's what I just showed. It is an important part of the activity nodes.

Chairman Pateidl: Frankly, I note that a number of our citizens have left the chambers, and I apologize to those who remain. Quite candidly, these are the conversations that should take place between the planning department and the applicant before this matter comes to the Planning Commission. Had they taken place and dealt with stipulations, I believe this process would go much quicker. These are the problems, and these are the issues that need to be faced and questioned. They're done in the interest of our community. I do apologize. We will try to expedite this and move it along because we are getting to some important issues as they relate to the Golden Rule. I think we're okay on transects to ensure transitions and compatibility of uses. Do you want to address opportunities for multiple forms of transportation?

Mr. Klein: The one point that has been stated tonight from pretty much all parties is that things change. The city is a much different place than it was in 2000 and 2008. The concept of future planning regarding Mixed-Use is to accommodate a variety of modes of transportation. This includes vehicles, walkers, bikers, and some transit. This would provide more access to the region itself. Walkability and small street connections are very much for the internal areas. What makes the city accessible is the ability to have transit and other means of transportation to traverse much larger areas. In addition to the regional bus system coming through, it also considers a commuter bus system. That would circulate within the area between 133rd Street, 137th Street, Nall, State Line, and Prairie Fire and actually connect some of these developments to where it would easy to move from development to development without having to get in a car. Part of what is called for in the 135th Street Community Plan is to provide nodes to allow for the interfaces. It may not be a demand now, but we want to make sure we preserve certain areas along that street front so that something could be developed in the future to allow that interface between bus, bicycles, and walkers.

Chairman Pateidl: Mr. Petersen?

Mr. Petersen: Those are nice thoughts: a reserve area set aside that there may be transit. The gap is that we have land today. We have development that could be activated today. We have investments today. The city says we have to reserve places for bus systems that aren't in place. We do the best we can to have vehicular pedestrian interaction. We could talk about some areas for a transit system, but for the whole system to be set up for that, we don't have the luxury to wait and see how it works out. Maybe that's the defining moment of the gap, and it's not important to the city that we're making people who own property in the city to just wait and see how it plays out, then the gap that's going to remain, and the project ought to be denied. These guys can't wait for this.

Comm. Hoyt: You're saying you not only can't wait but you're not prepared to put in the money it would take to do what the city's plan calls for. Is that correct?

Mr. Petersen: The Community Plan as presented by the city with the grid system and high densities all the way through the project and reserving areas for transit stops that may be used in the future? No, we're not willing to do that.

Chairman Pateidl: We now go into the elements of the LDO requirements. We start with the Floor Area Ratio [F.A.R.]. Mr. Klein, you might explain a little bit for the general public as to what that really means and then your conclusions regarding the proposal that is before us.

Mr. Klein: It can be a little bit confusing, but basically, there are two measures as far as density or the intensity of a development. Generally, for residential development, we measure dwelling units per acre. People have probably heard that term more than they've heard Floor Area Ratio. Dwelling units per acre is the number of household units divided by the number of acres. The higher the number, the more houses I have in a smaller area and the denser it is. The lower the number, the more spread out they are. Vertical development tends to make the densities go up a lot more. Floor Area Ratio is typically used on commercial projects. That is another measure of how much density and intensity is located on a site. Since commercial development doesn't typically have dwelling units, it tries to consider the amount of floor area, which is the amount of horizontal surface that is walked on. This would include all the stories of a building. This takes all the floor area proposed on the site and divides by the amount of square footage on the lot. The LDO has a maximum allowable F.A.R. for most zoning districts; however, it also allows bonusing to increase it. Within MXD, it allows .25 F.A.R. This takes the area of the site in square feet, which is approximately 740,000, multiplies it by .25. The result tells how much square footage is allowed on the site. In this instance, the result is 186,600 square feet of floor area. It could be one-story buildings that would fill up the entire site; it could be five-story building that take up a smaller footprint but go up vertically. They proposed a four-story residential apartment building on Buildings A, B, and D, and then Building C is a five-story building. On the other side, Buildings E and F are two-story buildings, and Building G is an assisted living facility. All of the square footage determines the F.A.R. In this case, the F.A.R. is more than .25. They are proposing 393,300 square feet, and 186,600 is allowed by the .25 F.A.R. The LDO does two things to get them to have a bit more density. The first one is an offer that 25% of the residential floor space can be removed. Additionally, there are bonuses. Most are limited to 10%-15%. In this case, the applicant has proposed two bonuses. They originally had three. The first had to do with underground parking. They are allowed .15 F.A.R. bonus for that. The way that is calculated is by multiplying the site area by .25 to get 186,600 square feet as the base. Then, that is multiplied by .15 to give me an increment above that, which they are allowed to add on to the 186,600 square feet. It gets them a little bit above. It has maximums on it. They can't just provide a lot more open space and then get all the bonus or provide a lot of structured parking and get all the bonus. It does cap it at .15 or .1. In this case, they are asking for underground parking. The theory is that if parking is provided underground, it is not provided on the surface. If parking is not on the surface,

green space is preserved, so there is credit for that in a 1-1 ratio. For every square foot of area they are putting underground parking in, they get an extra square foot of building area that they can actually have on their floor area. Staff agrees completely with the request for the underground parking. They have provided 190 parking spaces underground, and we don't dispute that they've earned that F.A.R. bonus. The other one they are proposing is a bonus of .15 based on additional open space. In MXD, 30% of the site has to be green or pervious surface. For the additional open space they provide over and above that, provided that it provides a community asset, they can also get a 1-1 ratio. Over the 30% open space, they are providing 37%. For the extra, if it provides a community amenity, they can get an extra square foot of building area for each extra square foot of open space. The open space must add value to the community and can't be stuck out in the parking lot island or along the perimeter where nobody will go. This is the one that the applicant has applied for and staff does not support. They want additional F.A.R. because of the area created in a fairly large parking lot area. It has a grill. Staff has had requests like this in the past, and past Planning Commissions told staff that they didn't feel that something in a parking lot met the requirements for the open space bonus because most people aren't going to traverse out to the middle of a parking lot to enjoy the area. If it was between two buildings and creates something of a courtyard, it would be different. They also have one along the private drive. It's a private drive, so we don't see a whole lot of circulation that would go along that area to go to other parts of the community. It is along the periphery and is not easy to get to. Those are some of the reasons we didn't feel this met the requirement that it provide a community asset.

Mr. Petersen: I was good all the way down to the open space. We were working through the code and did our calculations. We worked with staff. There were numerous meetings with staff to work through this plan. We just knew we were at the gap. We worked through all of these issues. Even as recently as today, we were exchanging information to make sure we all had our numbers set. As Mark indicated, we have about 1.3 acres of open space in excess of what is required by code. A big chunk of that is the open area at the corner that is just short of an acre. Remember, the definition of increased open space per the code is such permanent natural open space valued by preserving natural habitat, areas for native flora, fauna, stormwater recharge, management potential. That is that area and some other areas we're using with our discharge. It also includes passive recreation potential for the public. In an urban setting, we call that a compromised urban setting with people living upstairs with retail establishments below. The streetscape that staff put up and said would be great had people dining with a car parked right next to their table. It is no different. There are going to be places to sit, recreate, and talk. It is just a different modification of passive open space. We hit the calculation. We are confident that we have earned that bonus. If we don't earn that last piece of the bonus, maybe we will ultimately shave a building on one side or the other. Interestingly enough, if I did their project the way they want to do it, I'd have to put parking garages somewhere. There is no way I could meet the open space requirement or the F.A.R. requirement. There is no mechanism in your LDO that allows for it. We're just supposed to wait until it all gets worked out. That is the dilemma that creates the gap.

Chairman Pateidl: Any questions? Moving on to prohibited roofing materials.

Mr. Klein: The applicant contacted staff today and indicated they could meet the required roofing material criterion. Currently, they are showing asphalt shingles on the duplexes, and they are only allowed in single-family districts.

Chairman Pateidl: Moving on to residential side yard setbacks. Did I understand we can scratch that off the list as well?

Mr. Klein: Yes, we clarified with the Fire Marshal and Building Department.

Chairman Pateidl: Mr. Petersen just disappeared, and I think I know where he went. I would ask if any of my fellow commissioners need a break.

Comm. Coleman: I think a break is necessary.

Five-minute break

Chairman Pateidl: I would like to address the issue of the Golden Rule. Mark, would you like to address that issue from the city's perspective, please?

Mr. Klein: Do you want me to address each one individually? Some of them are the character of the area. It is staff's position that, with regard to the Golden Rule, if the alignment the application proposes of 137th Street going to the north, just like we talked about tonight, it really limits the ability to do the types of characteristics the city is looking for and what most developments that are doing Mixed-Use around the country are looking for as well. There are a lot of Mixed-Use developments that have some very nice one. Scottsdale has Carolyn Commons. It is much larger and very nice. I don't want to give everyone the impression that it is all very mechanical and they have to meet this requirement, this requirement, and this requirement. We don't want to have the same development replicate itself over and over again. The idea is that there would be flexibility. Some will have more Residential; some will have more Office. Retail is hurting right now, and we understand that. Some will have more passive areas with opportunities for gathering; some will have more active recreational opportunities. We also understand that this is a complicated process. We understand phasing. We understand one developer with a component here, and a different one will come in with another component that they have more experience implementing. We're asking that it be part of an overall plan. That plan can change over time. We understand that. It happened at Park Place 20-30 times. Staff's position on the Golden Rule is if something is approved that has that alignment, it limits the opportunities to add the types of characteristics that would develop that sense of place. That could be detrimental to the community. It really is missing out on an opportunity. Before 2008, we had so many applications, and it would have been easy to develop out the entire corridor within a short amount of time. I think it looked a lot like the rest of the corridor. I think Leawood is looking for something that has a little bit different sense of place. We understand it will bleed out into Residential. The whole thing is not going to be this massive, dense piece of development that is going along 135th Street. We are, in fact, hoping for variation.

Chairman Pateidl: Thank you. Mr. Petersen?

Mr. Petersen: When you're a real estate lawyer, you talk about the Supreme Court. I'm not going to do that. I'm going to try to cut to the chase. We all know I don't usually start off talking about Golden Criteria because the implied message is there's going to be a lawsuit here. That's why we're talking about the Golden Criteria. This is the legal context. The Supreme Court said that you, Governing Body, and ultimately the city should stay within the rails to say, "We don't own the property, but we're going to restrict how you use the property that you own." That is the bottom line. Character of the neighborhood, zoning of the property are facts. Suitability of subject property for use to which it's been restricted could be argued both ways. I want to really focus on Nos. 4 and 5: the extent to which removal of restrictions will detrimentally affect nearby property. That speaks to the potential detriments to any surrounding property. Staff commentary is that the surrounding properties wouldn't have the benefit of building the plan in accordance with the Community Plan. Mark said that it could be detrimental if we don't get to do this. It would be detrimental. If this gentleman can't use his property because he can't afford, can't finance, and can't do something, it creates the gap. The most important of all is No. 5. The Supreme Court has said that. It is a balance, just like we're trying to achieve here today. It says, "The relative gain to the public health, safety, welfare, due to the denial of the application. . ." which is one side of the scale. What is the public gain if you deny? I guess you wait, and you have vacant ground. I guess there is some modicum of value to the public to wait and hope we get the coolest thing. We can wait. That's our gain. The counterbalance is that owners of property in Leawood don't get to use their property. We know what happens when somebody tries to put in infrastructure and grid systems. We know what happens when people do the main street that looks so cool. It's happening at Prairie Fire. It's happening at Villaggio. If I try to invest that kind of money to do it, it's going to be a financial disaster. My only alternative is I don't get to do anything with my property. They don't get to develop. People that own the property don't get to sell it. I would respectfully suggest the weight of the evidence of where we are today, particularly with the compromise, shows we're meeting the LDO and almost all provisions of the Master Plan. We have tweaks of roads. The balance is in favor of the applicant. We should be allowed to move on. As Mark said, not every site has to be the same. Let's get something going. Let's get a piece of the road built, and maybe the next guy will come in and want to be the node guy. It can interface with what we're doing along 135th Street. We think these neighbors will be happy with the transition to their property, and they'll have a good, single-family neighborhood developed as part of this property. I really appreciate your patience. With that, we would ask for you to override the staff's recommendation and move us on to City Council.

Chairman Pateidl: Before there's any discussion of the meeting, this application requires a Public Hearing. If there are members in the chamber who would like to make a comment, you are certainly welcome to come to the podium.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Hoyt. Motion carried with a unanimous vote of 5-0. For: Hunter, Hoyt, Coleman, Block, and Stevens.

Chairman Pateidl: I think we've come to a point where we have certainly heard a lot about the proposals. We've tried to address this in the normal fashion, hearing from both the applicant and the city. Although it's been a little different than normal, it's been because this application is a little different than normal. Certainly, the opinions of each of the commissioners is important, and I would open the meeting for comments.

Comm. Block: Unfortunately, I think the plan, as presented, offers little regard for the Comprehensive Plan or the 135th Street Plan as it is today. There have been numerous opportunities. A lot of time and effort went into creating both of those plans. The Comprehensive Plan is reviewed annually. We just looked at the 135th Street Plan in the recent past this summer. I don't feel comfortable moving this proposal as written. I think Governing Body is willing to wait. The folks who helped put those plans together were. That's why I will support staff's recommendation.

Comm. Coleman: When I look at this plan, I think that "gap" is such a small word. It is more of a chasm between what the applicant wants and what staff is recommending. I agree with Commissioner Block that this does not meet a lot of the criteria of the Comprehensive Plan and doesn't meet one part of the LDO. I think Mr. Petersen touched on something early on that maybe we do need to reexamine our 135th Street Corridor. If it's not a good plan, maybe it's time we take a look at it and maybe tweak it. What we have in front of us just doesn't meet a lot of our criteria. I don't see how we can pass it in good conscience.

Comm. Stevens: I'm also very concerned with the proposed plan for this property not being thought of as more of a comprehensive or complete development, which is really the division of this area along 135th. It creates a Mixed-Use District, even though that's being partially provided within the Comprehensive Plan that's being reduced in this proposal. I think it's been talked about here tonight that some of those missing elements that are important in making that a successful future Mixed-Use Development, including a unique sense of place, amenities, neighboring connections both north-south and east-west, so the reconfiguration of this Mixed-Use area, I think, is limiting on how that can work in a successful way and in a future way for the neighboring properties. Finally, too, it is proposed in phasing, which is very concerning. It pushes the Mixed-Use portions of this into later phases and really is losing the benefit of initiating an area or a first phase of this plan that would be a catalyst for not only this property but for the surrounding areas' success. For the many deviations that are requested on Rezoning and all the provisions and the nine items that staff has commented on, as well as the noncompliance items in the LDO, I guess my recommendation would also be denial of the proposed plans.

Comm. Hoyt: First of all, I really appreciate the immense volume of work that has gone into this on both sides of the issue, and once again, Mr. Klein has shown his uncanny command of detailed provisions of the LDO and all manner of Leawood regulations. Mr.

Petersen, you are an excellent advocate for your position. I have appreciated both sides' commentary tonight. One thing I keep coming back to that we really got into more in the latter phases of the discussion is this issue of sense of place. Many of the provisions of the Comprehensive Plan as it relates to Mixed-Use Development has to do with creating a unique sense of place. I think there definitely are opportunities to do that within the plan that is before us, but I didn't see anything specific in the plan that spoke to that unique sense of place. The other item that I'd like to see more detail on would be the contention that Mr. Petersen made late in his argument that it is categorically impossible to meet our LDO codes if we followed our Mixed-Use Development plan. That is an interesting argument, but I would like to see the calculations and the detail and exactly how we couldn't do that. I also feel like, because of all the deviations from the Comprehensive Plan, this is something that, if we're going to move forward – and I appreciate using this as a test case – there has to be some further discussion by the City Council itself on what the future of this Comprehensive Plan and the 135th Street Corridor Plan is. I would not be able to recommend approval of this plan, but I would be very interested to see the conversation continued.

Comm. Hunter: I agree. I'll throw in my two cents. I understand the need and desire to develop 135th Street, and I appreciate the work the applicant has done and the plan you put forth. I thought there were a lot of interesting elements. I do have some concerns over what the city has brought to light with the discrepancies. Toward the end of your discussion with the comments about the Golden Rule, I would have liked to have seen more of that legal standard and hardships. I would also have liked to hear from some neighbors to see how this would impact the surrounding area. I think it is up to probably the City Council to sit down and determine if the plan is viable right now. I appreciate that Mr. Klein said it was fluid and doesn't have to be set in stone, but right now, it's just too early to approve it.

Chairman Pateidl: Thank you. In the interest of objectivity, I'm going to refrain from making comments. Also, in the interest of following the traditions, if there were to be a recommendation for approval, traditionally, that is followed with a set of stipulations. I would ask the city if you could even offer a set of stipulations at this point in time.

Mr. Coleman: If you moved it forward, it would be up to City Council to look at any stipulations and refer it to staff for stipulations.

Chairman Pateidl: I'm not sure I understand your comments.

Mr. Coleman: We can't offer any stipulations now. If you approve it and it moves forward, it would be up to City Council to determine to ask staff for that.

Chairman Pateidl: I see that as the crux of the problem. If we are to find a pathway to approval, it needs to be a qualified pathway where there is some agreement, even if it is an agreement to disagree between the applicant and the city that we can meet our responsibilities as a commission to the Governing Body when we make this recommendation. I would offer this to a vote and will ask for a vote, subject first to

offering to Mr. Petersen and the applicant a continuation of this to meet the deficiencies we have in this application to reach that agreement, even if it is an agreement to disagree before we take a vote on recommendation or denial.

Mr. Petersen: I never give up in terms of being able to sit down and work through issues. In this case, there are no stipulations. Quite honestly, I asked for stipulations. I don't know how you do it because they don't have any specificity about what they want to see; they just don't like what they see here. That's a way of saying with the utmost respect that I'd like a vote. We'll move on to City Council. Part of it is Governing Body has to weigh in on this and decide if we're going to stick with this piece of paper called the Community Plan. It's really going to be a gradation of what that tool is supposed to be, moving forward. Not that this isn't a very important process, and I actually think the approach that we took tonight was the right way to do it here because were able to make it clearer, but I think it's time to get it up to City Council for a more global discussion about the Master Plan.

Chairman Pateidl: I will remind you that if there is a denial, it will move this to a super majority for consideration from the Governing Body.

Mr. Petersen: I understand.

Chairman Pateidl: I would call for a motion.

A motion to deny CASE 71-18 – 135th STREET AND KENNETH ROAD – MIXED-USE AND MEDIUM DENSITY RESIDENTIAL – Request for approval of a Rezoning from AG (Agricultural) to MXD) (Mixed-Used Development) and RP-3 (Planned Cluster Attached Residential District), Special Use Permit for an Assisted Living Facility, Preliminary Plan, and Preliminary Plat, located south of 135th Street and west of Kenneth Road – was made by Coleman; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: Hunter, Hoyt, Coleman, Block, and Stevens.

Mr. Petersen: I would like to say on behalf of the entire development team, we very much appreciate the special session and three hours of grueling give and take. Our hope is to be back before you again, talking about this piece of property. Thank you for your time.

Chairman Pateidl: Thank you, Mr. Petersen, and thank you to the general public who has borne with us.

MEETING ADJOURNED

Regular Meeting

THE LEAWOOD CITY COUNCIL

October 1, 2018

Minutes

DVD No. 425

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:30 P.M. on Monday, October 1, 2018. Mayor Peggy Dunn presided.

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

Councilmembers Absent: None

Staff Present: Scott Lambers, City Administrator
Chris Claxton, Parks & Recreation Director
David Ley, Public Works Director
Marcia Knight, Assistant City Attorney
Mark Tepesch, Info. Services Specialist III
Richard Coleman, Comm. Dev. Director
Nic Sanders, Human Resources Director
Debra Harper, City Clerk
Patty Bennett, City Attorney
Chief Dave Williams, Fire Dept.
Ross Kurz, Info. Services Director
Mark Klein, Planning Official
Chief Troy Rettig, Police Dept.
Dawn Long, Finance Director
Cindy Jacobus, Assistant City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 8-0.

3. 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.

Mayor Dunn stated the four citizens who had signed in to speak on Agenda Item 13. would be recognized when the item was discussed.

Councilmember Sipple asked if one or two potential permanent installation sites had been identified and timetable for move. Ms. Claxton stated the first choice site is just inside Ironwoods Park, on an outcropping on the south side of the driveway. The location may require a minor amount of excavation and it was hoped the piece would be moved in 2019. Identification of an art-on-loan piece was planned for the next 60 to 90 days, so the temporary installation site near City Hall would not remain empty as long as before.

A motion to approve Agenda Item 12. was made by Councilmember Filla; seconded by Councilmember Osman. The motion was approved with a unanimous vote of 8-0.

13. PLANNING COMMISSION

[From the September 11, 2018 Planning Commission Meeting]

Ordinance approving the Planning Commission's recommendation to deny a request for a Rezoning, Preliminary Plan, Preliminary Plat, and Special Use Permit for 135th Street and Kenneth Road – Mixed Use and Medium Density Residential, located south of 135th Street and west of Kenneth Road. (PC Case 71-18) [ROLL CALL VOTE]

City Administrator's Comment: ***The City Administrator strongly supports the City's Planning Commission and Planning Staff's recommendation for denial.***

Mayor Dunn stated the Governing Body had received a number of electronic communications about the topic, which had been read and shared with Mr. Coleman, Mr. Klein and the Planning Staff.

Mr. John Petersen, Polsinelli PC, presented on behalf of Leawood 135 LLC, whose principals are Richard Lashbrook and Rick Lashbrook, and other entities for the project. The Lashbrooks would be the proposed majority purchaser and developer for the 56-acre site. Others present include architect Henry Klover with Klover Architects, civil engineer Tim Tucker with Phelps Engineering, and Len Corsi on behalf of Vic Regnier Builders, Inc., the property owner and one of the proposed developers for a piece of property for mixed-use.

Mr. Petersen stated the City had spent numerous hours in planning and evaluation, and a large amount of money for experts for the 135th Street Corridor Study, which has manifested into the 135th Street Community Plan for 600 acres, running 2.5 miles east to west from Nall to State Line Road. This is the first significant rezoning application to come against the City's 135th Street Study. A number of purchasers and developers have approached the City over the years and some decided not to pursue because an entire tract, rather than a portion, must be developed. The Lashbrook development team and Regnier ownership has gone head-to-head with the concept to bring forth an application and is at impasse, with a strong, not particularly detailed, recommendation for denial from the Planning Commission and City Staff.

He stated the impasse is not about required usage-type percentages for office, retail and residential, or mixture of uses, walkways, bikeways or interaction or interaction with single and multi-family homes and pedestrians. The impasse is about form. Mr. Petersen questioned if the City's Plan is a mandate or a guideline so applications can be formulated within guidelines.

Mr. Petersen stated for the record there is fundamental disagreement with the good work done in good faith by the City and the property owners who are ready to commit significant capital to move the corridor forward. As spokesperson, he would be direct and candid to articulate differences of opinion. He asked his comments be accepted with no disrespect from him or who he represents. There is agreement on one thing, a common theme found in City Plans: "Create a successful and economically sustainable development." He suggested revision of "sustainable" with "feasible and reasonable". "Reasonable" is a standard of review for land use and applicable to the City of Leawood. If held to the constraints in the Staff Report and testimony at the Planning Commission meeting, the project might be able to obtain financing, but would not be sustainable as the 135th Plan is articulated by Staff.

Mr. Petersen displayed a slide titled "City has three standards of review", the Leawood Development Ordinance, Comprehensive Plan (independent of the 135th Street Community Plan) and the 135th Street Community Plan. As he stated at the Planning Commission meeting, he wanted stipulations. Mr. Petersen stated Staff had said the application could not be approved because the application is far from compliant with the 135th Plan. Staff did not prepare stipulations.

Mr. Lambers clarified that Staff provides opinions and comments on an application at a preliminary meeting, but applicants are not told they cannot apply because it is their right to do so and applicant's decide to submit or not.

Mr. Petersen stated the City's very specific street network grid was just changed one week ago, and 137th Street was moved without applicant's knowledge. The grid is a footprint that drives where roads are placed to be compliant, and this creates parcels, form and design.

Mr. Petersen stated the City is familiar with its plans for transects, street grids and street character. Transects are transitional development, with office, retail/residential building height decreasing from four to eight-stories as you move south from 135th Street. Buildings on 136th Street should be two to four-stories, followed by two-story buildings or less, transitioning further south. This would provide for high density and value, but not if buildings could not be filled. Density can be expensive, requiring parking structures, and may not work everywhere. Mr. Petersen stated the minutes of Governing Body's March 5, 2018 Work Session, when consultant Jim MacRae, Principal with Design Workshop, there were questions indicating it was unclear if transects and grid street systems would work at 135th Street and Kenneth Road.

Mr. Petersen presented displays of the mixed-use development Cherry Creek North in Denver, Colorado, and The Domain in Austin, Texas. He stated he worked with Mr. MacRae on Cherry Creek North and other mixed-use developments. Cherry Creek North is a highly-incentivized project located in the urban core involving redevelopment of existing streets, offices and retail, which is quite different from a "green field" site. There are some pieces of that project that might work on 135th Street. The Domain started as a very dense Class A office development having over 1 Million sq. ft. of office in place and operating, located on a major thoroughfare. Tenants such as Macy's, Nordstrom and Dick's were all brought to create synergy for the successful mixed-use development.

Mr. Petersen displayed a list of successful Johnson County mixed-use projects whose developers had spoken at the Leawood Chamber of Commerce Economic Development Meeting on August 10, 2018, to which he added Fred Merrill. He stated involvement with many of these projects and took the need to state judicial notice. Mr. Petersen made the following comments regarding each:

Keith Copaken – City Center, Lenexa
Buildings and structured parking just impressively popped up, seemingly from nowhere. Points of distinction that make this work are location at I-435 and 87th Street, distressed property was purchased by the City of Lenexa and the city became the master developer. A massive amount of city general fund money precipitated development and hundreds of millions of dollars in incentives for further development.

Rich Muller/Van Trust – Park Place, Leawood
Mr. Petersen stated for the record his belief that Van Trust would not build Park Place again in regard to return on investment, retail, retail streets and structured parking.

Hunter Johnson/Block – City Place, Overland Park
Located near the interstate right next to Corporate Woods, highway-orientated, low retail, mostly high-density multi-family with some senior living, significant incentives by the city, streets built, tax exemptions and CIDs [Community Improvement Districts].

Fred Merrill – Prairie Fire, Overland Park
As close as can come to "out of the ground" mixed-use with structured parking. The development is half-built.

Mr. Petersen presented photograph, aerial map and lot plan for The Villagio at Leawood, an under-utilized property. He stated the property had grid streets and power lines installed two years before the 2008 economic downturn. The $18 Million investment ended in foreclosure. He stated he and a bank had come to the City with an application that did not go forward. The owner sold to Don Provost, a prolific developer involved in Cherry Creek North, for the cost of assessments left on the ground. Mr. Provost brought in a plan to the City for a grocery store and the wish to tear out the street grid. Mr. Petersen stated Mr. Provost indicated this was the only way he could develop.

Mr. Petersen displayed two quotes he attributed to Jim MacRae at the Joint Governing Body/Planning Commission March 5, 2018 Work Session:

> "Design Workshop was not contracted to design the project, but just to provide guidelines and ideas for consideration."
>
> "He suggested the City to find a balance and that mixed-use does not always need to be vertical mixed use."

Mr. Petersen displayed an overlay map of Tuscany Reserve Villas, located slightly to the east of the proposed development. He stated the development team looked at the features of this subdivision. Tuscany has residential to the south and slightly higher density residential north of 137th Street. They did not find 137th Street to be any kind of "Berlin Wall" to having mixed-use development.

Mr. Petersen displayed aerial and elevation plans of the proposed application. He stated the desire to bring in a high quality attached villa product that would begin at 137th Street with a little "bleed over" that would move into 17 acres of mixed-use on 135th Street. The development would bring elements of the 135th Plan, building height, street presence, rear parking and structured parking. The 8.43 acre area in the west presented in red would contain three multi-family buildings, one mixed-use office/residential building, total 173 units, 15,000 sq. ft. of retail and 50,000 sq. ft. of office that can be built and actually leased. The buildings would be podium-style, stick-built. The area to the east of the presented in blue would contain three commercial buildings. To the east of the commercial buildings the area presented in purple would contain 84 senior living units. Buildings would be four to eight stories in height, not eight stories, but what can actually be built for market. Both sides of the development would have structured parking, 100 spaces on the east and 190 on the west, balanced with some surface parking. The project includes a street roundabout and some art features in the middle. Every street has double sidewalks. There would be 4 ft. bike lanes on 137th Street per City Code, internal sidewalks would be 5 ft. wide, sidewalks on 135th Street would be 6 ft. wide, and there would be an 8 ft. wide trail south of the villas coming off 137th Street. Respect is given to those on foot and on bicycles. There is probably more work to do on pedestrian connectivity, such as rest stops and bicycle pumps, but no stipulations were provided and this is typically addressed in the Final Plan. The application has some vertical and some horizontal mixed-use. He stated a successful and economically feasible sustainable development cannot be done with a strict 135th Plan.

Mr. Petersen displayed a graphic generated by his design team, not part of the application, which depicted elements of the application placed over the latest street grid plan, showing mid-density and buildings of varying heights. He stated 135th Street stoplight access points are worthy of further future discussion to find common ground.

Mr. Petersen displayed the eight "Golden Criteria" of the Supreme Court of Kansas. He stated the City is familiar with these, and wanted to focus on Criteria 5. "Relative gain to the public health, safety and welfare due to the denial of the application compared to the hardship imposed, if any, as a result of denial of the application." He stated he has not found a single person that says their property values will come down, and questioned the hardship to the application if the application is denied. He stated this is really a land use argument.

Mayor Dunn thanked Mr. Petersen and pointed out to meeting attendees that applicants present first at Council meetings, followed by Staff. At Planning Commission meetings, the order is reversed.

Mayor Dunn stated she was not aware of 137th Street move. Mr. Coleman stated there were two different plans with 137th Street, the 135th Community Plan and also the Implementation Plan. The Implementation Plan now aligns with the Comprehensive Plan, which shows the street swinging north then east to medium-density residential and to a small tract of land that borders Kenneth Road. The applicant's plan removes a large tract of trees and has 137th Street rising about one block north, basically becoming 136th Street located one block south of 135th Street. In the Comprehensive Plan, 137th Street would be on the south side of these trees; the land slopes to the east. Another key Staff issue involves 135th Street. In 1982, Olathe, Overland Park and Leawood agreed to a conduct a planning study for K-150. K-150 was turned over to the cities, all three cities contributed to the plan, and each city adopted the plan. In 1996 Leawood adopted the plan and traffic engineering agreement for 135th Street. The street would carry a large volume of traffic and have intersections located at 0.50 and 0.25 miles. The distance between Kenneth Road and State Line Road is slightly different.

Mr. Coleman stated the applicant's plan moves an intersection on 135th Street, High Drive, to the east and this does not adhere to the intersection location agreement and Comprehensive Plan. The entrance to the development should be located over 400 ft. to the west.

Mr. Coleman stated Planning Staff has no disagreement on land uses or building height, but does have one issue with density criteria. Conformance to the road network and City Plan to meet criteria is desired, to create a sense of place for development. The street network is the foundation of the development plan. In the application, their 135th Street intersection needs to be relocated. 137th Street needs to be moved to the south; the applicant can move their duplexes to accomplish this. The applicant's plan has three buildings that face parking lots with nothing on the other side. There is a smaller issue with the proposed vehicular roundabout. Roundabouts do not create walkability as traffic continues through the roundabout. Pedestrians, including those with limited mobility or using wheelchairs, would be at risk when attempting to navigate the roundabout. Trees need to be preserved rather than removed. It is desired that Tract G be extended all the way across the site's southern property line for a landscape/tree preservation area. Because the developer does not own the tract of land to the west, the City needs a cul-de-sac constructed rather than a dead-end street. Dead-end streets tend to become trash dumping grounds.

Mr. Coleman confirmed to Mayor Dunn that if revisions were made and duplexes relocated north of 137th Street that has moved south, the same amount of land would be available for mixed-use.

Mr. Ley stated with the exception of distance of Kenneth Road which is off 200 ft., the 12 coordinated traffic signals along the 3.5 miles of 135th Street from Metcalf to Old K-150 have even spacing, plus or minus 20 ft. Traffic along 135th Street is coordinated 13 hours a day, seven days a week by the Mid-America Regional Council's "Operation Green Light". The applicant has provided a traffic study and proposed to remove the traffic signal at Kenneth Road, but the applicant did not supply any other information as part of their traffic study. The applicant proposes entrance 400 ft. from where a 0.25 mile interval would be, which would worsen traffic flow.

Mr. Ley confirmed to Councilmember Azeltine that removal of the traffic signal at Kenneth Road would result right-in/right-out turn at the location. He stated the signal is used to access the development at the southeast corner of the intersection and the church located to the north on Kenneth Road.

Councilmember Cain inquired if all traffic signal lights in the cities were in place and if the traffic flow system could be slightly adjusted to accommodate. Mr. Ley stated the only traffic signal not constructed on 135th Street between Nall and State Line Road is High Drive. System adjustments might be possible for a one-way street, but 135th Street has two-way traffic and is traffic timing is coordinated 13 hours a day, seven days a week, not just during high peak hours. He stated that cities may have their own traffic coordinators that are not part of "Operation Green Light", but all work within the overall flow system. Councilmember Cain stated stop-and-go traffic flow on 135th Street happens further to the west, and is not the way to go especially with future growth in the area.

Councilmember Rawlings inquired if the developer had been advised about High Drive and had been asked to move the entrance. Mr. Coleman stated the issue was brought up with the applicant, who had stated no interest in putting an intersection at High Drive. This was the end of the conversation. He would defer to Mr. Ley on whether there is any flexibility on intersection distance to accommodate the development, but this cannot be off by the 400 ft. proposed in the application.

Mr. Ley confirmed to Councilmember Sipple that intersection locations on 135th Street have been known since 1997 and the City was upfront in this regard at the first meeting with the applicant.

Councilmember Sipple stated if 137th Street is shifted south from the roundabout, he desired the current property owners to have a tree buffer from the duplexes. He inquired about the possibility to build duplexes on the south and north side of 137th Street, or build duplexes on the south and quadplexes on the north side of 137th Street for economic feasibility. He suggested it may be sensible to have duplexes all along the north side of 137th Street to preserve the wildlife area. Mr. Coleman stated the plan could increase to townhomes on the north side to off-set changes and keep some duplexes on the north side as well.

Councilmember Azeltine asked if there was any latitude on High Drive intersection. Mr. Ley stated the applicant would need to provide a traffic study for the future coordination plan for 40,000 vehicles a day.

Councilmember Larson stated Highland Ranch Villas residents are concerned about the closeness of 137th Street and property devaluation. She asked if 137th Street could be moved farther north to provide a buffer. Mr. Coleman stated there are two 10-acre tracts to the west of the applicant's tract. Chadwick Road, the furthest from the applicant's tract, already has a dedicated right-of-way in place so minimal could be done. The other tract has not been platted or zoned, so the City could work with a future developer to swing 137th Street north from dedicated right-of-way so by the time the street reached the applicant's tract the street would be well-away from the property lines of the residents. The City has reviewed the number of houses involved. The right-of-way is fixed for about three or four houses in Highland Ranch. Residents might work in conjunction with adjacent property owners to revise their plans. Councilmember Larson stated that residents would favor this; Mr. Coleman agreed. Councilmember Larson stated Leawood Falls residents are glad to have the street away from their properties.

Councilmember Larson stated support of the roundabout, sharing that she frequently walks through an area containing a roundabout and does not encounter any difficulty. She expressed the hope to find a win-win development plan containing many great items.

Councilmember Osman asked how many times City Staff had met with the applicant before the proposed plan was presented to the Planning Commission. Mr. Klein stated the process involves a pre-application meeting where the Staff provides guidance, the applicant submits and then Staff reviews and provides comments. In this case, the application was placed on a Planning Commission meeting agenda, but review of the application was continued to another Planning Commission meeting. Staff provided two sets of comments, so there had been good discussion. At the Planning Commission review, the applicant felt they needed to move forward per their proposal.

Councilmember Osman expressed concern that at the Planning Commission meeting, conducted with a quorum of members present, the developer did not receive guidance, direction or stipulations. To avoid stalemate, communication is needed. Mayor Dunn stated the Planning Commission, comprised of hard-working volunteers, had spent three hours on the topic. She had read the meeting minutes and listened to the recording of the meeting. The Planning Commission had been frustrated by the lack of stipulations. Vice-Chair James Pateidl presided as Chair at the meeting and asked Mr. Petersen for time to work on stipulations which are developed by the Planning Department. The Planning Commission earnestly wanted to continue to work with the applicant. Mr. Petersen stated if denied, he just wanted to go before the Council.

Councilmember Osman pointed out his position for several years is that he does not approve of the City's 135th Street Plan, but accepts the position of the Council and City Staff. Minutes from the Governing Body meeting on September 17, 2018, document his and Councilmember Harrison's concerns about the 135th Street Future Street Network Plan. They were told flexibility would possibly exist, but flexibility has not been demonstrated by the developer or City. Planning Commission guidance was lacking. He suggested consideration of the proposed application was not at a point for citizen comment. This is a catalyst and the City needs to step back and take time. As Chair of the Public Works Committee he understands a traffic signal cannot be moved 400 ft., but perhaps 50 ft. to 100 ft. might be possible. He pointed out focal-point roundabouts are successful in Hallbrook. He stated the application should be remanded to the Planning Commission for continued work and direction to City Staff, expending another few weeks to ensure this is done right.

Councilmember Cain agreed that more dialogue is needed between the developer and the City, pointing out this is the first application that complies with the 20-20-10 percentage use ratio. The stated size and price of the attached villas are rare in the City or surrounding areas, and are an indication of quality. She was curious about amenities. The Staff Report lists nine non-compliant parts of the application which have now been reduced to just two, and the Planning Commission should be alerted to this. She stated the Governing Body could not move the application forward tonight without majority vote.

Councilmember Harrison stated she had been surprised by the number of citizens who support the proposed application for a project in her Ward and applauded citizen interest and effort to attend the meeting. Only three out of 34 resident communications did not favor the project at this particular time.

Councilmember Harrison stated she hates to demand a land owner keep the large tract of trees and construct a huge street network grid. She thanked Councilmember Osman for pointing out her specific questions and concerns expressed at the September 17, 2018 Governing Body meeting in regard to the number of grids required, their intricacy and inconsistencies. The City has received an application that does not work with that system. She would support the proposed cul-de-sacs and roundabout. Retaining the tree line on the south would be desirable. The location of a major intersection on 135th Street is less flexible, and it is likely the traffic signal at Kenneth Road cannot be removed.

Councilmember Harrison stated she would like to make a motion to remand to the Planning Commission. Mayor Dunn stated comments from several Councilmembers still need to be heard.

Councilmember Azeltine pointed out the application does not meet the density requirement. He suggested the developer consider having a gathering space "mini-park" instead of four units to the south of the swimming pool near the roundabout. He supports the connectivity of the 135th Street Plan. The trails in the application go around structures. The cul-de-sacs should be connected. Green space requirement has been fulfilled by bio-retention [water treatment/rain gardens] and detention, but he would like to see increased creativity in regard to green space to promote a sense of place, along with more connectivity to promote community. These ideas may help the application meet the required density Floor Area Ratio [FAR] calculation. He agreed with Councilmember Cain's comments about anticipated demand for the proposed type of housing.

Councilmember Azeltine stated agreement with Councilmember Osman in regard to providing guidance. He stated a preliminary plan should not have been presented to the Planning Commission without any stipulations, something he has not observed in 15 years. Property owners have the right to develop their property. The property owner and Staff should work together to develop the stipulations. The item should be continued so this could happen.

Councilmember Rawlings stated he wanted to see compromise by City and developer; the application has much merit.

Mr. Petersen confirmed to Councilmember Sipple the developer heard Councilmember Azeltine's comments about connectivity between cul-de-sacs and commercial, and having a focal gathering point in the development.

Councilmember Filla noted each side of the attached units, referred to as duplexes, would be 2,000 sq. ft. and priced about $600,000. She inquired if any consideration had been given to having "green roofs" on any flat roofs in the development, and to backyards and parking abutting old-fashioned alleys. Mr. Coleman stated a bonus might be given to the applicant if these were used on commercial building flat roofs.

Councilmember Filla stated office-retail-residential use percentages are not an issue. She does not favor cul-de-sacs, as they do not create a sense of space, or double-sidewalks on cul-de-sacs that create "mini highways". The roundabout should be removed as this would be difficult for vehicles and pedestrians to navigate, and the duplexes should be moved. She expressed appreciation for the underground parking. She asked if Staff was given the task to reconfigure, could an acceptable win-win compromise be reached. She suggested using scaled paper pieces to represent development structures to explore layout options.

Mr. Lambers stated Staff could reconfigure, but probably should not. If a Staff reconfiguration plan was developed, then there would be two plans to review, requiring more time. He stated the key issues are alignment of 136th Street/137th Street. He suggested continuance to the next Council meeting to have Staff discuss 136th Street and 137th Street and what might be done. However, if the applicant is adamant on the alignment of High Drive there would be an impasse because the City does not support. The intersection must be confirmed as planned for 30 years. Mr. Lambers stated tonight the Council could accept the Planning Commission's denial or remand to the Planning Commission for stipulations.

Mr. Petersen stated the team with him tonight agrees to meet to work on a compromise plan that makes sense. He suggested remand to a full Planning Commission on October 23 and back to Council in November. Mayor Dunn stated the Planning Commission agenda docket is unknown. Mr. Lambers recommended remand to the Planning Commission meeting scheduled for the second Tuesday in November and return to the Council at their first meeting in December. Mr. Petersen agreed with Mr. Lambers' recommendation.

Mr. Petersen stated he would continue to work with the City and would look at the street already present on the west side. He stated the team would live up to their commitments.

Ms. Carol Busch, 2724 West 137th Place [2428 West 137th Place per Sign-In], Leawood Falls, stated in June there had been a Community Meeting between the Leawood Falls home owners and the developer. The many home owners at the meeting totally support the development which curves and flows, and is not "cookie cutter" for blocks and blocks. They were assured the tree line at the south of proposed development would be maintained as a buffer, whether it was left wild or a different type of tree line. Also, as 137th Street curves slightly north this would provide more of a buffer. The roundabout would be acceptable as traffic would move slowly through residential, similar to the beautiful roundabout in Tuscany Reserve.

Mr. Will Henrichson, 2430 West 137th Place, was no longer present.

Ms. Kelly Sherman, 12920 El Monte, stated she was a resident of Leawood and the Managing Partner for 26Par Farm, property located directly west of the proposed development. She was encouraged to see the Council step back from denial, noting issues with the application had decreased from nine to two. The denial had become too much for the developer to deal with, lacking stipulations. The uncertainty created is what is detrimental to property values. Interested parties are watching to see how the Comprehensive Plan will be interpreted for real-life and market-drive. She is supportive of the fantastic development, with the developer having spent a large amount of money, passion and commitment. Her property is on the market for sale. A purchaser may want to divide the parcel. The Comprehensive Plan would need to be modified to consider great ideas on small 5-acre tracts. She expressed appreciation for all of the City's work. She requested to submit the letter she had written for the record. Mayor Dunn confirmed the letter had been received.

Mr. Bob Regnier, 3400 West 119th Street, owner of the property, stated most of the comments he wanted to make had already been made. He expressed appreciation for discussion, reflective of the willingness to be flexible. Without some flexibility on zoning, the property would be zoned Agricultural forever. Under the current City plan, the property could not be developed and the application is a great compromise. Four-story buildings cannot be forced upon residential located behind. There is a huge demand for the proposed housing units. He hoped the Lashbrooks can continue work with the City to bring back a proposal to Council.

Mayor Dunn inquired if Mr. Lambers, Mr. Coleman or Mr. Klein needed further direction from the Governing Body. Mr. Lambers stated understanding of the Council's desires, but two parties are fixed on one issue. If an impasse is reached on the one issue, the City will do what can be done. Mayor Dunn stated her belief the Planning Commission would welcome the opportunity to review with stipulations, and her understanding of why stipulations were not developed. She looks forward to positive discussion.

A motion to remand Agenda Item 13. to the Planning Commission, November 13, 2018 meeting was made by Councilmember Filla; seconded by Councilmember Azeltine. The motion was approved with a unanimous vote of 8-0.

14. OLD BUSINESS – None

15. OTHER BUSINESS – None

City of Leawood
Planning Commission Meeting
November 13, 2018
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160

CALL TO ORDER/ROLL CALL: Hunter, Belzer, Elkins, Strauss, Coleman, and Stevens. Absent: Hoyt, Pateidl, and Block.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any revisions to the agenda?

Mr. Klein: No.

A motion to approve the agenda as presented was made by Coleman; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Strauss, Coleman, and Stevens.

OLD BUSINESS:

CASE 71-18 – 135th STREET AND KENNETH ROAD – MIXED-USE AND MEDIUM-DENSITY RESIDENTIAL – Request for approval of a Rezoning from AG (Agricultural) to MXD (Mixed-Use Development District) and RP-3 (Planned Cluster Attached Residential District), Special Use Permit for an Assisted Living Facility, Preliminary Plan and Preliminary Plat, located south of 135th Street and west of Kenneth Road.

Chairman Elkins: The commission notes that this matter comes before us on the remand of the Governing Body on an 8-0 vote from their October 1, 2018 meeting after this commission recommended denial of the case with a 5-0 vote on September 11, 2018.

Staff Presentation:
Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 71-18 – 135th Street and Kenneth Road – Mixed-Use and Medium-Density Residential development. As the chair stated, this application originally came before the Planning Commission on September 11, 2018. There was quite a bit of discussion on it, followed by a unanimous vote to deny the application. It went on to Governing Body on October 1, 2018. After hearing testimony, the Governing Body decided to remand it back to the Planning Commission to allow staff and the applicant to do some more work on it. The application before you has several changes from the plan

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you saw previously. I want to take you through three plans to give you an evolution of the process.

(*Refers to plan displays)* The layout of the original plan showed 137th Street extending from the west over to the east. It also had a roundabout intersection where High Drive would come in. It proposed Mixed-Use development on the north side of 137th Street and RP-3 on the south side. It also had a portion of RP-3 on the north side. As was pointed out at the Planning Commission meeting, it is a change from what the Comprehensive Plan shows with the alignment of 137th Street. Since 1996, the alignment of 137th Street has been significantly to the south, which provides more area on the north side of 137th Street as well as more depth of the land between 135th Street and 137th Street as well. That became important with the Comprehensive Plan and the 135th Street Community Plan, with the goal of creating a grid network of streets to provide vehicular and pedestrian connectivity, which would create a sense of place. Additionally, this plan provided a roundabout at the intersection which created a 400' radius, which did not meet the city requirements of a 500' radius. That flattened out in the next plan, which is the reason for an exchange of land between RP-3 and MX-D. The applicant proposed residential apartment buildings for Buildings A and B. They had a Mixed-Use building on Building C. Buildings A and B were four stories and 50'8" in height; whereas, Building C was about 71' in height. They also had Building D, which was a 58' four-story residential building on the west side of High Drive. On the east side, they showed a retail building with office above. It had a vehicular via into the parking lot. They also showed two-story Building F with both office and retail located just south of 135th Street. Both of the buildings were about 40' in height. At the terminus, they showed a 67,200 sq. ft., two-story assisted living facility. This looked more residential with a sloped roof; whereas, the rest of the buildings are proposed to have flat roofs. On the south side of 137th Street, they proposed duplexes oriented around a series of cul-de-sacs. The density of those was about 3.06 dwelling units per acre. This is the plan that originally came before the Planning Commission and went on to Governing Body.

The next plan we received was on November 1st, and it is much closer to what you have before you tonight. The applicant didn't update all the plans that came in, so we had two revised sheets. Those will be the ones we will focus on for most of the discussion. They increased to a 500' radius in order to meet city standards, which flattened it out a little bit. In addition, they removed the roundabout located at High Drive and 137th Street. As part of that land swap, the MX-D increased in area by .8 acres, and the RP-3 portion reduced in size by that same amount. The buildings stayed the same but were rearranged. High Drive moved over about 200'. Buildings A and B are still four-story residential apartment buildings. The reduced the units in each from 42 to 40. On the previous plan, they showed two fewer parking spaces in the underground parking than there were units in the buildings. This plan shows the parking spaces matching the number of units. Building C remained as a five-story, 71' building, and Building D also increased in height from 50'8" to 71' in height. The mix of uses changed in this building as well. Building D was all residential and contains about 13,000 square feet of retail. Building C contained retail, office, and residential; now, it is just office and residential. On the east side, Building E is still a two-story building. They are still proposing retail on the bottom floor with office above and a bit more square footage. They still show the via running through. Building F went from a two-story retail building with office space

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above to two stories of office. Building H is a new two-story office building. At the terminus is the 67,200 sq. ft. assisted living facility with 84 units and 100 underground parking spaces just like it did before. On the south side of 137th Street, they incorporate three triplexes. In this plan, they went from 60 duplexes with 120 units to 117 units. They made up part of that by adding three triplexes. The density stayed the same. The last plan before you had a couple tweaks. They moved the entry to the cul-de-sac off 137th Street a little bit to the west. They needed a little more separation between High Drive and the cul-de-sac. It lines up on the side of the parking lot; whereas, the previous plan goes to the parking lot with a drive aisle to the west.

Additionally, they did not meet the 25' parking setback between the parking line of the RP-3 and the MX-D. On this plan, they changed that and created the 25' parking setback. They did the same on the west parking lot as well. Those are the main changes as far as the plans before you. I can answer questions.

Chairman Elkins: My understanding of what I read from the meeting minutes is that City Council remanded it back to us with instructions to both the city and the applicant to work together in good faith to see if what appeared to be a broad impasse could be resolved. I take it, by virtue of staff's recommendation here, that we have not reached a consensus on that. Assuming I am correct in my reading of the case, can you highlight the significant areas of disagreement between staff and the applicant? I'll ask Mr. Petersen to do the same thing when he gets his opportunity to speak.

Mr. Klein: At the Governing Body meeting, Mr. Petersen indicated that the disparity between staff and the applicant was a matter of form. We have had a number of discussions with the applicant, who has been willing to meet the Leawood Development Ordinance (LDO); however, they are requesting two deviations. One is a 30' building setback that is typically 40' along High Drive and also along 137th Street. They would maintain the 40' setback along Kenneth Road and 135th Street. The other requested deviation is in the RP-3 section that would allow them to have the buildings located closer together. Rather than a 30' side yard setback, they are asking for a 15.5' setback for the structures and a minimum of 8' between the egress wells of the duplexes. They are willing to meet the current LDO and will make changes as necessary outside of those deviations; however, the city has a Comprehensive Plan and the 135th Street Community Plan. The city tried to create some standards for the area to encourage a different type of development than is typical along 135th Street, including a mix of uses with several different destination trips that would be accessible through pedestrian walkways. The 135th Street Community Plan requires a grid network of streets to provide connectivity throughout the corridor, both vehicular and pedestrian. The different street types in that network would be tailored to the types of uses in the area. The city didn't want one uniform layout that went across the development. Destination streets would have retail, office, and a little bit of residential. Neighborhood streets would have just a few services, and active pedestrian streets connected the two. Without the grid network, it is difficult to make such a development work. In addition, they city wanted development and land uses to be developed around activity nodes. These would be intersections with more activity, more people, more storefronts, more offices. The sidewalks would be wider. It might have pedestrian cafes. It encourages gathering spaces as well. The whole point of the

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135th Street Community Plan was to create a sense of space, a unique area. Additionally, it provides for transect development, which is a transition from higher density on 135th Street to 137th Street as another buffer and ending with less density on the south side of 137th Street, which would provide another buffer to the existing residential to the south. Those are the things the applicant has not been able to meet in a plan. It takes space for the grid network, so shifting the road to the north where it is currently proposed reduces the amount of depth. This eliminates the possibility of a grid network. That is probably the biggest issue. The city is hoping for something high quality, diverse, and interconnected.

Chairman Elkins: Thank you. Are you prepared to stand for questions?

Mr. Klein: Yes.

Comm. Strauss: This is a follow-up question for your benefit and the commissioners' benefit. On Page 14, staff has outlined some of those Comprehensive Plan requirements. Mark, I feel like you hit on Nos. 6, 7, and 9. Can you talk about the issues on 1-5 and 8 as well so we understand what the plan is missing from that perspective?

Mr. Klein: Regarding No. 1 and access from 135th Street, staff and the applicant have been working together, and we have found a compromise on that. Originally, staff asked for High Drive to be located at the 1/4-mile section. The applicant has it located in the latest version 200' to the east. They have provided a traffic study. I think we have reached agreement on that. With the alignment of 137th Street, that is what I was discussing before as a critical component to the 135th Street Community Plan. If Roe goes too far to the north, not only does it reduce the amount of land area and depth as far as MX-D, but in this case, there is also a tree line as well. They have it on the north side of the tree line, but they are proposing detention basins within the trees. Therefore, most of that existing vegetation would be removed either due to the development or detention. Land-use designation is something the Comprehensive Plan has shown for a long time with Mixed-Use on the north side of 137th Street and Medium-Density Residential to the south. This plan has Medium-Density to the south. The portion that makes it a bit more difficult, especially for the MX-D, is that they have a portion of the RP-3 going on the north side of 137th Street, which significantly reduces the amount of area. Preservation of natural land areas has been listed in the Comprehensive Plan for some time as part of the goals and objectives. It was reiterated in the 135th Street Community Plan. This site is unique in the fact that many places in Leawood do not have this many trees and creeks. The applicant is proposing to remove most of the trees, except for a 20' tree preservation easement on the south property line. Staff is glad to see that. The only difference on this point is that we feel that a 35' line would be better. Regarding street and pedestrian connectivity, it gets down to the grid network. We are looking not only to have sidewalks along both sides of the street but also to have opportunities for multi-modal, including bicycle, transit, or others. The 135th Street Community Plan talked about a circulator route with a small trolley circulating throughout the corridor.

Comm. Strauss: I feel like you hit Nos. 6, 7, and 9.

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Mr. Klein: No. 8 goes to connectivity. The 135th Street Community Plan calls for opportunities to integrate different modes of transportation. That can be bicycle, pedestrian, bus, or any variety of methods. Who knows what the future could bring?

Comm. Strauss: On the LDO, I heard you talk about a buffer adjacent to buildings, and then I heard an RP-3 side yard issue. Nos. 1 and 2, I did not hear. Are those still issues?

Mr. Klein: The Floor Area Ratio (F.A.R.) is still an issue. The F.A.R. proposed is .43. The base is .25. There are different ways to get there, and I'm sure the applicant will speak to this as well. We consider a 25% discount for residential. The applicant is requesting a 55% discount on the residential. The LDO allows a discount up to 55%. In this case, staff doesn't feel that it qualifies to that extent because of the disconnect between this plan and the Comprehensive and 135th Street Community Plan. Additionally, they are asking for two bonuses. Article III allows for several different F.A.R. bonuses, including underground parking for 15%. The way we calculate the bonus is to take the land area and multiply by .25 to get the base amount of developable square footage and then figure 15%. Staff agrees that they have provided quite a bit of underground parking in Structures A, B, C, D, and in the assisted living. They are also requesting a 15% F.A.R. bonus of 15% for increased open space. They do have a lot more open space. A minimum of 30% is required; they are around 44%. The LDO indicates that it should be usable open space. This has come before the Planning Commission in past spaces. It should be able to be utilized, not stuck in parking lots or in places where it won't get used. They have changed that from the previous plan. They had more open space within parking lot islands, and they have removed the parking lot island with the grill. They tried to push those amenity areas to the corners of the buildings and intersections in an effort to have them utilized by people walking by. Unfortunately, we have seen these in the past, and they are not used much. There are some at 135th Street and Mission Road, including a fountain and pergola with benches. Staff is looking for something a bit more integrated into the buildings. Part of the problem is these are still organized around parking lots as opposed to a grid network of streets, making it a little more difficult. The applicant did try to respond to that.

Comm. Strauss: The last one is roofing material.

Mr. Klein: The applicant intends to meet that requirement; they just prefer to wait until Final Plan to do that.

Chairman Elkins: Are there other questions? Mark, I realize we have nine items in three, but I'm hoping we might not have to work our way through each of the nine individually because it will probably take us past our 10:00 deadline. If you were to choose the most significant areas of disagreement, would you go back to Nos. 6, 7, and 9?

Mr. Klein: I would say there are a couple areas that are critical. One would be the grid network of streets. In order to have that, it needs room to provide the grid network, which would affect the alignment of 137th Street. It may be possible to have housing on the

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north side of 137th Street if it had connectivity instead of being a standalone RP-3 development. The way it is currently proposed, the RP-3 area is a standalone duplex neighborhood that matches the one on the south. They will be nice duplexes; they just do not have connectivity or transitional buffers. It is like a web. We pull one thread, and it affects the others. The activity nodes would tie in with the grid network. The main point is to try to create something that is unique to Leawood that has a sense of place and is not typical development. We provided a Staff Report with updated numbers. They didn't change much. We added two stipulations that we communicated with the applicant. One is to have a development agreement that would detail how the development would move forward, including the phasing. The other referenced the 10' buffer around the buildings. The applicant agreed to this. Those are the major issues.

Chairman Elkins: Is it staff's view that the issues around the LDO are probably resolvable?

Mr. Klein: I think the applicant has worked very hard. Every time we point out something that doesn't meet the LDO, they have been very responsive. It will result in the same kind of development that we saw before the downturn. We had Cornerstone, Parkway Plaza, and Plaza Pointe. Those were based off the current LDO. If the city wants a development that is based on the concept of interconnectivity with the grid network, activity nodes, and transects, this plan is not that. The applicant can speak to that as well.

Chairman Elkins: When you have the grid of streets, conceptually, where is the parking? The city advocates ways of connectivity, but how does that reconcile against parking necessities?

Mr. Klein: We talked about structured parking, which is very expensive. In this case, they are providing a lot of underground parking, which is very expensive. They've done a great job with that. The 135th Street Community Plan also talks about surface parking. Maybe it's a little more centrally located where it's able to serve a larger area. Many developments in the country have a similar parking plan. Parking is difficult. It will probably be a mix of structured parking and surface parking.

Comm. Hunter: To clarify, did he ask for your top three on that list?

Mr. Klein: I can't remember the exact number. The hard part is to have the grid network, the street realignment is necessary. Then, activity nodes would be the third. The street types would then be fairly easy to do.

Chairman Elkins: For what it's worth, the way I identified it is the connectivity and the network is one; the activity nodes are two; the transect is three. We will quibble if there is a four, but those are what you've highlighted.

Comm. Strauss: I don't know if a lot of commissioners know, but there were two 135th Street Corridor plans. I sat at the Planning Commission representative on the second one. I was involved in the interviewing and scoping and went to every meeting. I have a good

understanding of what the plan was meant to be. One of the main things we were really interested in from the consultant was making sure they're out talking to the landowners and developers in the corridor, making sure they got good public feedback. I'm curious what kind of feedback have we gotten? This was an overlay district on top, and we asked people what they wanted out of the corridor. From those meetings is what we see in the report. I didn't hear a lot of pushback in the meetings. We also had a joint Planning Commission-City Council meeting that was open to the public. I saw a lot of interest in this plan. Do you know if there was pushback?

Mr. Klein: There were some comments the other way. I know the applicant attended some of those meetings as well. To give you a rundown, on the 135th Street Community Plan, we had three public participation meetings. With the 135th Street Implementation Plan, we had the same. The 135th Street Community Plan has some of the takeaways from those meetings. One was the most important economic development goals, the primary one being balancing mix of land uses along 135th Street. Another topic of discussion was whether this area was ideal for this kind of development. A lot of people mentioned restaurants, shopping, and retail. The 135th Street Corridor was always shown on the north side of 137th Street as being more of a commercial area. Around 2008, it changed to be primarily mixed-use. I think it was always envisioned that the area south of 135th Street would be residential, acting as a transition to the existing residential, and the area on the north side of 135th Street would be commercial. The 135th Street Community Plan attempted to broaden that vision to allow more residential within the area and to create more economic viability for some of the businesses while reducing the amount of traffic and congestion based on people making fewer trips because of the pedestrian connectivity. We did have mostly positive comments as well as some concerns.

Comm. Strauss: For the other commissioners, I was at all the meetings. I never heard anyone state that it was the wrong direction for Leawood. I can answer other questions about those meetings during discussion if necessary. I didn't hear any negative about the direction of this plan, either.

Comm. Stevens: Mark, there are a couple items that are tied to stipulations as well that were staff's concerns, including the extension of 137th Street to the west. The text mentions an extension to the east. Could you please further explain the issue there and the increased land area on the west? Is that what you were talking about flattening out?

Mr. Klein: It should be an extension to the west. This has to do with 137th Street running through the property from east to west, terminating at the end of the western boundary. The applicant has been great. In the last plan, 137th Street was moved a bit farther to the north. We heard from residents in Villas of Highlands Ranch with concerns about 137th Street being right along their back yard. The street slowly curves its way up to the north and sweeps away from the residents in Leawood Falls and the eastern part of Villas of Highlands Ranch. Staff would like to see it pushed farther to the north to try to provide as much of a buffer as possible. The last plan shows that street being pushed to the north. That stipulation refers to that. I think that is one of the items we are close to agreement on.

Comm. Stevens: The land to the south of that becomes part of a buffer?

Mr. Klein: Yes.

Comm. Stevens: Related to Stipulation No. 7, staff had concern with the connection of three cul-de-sacs in the RP-3 area. Could you explain the concern there?

Mr. Klein: Staff would like to see the three cul-de-sacs connected, creating a looped street going around each of those. It would provide a lot more connectivity. It is something some of the Governing Body members mentioned; however, another Governing Body member was fine with the cul-de-sacs.

Chairman Elkins: Are there any other questions for staff? If not, Mr. Petersen, welcome back.

Applicant Presentation:
John Petersen, Polsinelli PC, 6201 College Boulevard, Overland Park, appeared before the Planning Commission with a digital presentation and made the following comments:

Mr. Petersen: I have the pleasure of appearing on behalf of Leawood 135, LLC. Richard and Rick Lashbrook, principles of Leawood 135. The current property owner is Vic Regnier. We are contract purchasers. A lot of the work that was done to advance this plan was done with staff to try to work through issues. Henry Klover is the architect with the MX-D portion. Tim Tucker is with Phelps Engineering and has done all our civil design. Jason Meier is with Meier Consulting and worked hard on our landscaped areas. We also worked with Transystems on transportation issues.

When we initially started approaching this remand, I though we would start talking about nuts and bolts. I will say I was a little disappointed because we are miles apart from staff. Mark did a good job of identifying the differences. It is not a differential on uses; it is a difference in form. There was a lot of work done. I'm going to disagree about the naysayers and contractors and those not supporting it. Those in opposition always show up; those in support never show up. Those who may have applications coming up with the city don't want to say they disagree with the city on an issue such as this. There is a fundamental rejection of the concept by the financiers, the developers, and the users in terms of a strict adherence to a grid street system and a transitional development concept. I say that with the utmost respect for the process. We have millions of dollars in capital ready to be invested. We have uses that can work. I'm also a bit surprised. City Council remanded but didn't say once that we needed to add a grid street system or a transitional development. They told us to get some common ground. I'm not trying to predict where the ultimate vote is, but I will say that half the meeting talked about where we would put High Drive and where the entrance to the project would be signalized. Not one comment was made about adhering to staff's recommendations based on the 135th Street Community Plan. There is a common goal that we took right out of the 135th Street Community Plan: create a successful and economically sustainable development. That's what we all want. Again, it is our premise not to be disrespectful.

After studying the market, talking to banks, and seeing what has happened in other areas in Johnson County, we have determined that staff's recommendation for the parameters or the form that we follow will not be successful or sustainable. It is all vertical development, which is essentially what the concept is contemplating. It is very dense and very expensive.

Staff did a great job of walking through the areas we have been working on since Governing Body. The concept is a good chunk of vertical mixed-use with some density and mass up along the major thoroughfare, structured parking, vertical buildings, combinations of office and retail, and a commercial but still residential type of utilization on the east side of the 18 acres along 135th Street being the senior living as a bit more intense use than other residential opportunities. As we cross over 137th Street and transition to the traditional single-family area, we go into a vertical mixed-use, which is a higher density residential than what is south of our property. Staff calls them duplexes; we like to refer to them as attached buildings. These are $600,000 a door.

As we walk through this, you will see that this is not about adherence to the LDO; this is a question about the Comprehensive Plan and rolling up the 135th Street Community Plan. I don't comport to comply with the picture, the concept, and the densest version of that plan that evolved as we moved through the process. That plan talks about a grid street system. With grid streets comes the trade of parcel sizes, which affects how the building is going to land as well as a need for structured parking and uses that include remote parking. Retail is hard enough with structured parking. Transitional development is another component staff wants. There is not a person in the world that could finance, develop, or fill a six-story building on 135th Street at Kenneth Road. This is not on a thoroughfare; it is not on a major highway with an office utilization. There is not retail in this economy or the foreseeable economy that could fill that kind of vertical element. We go to 136th Street with three-five stories. Then we get close to our neighbors on the south where we have $600,000 villas with higher density. The plan calls for two- to four-story buildings of a mixed-use nature.

These are people who came to the EDC meeting. Two of the developments in close proximity are City Center and City Place on major interstates with heavy office utilization and extremely public financing. I think we can all concede grid streets, structure parking, and transitional elements have not met market expectations. It has not worked in our own back yard. What has been tried in the corridor? Villaggio at 135th and Roe has only one vertical element: a fountain. Thirteen years ago, $18 million was put in the ground to create a grid street system to try to create something a little different. After foreclosure, my client from Denver bought it. One of his best consultants is the group that did the study for you in Leawood. He has sat on it for close to three years. He can't try to do this at this site, given the demographics, given the market, and given what is happening in the corridor.

I thoroughly read all the reports that were put together in terms of the study itself. Design Workshop was asked where it has worked. The two areas they cited were Cherry Creek North in Denver, which is a current and long-time dense urban area that is in redevelopment mode and The Domain in Austin, which already had 1 million square feet of office in place with big box retail anchors, which are not allowed in Leawood. Design Workshop was not contracted to design the project but just to provide guidelines and ideas for consideration. It was suggested that mixed-use doesn't always have to be

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vertical mixed-use. With that background, we looked at Tuscany and saw how the road moved around to create different opportunities and bring residential to the north side of 137th Street to interface with commercial development that could go farther north. Thus, we had our plan. That's how we got here.

We worked hard on the access point for High Drive and where the light would be signalized, given that Kenneth was already signalized. Our traffic consultant did a great job, and we were able to work that out. With the light there, the road can go from 135th north to 133rd and start to create some concept of a grid system.

Staff went through the changes. We pointed to the internal street system. Some didn't like the roundabout, so we took it out. We did a nice focal amenity that staff did not show on High Drive. We went to a triplex and reconfigured to create a significant recreation area for the neighborhood. As people drive in, they will see commercial, high-rise residential, and high-rise office, moving into a green area with a nice ambience. We worked with them on the road system on 135th and internally. We reconfigured commercial buildings at the request of staff. We were creating a streetscape and moved our building up along High Drive from north to south. We pushed the building up against the street to create the ambience people want today. The LDO requires a 40' setback. We thought it brought a better streetscape to bring them to 30'. It's a 10' deviation. I thought we had that worked out. We worked with staff to increase the buffer area in the south. This isn't an LDO issue. We had 15' and were comfortable we could protect that buffer area with a preserved tree line. We looked at it again and backed off another 5' to be sure. We feel comfortable that we can work that out in Final Plan. We'll bring our landscaping in to show where we can strategically place landscaping that will enhance that buffer to make the most impact for our neighbors. We have talked to them about that. We look forward to working with that during the time of Final Plan.

Pedestrian connectivity is important to us as well. We heard a lot about intermodal transportation. I heard something about a trolley. I'm not trying to discount it; I'm just a little confused about what that is. I will say that we have vehicular movements covered. There are multiple ways to travel on foot or bicycle through the development. On 137th Street going east to west, we have 10' sidewalks on both sides. In addition, we are building an 80' right-of-way for 137th. There are bike lanes on both sides. We are building the streets at our cost. We are putting a new sidewalk on the west side of Kenneth. There are significant green areas. There is a nice 8' trail with a good diversion area. We have 6' sidewalks along 135th Street, and all internal sidewalks are 5'. There are a lot of pedestrian, bike, and hike trails fitting into the city's trail system. If transit areas need to be planned, we probably have areas we can talk about; we just don't know how to plan for something that is not in existence today. There are probably ways to have continuing dialogue.

Finally, you said we are bashing the plan. Commissioner Strauss, I want to emphasize we are not diminishing what went on. We thought we would try to lay something in. Remember, 137th Street is a bit farther north to make the project work, and they said it must be where it's been since it's been there since 1996. It's been a line on a piece of paper since 1996; it has never been built. To have somebody suggest that, because a line was put on a piece of paper in 1996, it can't be moved is wrong. It wouldn't work where it was put in 1996. We moved it not to be dismissive of a 25-year-old concept but to show you how it could work. We brought it back down and put in a

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grid street system. We're at about 400,000' of commercial development. That approaches almost 1 million square feet of commercial development. Staff will say that we don't have to build it all that way. If we build garages, we need density. There are two interesting things I will tell you. We can't take dirt in the middle of Johnson County and just turn it into a park. Every tree that we're taking out will be taken out with this plan. We can't put in a grid street system and not take out the trees. Secondly, we are using a credit and bonus system, and the LDO is incapable of providing the opportunity to adhere to the Comprehensive Plan; there are not enough mechanisms. As a landowner, that is probably not a viable option.

The Golden Criteria were in here before. There are eight of them; you know what they are. I'll pick out one to discuss regarding removing restrictions that would detrimentally affect nearby property. All I will tell you is that at City Council, those votes were accompanied by a number of their neighbors. There have been 30 indications of support by our plan and maybe one negative. Other than that, there was no evidence from anybody that would be detrimentally affected. The one I would argue is the relative gain to public health, safety, and welfare due to the denial of the application, compared to the hardship as a result. What is the gain to the public if you deny it? It's a great plan. It can be built. It brings housing opportunities of various degrees. It brings the right balance of commercial and retail that can be built with some office utilization. How can the public be harmed?

We have four deviations before we get to the stipulations. I want to be clear on those. We have the 30' setback for the buildings along 137th and High Drive. The code requires 40' but allows a request up to a 10' deviation so the buildings can outline the street a little better. The second deviation is one about the side yards of the villas, which I thought we worked out with staff; I'll stand corrected. We then get to the issue of F.A.R. This alludes back to my point before. If you want density, even on the 18 acres, we have to utilize the tools that are in the LDO to allow us to get there. Mark went through it; it's pretty complicated. We are asking for the credit of 55% for our residential component, and we are asking for two bonuses: one for our structured parking and one for open space. We think we have made our case to earn the 55% credit. Not only do we have 10% more open space generally but also the 15% bonus for passive usable open space in enough of a concentration that people will use it. I agree with staff that there is a better way to do it than to put it on a corner. We concentrated our amenity area. Part of it is a part of stormwater and will be kept open. That's a big chunk of property with over two acres right on the corner. It will be left in its natural state. It helps us with water issues. Then, the area near the senior living is about 30,000 square feet. That is almost an acre. It is usable. What we have suggested and will continue to suggest is that it will have a lot of walkers and bicyclists. We would like to have a bit of artwork, places to sit, and fountains. That 30,000' equates to the exact square footage we get for the bonus.

We got the stipulations Friday night after 5:00, and we got revisions this morning. There are 42. I'm not up here beating on staff, but this is not an easy way to go through them. City Council told us to go back and work out the details, get some stipulations, and bring a plan. The first two stipulations require grid streets and transitional development. That's not approving the plan because we're not going to do grid streets and transitional development. The first stipulation we would change is No. 1A. We would revise it to be .43, which is the same F.A.R. but 55% discount, which we need. No. 3 is the one I talked

about with the strict compliance to the 135th Street Community Plan. We would ask that you delete items A, B, and C from No. 4 because it really goes to all the things in the 135th Street Plan, except for item C, which is the 35' setback instead of 20'. The 35' setback is somewhat pulled out of the air. We will check it at Final Plan. We would like to keep No. 4B, which basically says we will meet all the LDO requirements on materials. We would ask to delete No. 7. That is what allows us to have our cul-de-sacs. We would ask for No. 8 to be deleted, which is the whole issue about moving 137th Street back to the south, which is a fundamental component of our plan versus what they want to see. I would like a clarification on No. 9 and request that it refer to the portion of 137th Street on our property because there is a gap going west that is off our property. No. 18 states that there will be no deviations. I would like to delete that and add in the deviations I outlined for you. (*approaches the dais and hands out information*) This is a recap of what we would like deleted and revised. No. 34 says that we have to do everything in the Public Works memo. I thought we worked out a turn lanes and tapers in detail. We felt like we had a 250' taper at High Drive and Kenneth Road in terms of right turn lane and a 150' taper on the right-in, right-out. It could have been an oversight, but the Public Works memo indicates 300'. No. 29 refers to our retention facility northeast and southwest corners. In a retention facility, the water is held, cleaned, and released. Both of those are designed to be that way for a number of reasons, including functionality of the biotreatments of the water and also the size we had down where we connected with 135th Street in the southwest corner. We don't have the room for an amenity on the site here. We would like that to be removed from the Public Works memo and removed from Stipulation No. 29. The last one got reinserted today around 4:00. No. 2 says that prior to a building permit, we will enter into a development agreement with the city about phasing. I know it's in the 135th Street plan that we should do development agreements. I'm not sure what we're doing this about. We have planned zoning and stipulations. We will come back with a Final Plan with further detail. The thought of going through a development agreement does not seem necessary. With that, I'm sorry I took so long, but there were a lot of moving parts, and we were trying to catch up at the last minute on several of them. I would be happy to answer any questions.

Chairman Elkins: Thank you. Are there questions for Mr. Petersen?

Comm. Strauss: I think Mr. Petersen hit on it right at the end. My big question is about the community gathering spaces. That is a big part of mixed-use. Maybe put that up on the monitor. It sounded like you were claiming on Kenneth Road on the far east side by the senior center as the community gathering space for north of 137th Street, and then the other area is south.

Mr. Petersen: Yes, there is a visual impact for anybody in the area, but the utilization would be for the northern part of the area. We have other nodes around buildings and in the front, and we tried to add those up. There are green areas where people can go to be outside, even if they're shopping. With all the opportunities for biking and walking, the area we proposed is a natural buffer, providing 2/3 of an acre that we will be able to designate as a place for this development that will be a concentrated open space. Remember that the code speaks to passive open space

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Chairman Elkins: Other questions for Mr. Petersen? I have a couple questions. Let's talk about phasing. You mentioned you had a challenge with respect to the late-added stipulation regarding phasing. You really didn't address phasing in your presentation. Could you put up your aerial plan and tell us about your client's current thoughts about sequencing?

Mr. Petersen: There are builders ready to go, but because of the ingress and egress, the road system has to be put in up to 135th Street. We have a lot of expense. When I go to the issue of cost and return, it isn't just that these guys just don't want to build something; it is a pile-on kind of element when added up to create a whole additional lane across 135th Street. I bet it's approaching seven figures. The power lines will be buried at the cost of the developer. It's probably over $1 million to do that. Signalization is probably $300,000-$400,000. We'll talk to the city about when that light has to go in. Is there a set phasing? We know right here today if we're approved, we will build buildings according to market demand. The market will see that something can go in on 135th Street. My gut says that high-quality multi-family can probably get in quickly, and then there will be some service retail on the first floor of some of the buildings. When they see the concentration of Leawood residents who can walk, an office lease might get signed. There hasn't been a spec office building built in the city of Kansas City for 15 years. You don't start office buildings unless you have leases from people, but you can't go out and get leases until you know you have a plan. The senior living will probably have interest to move forward. The good thing for the city is most of the infrastructure all gets put in.

Chairman Elkins: Let's go back to your aerial. To your very point, you make a persuasive case for the fact that this meets the spirit of the desire for mixed-use because, clearly, you have at least four different uses in this space. But, if we rely strictly on the market, what do we do when the market never comes? Using your Villaggio example, what do we do when we have all these homes on the south but are left with a vision on the north that looks just like Villaggio now?

Mr. Petersen: That opportunity won't be presented until we get investment and actually start bringing people in, I can't say. You enhance the opportunity to get this going by letting some activity start. What you have now is 600 acres from Roe to State Line.

Chairman Elkins: I understand that, but I'm trying to plan the six acres, just like you are. In other instances with extended-period mixed uses, the value of the development agreement was that there were at least some commitments by the developer around phasing different parts of the mixed use coming at different times with variable for the market. This commission and City Council proved to be very amenable to modifying that plan as market conditions developed and the developer came to us with changes.

Mr. Petersen: Actually, Leawood is pretty unique in terms of the area. *Inaudible comments*

Chairman Elkins: You don't expect this to be built out in two years, do you?

Mr. Petersen: No.

Chairman Elkins: I'd be astonished if the southern part could be done in 18 months to two years. One thing that staff talked about and you addressed briefly in the stipulations is the challenges your client sees with respect to connecting the cul-de-sacs. Could you speak to that?

Mr. Petersen: I be you don't want streets connecting in your neighborhood, right? Now, we're talking about 137th and connecting the cul-de-sacs to it. Where are they going? What I think staff is suggesting is to connect the cul-de-sac to here.

Chairman Elkins: What I think Mark is saying was to connect the four on the south.

Mr. Petersen: I know some say they hate cul-de-sacs, but they allow us to keep nice, green areas, a lot of separation, a lot of good corridors from the neighbors to the south. We don't want to connect streets, eating up the pavement, instead of nice green open areas. Like it or not or if we disagree about the grids, cul-de-sac streets are a higher value and are considered a better place to live.

Chairman Elkins: Why is that? If we accept the premise for a moment that connectivity is an important element, it would seem that it is one of the things that is missing from your plan. You have three dead-end streets and four if you talk about the one on the north.

Mr. Petersen: It has great pedestrian connectivity. We meet the code.

Chairman Elkins: We're not talking code here; we're talking planning.

Mr. Petersen: There is very easy access to the houses out to one of your collector streets, which then goes immediately to the signalized intersection. If you live here, what is the advantage of connectivity? *Inaudible comments* It doesn't result in as high a quality of development as with the utilization of cul-de-sacs. It's not like we're blocking connectivity into the collector street system to the south because it's already shut off.

Chairman Elkins: Back to Commissioner Strauss's comments on the public area in the northeast, I think I recall seeing something in the case that a chunk of that is expected to relate to stormwater retention or something like that. Approximately what portion of that blank space that shows up green right now will be swamp or other stuff for stormwater retention?

Mr. Petersen: A little over two acres or 100,000 square feet of green space. We have to do 30,000 square feet. It reminds me of the area on 133rd Street near Nall with the statue. It is that kind of enclave but will be five times as big as that area. It's right along the bike trail. That's a passive green space. Your code describes how to earn the bonus.

Chairman Elkins: Maybe I'm mistaken, but in reading the plan that was put before us, my impression was that at least some portion of that nice big area you just described was going to be dedicated to stormwater retention.

Mr. Petersen: There are two acres total.

Chairman Elkins: How much of that two acres is going to be stormwater retention?

Mr. Petersen: The public would be able to access 30,000 square feet.

Chairman Elkins: So, the 2/3 acre would be usable space.

Mr. Petersen: Yes, sir.

Chairman Elkins: And the total is two acres?

Mr. Petersen: Yes. We're going to make sure 30,000 square feet is usable because it's 1:1 in your code. If I provide 30,000 square feet of open passive space, I can use 30,000 square feet of bonus against the building under the F.A.R. category.

Chairman Elkins: Moving on to the stipulations, you focused on the change to 55% in No. 1A. I was taken by the fact that you were striking the requirements to meet the requirements of the LDO.

Mr. Petersen: We're going to meet the LDO.

Chairman Elkins: I assumed you would, but again, usually there's a method to your madness. To help us in our analysis, of the stipulations that you take exception to, can you do a rundown of the ones you see that are essentially trying to claw back the 135th Street Plan?

Mr. Petersen: Nos. 3, 4, 8, and 18.

Chairman Elkins: What about Nos. 7 and 39? Why did you want to delete those?

Mr. Petersen: No. 7 is the issue of connecting the cul-de-sacs. No. 39 is the one about retention.

Chairman Elkins: That is not a "plan versus no plan" issue; it's a substantive issue.

Mr. Petersen: *Inaudible comments.*

Chairman Elkins: I understand the reason for No. 1A. Can you explain the reason for Nos. 9 and 34?

Mr. Petersen: I just wanted a modification to limit the responsibility to our property.

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Chairman Elkins: No. 34 related to the issue of the length of the turn lanes?

Mr. Petersen: Yes.

Mr. Ley: Public Works updated our stipulations. It was changed to 250' for a signalized intersection plus taper and then 150' plus taper for the right-in, right-out.

Chairman Elkins: So, we can take that off the books. Does anyone else have additional questions?

Comm. Belzer: Are the villas single-story villas?

Mr. Petersen: Yes.

Comm. Belzer: I'm just thinking of the clientele you're seeking.

Mr. Petersen: A lot of them are reverse 1 ½-story. *Inaudible comments*

Chairman Elkins: You opened your presentation saying that, during the course of the Governing Body meeting, the council did not say that you had to come back and give us a plan that was consistent with the 135th Street Plan and the Comprehensive Plan. I've read the transcript, but I didn't see a place where they told you to come back to us with a plan that did not square with the plans. Did I miss something there?

Mr. Petersen: *Inaudible comments* I want to make it clear that I did not mean that they said not to worry about the Comprehensive Plan. When we left, there were conversations about not roundabouts and cul-de-sacs. We weren't told we had to get the grid system and the transitional element. Nobody said they would vote for doing it this way but that we should go back and try to find middle ground. I think we found a lot of middle ground, quite honestly. What we did not find middle ground on is that it's a basic conceptual difference. I'm sorry I took so long to tell you it's not just because we think it's a dumb idea or not a cool idea. I'm telling you as an industry, this will not work in the 135th Street Corridor. If you pick up the phone outside the context of making people come to a public hearing and ask them if it would work on 56 acres, the bankers, financers, and developers would say it won't work. We came away knowing we had to work with staff on the turn lane, the building location, the separation, the buffer. We worked with staff to get the 137th connection on the west redesigned so we could pull it away from the homes on 137th. Where the city dropped it off right now, we were going right through the back yard. We are eating up part of our ground. We actually lost some units, which is a lot of money.

Chairman Elkins: Thank you. Before we take a break, I know there are a number of folks in the audience who have waited patiently. I will note for the record that there has been a fair amount of community interest expressed through emails and correspondence. Those have been presented to the commission and added to our record. It is a bit unusual

because we do not typically open a Public Hearing in this phase, but based on my own discretion tonight, I'm going to open this matter to Public Hearing because I suspect some people in the audience wish to be heard. Before we open the Public Hearing, I would ask that each speaker limit comments to four minutes. We would ask for your courtesy in not duplicating comments. If you just want to pile on, you certainly have a right to do so, but we do hear what you're saying. I'm deferring to legal counsel as to whether this is a formal Public Hearing because we didn't notice it out as such, but I do want to provide the opportunity for people in the audience to be heard. Any objections from counsel?

Mr. Hall: No, that sounds fine.

Chairman Elkins: Is there anyone in the audience who wishes to be heard?

Public Hearing
Bill John, 2649 W. 137th Terrace, appeared before the Planning Commission and made the following comments:

Mr. John: I just have a quick question. How does this proposal and the decision the Planning Commission and City Council are going to make impact the property that is adjacent to the west of the proposed development?

Chairman Elkins: I'll hold that question and give Mr. Petersen an opportunity to respond because he's the best one to do so.

Leanne Gorsuch, 13715 Pembroke Circle, appeared before the Planning Commission and made the following comments:

Ms. Gorsuch: I'm on the Board of Directors for Leawood Falls HOA. This evening, I am representing myself. I have been very interested in this entire process because my particular property is about that far from the line that is the south boundary of the project. I have studied all the documentation, all of the various maps. I'm very impressed with what they are proposing because it is very similar to what we have in Leawood Falls and also Highland Ranch, which immediately to the west. The thing that concerns me this evening and the reason I am before you is you are talking about trying to add connectivity between the various cul-de-sacs. There are probably 30 emails that you just alluded to that people from Leawood Falls and Highland Ranch have given you. If you decide to propose and go forward with that particular change to connect the cul-de-sacs, there will be 30 people giving even stronger emails that they would no longer be in favor. We have talked about this in the HOA meetings. The reason we are so in favor is the way they are respectful of where our villas, townhomes, and single-family homes are with respect to the development. If you make any changes, please give us the opportunity to come before you and speak again.

Chairman Elkins: Thank you. Are there other members of the public who wish to be heard? If not, I would entertain a motion to close the Public Hearing.

As no one else was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Stevens. Motion carried with a unanimous vote of 5-0. For: Hunter, Belzer, Strauss, Coleman, and Stevens.

Chairman Elkins: Mr. Petersen, would you care to step forward and speak to Mr. John's question and what you think the impact on the property to the west would be?

Mr. Petersen: Probably one of the most articulate letters put into the record referred to this. *Inaudible comments* We are in discussion about the extension of 137th over to Chadwick so we can pick that up. It's not a condition of the zoning. We are looking for ways to make that happen. I think it is going to be compatible to the use.

Chairman Elkins: Thank you. With that, I would ask everybody's indulgence for a five-minute break.

Five-minute recess

Chairman Elkins: We'll call the commission back to order, please. Mr. Petersen, you wish to be heard.

Mr. Petersen: *Inaudible comments.*

Chairman Elkins: So, the stormwater retention will actually be underground in a vault. Thank you. We've come to that portion of the process when the commissioners have an opportunity to comment on the plan.

Mr. Klein: I was wondering if I could make a couple of clarifications. There were a few comments that I want to be sure everyone understands.

Chairman Elkins: With the understanding that Mr. Petersen will have the opportunity to respond.

Mr. Klein: Yes, and what I'm going to show is all on plan, so hopefully, it won't be controversial. I want to be sure that people understand there is flexibility to the 135th Street Community Plan because it seems as if a lot of the emails indicate that people think they all have to be high-rise buildings and super dense. (*Refers to plan)* We talked about transects. It gets denser along 135th Street and less dense along 137th Street. I want to call out that it has been represented that it must have vertical mixed-use. That is not the plan requires. The plan suggests a range of heights. One goes from 124' to 115'. Currently, the LDO allows a maximum of 90' within the MX-D district. Just to give some reference, 35' is the height limitation in an R-1 district, which is the most prominent district in the City of Leawood. I wanted to make sure people understood that in T5, it is 24'-72', and in T4, it is 24'-42'. The plan they are proposing has a building that would be within that T4 range at 71'. To reiterate what the development looks like, the destination street shows the wider sidewalks. It does have taller buildings in the

denser area. The active pedestrian street is a mixture and is shown to be 2-3 stories in height with a mixture of residential and retail. I just want to be sure that everyone understands that it has some flexibility.

The Villaggio have been mentioned as an example of a grid network of streets. I promise when this went through, it had nothing to do with a grid network of streets. When the plan was initially submitted to the city, it was a whole bunch of buildings and a big parking lot. There was no internal circulation whatsoever. I remember writing letters to them, trying to get them to put in some sort of circulation within the development itself. That is really what these roads are meant to do. We lined them up with the driveways across, but it wasn't intended to be a grid network. In addition, this is one of the developments that failed during the downturn in the economy. It was being developed under the current LDO.

Chairman Elkins: Notwithstanding the intent, effectively, that is a grid network street organization. It certainly looks a lot like the pictures you've been showing us from the plan.

Mr. Klein: I don't have the plan with me. I know that Mr. Petersen does. Really, a grid network is more just having a grid of streets.

Mr. Coleman: It didn't have anything to do with the success or failure of that project.

Chairman Elkins: I'm not saying it did; I'm just saying that this looks very much like a grid network of streets.

Mr. Coleman: It is close.

Mr. Klein: It was actually split zoning; it wasn't mixed-use. They basically had a commercial development on the north and west side, and then they had the piece of office development. Only two buildings have developed: Gardens of Villaggio and Intrust Bank. I just wanted to clarify. Also, there is one other thing. I know John was concerned about Stipulation No. 8. The intent was not to shift 137th Street to the north; that was more to try to provide a buffer between 137th Street and the properties to the south. I think the applicant agrees with that and has already started that process. The one that had to do with the alignment of 137th Street, you already hit upon. The intent was to provide the people in Villas of Highlands Ranch and Leawood Falls a little more of a buffer.

Chairman Elkins: I think it was probably from John's presentation, but could you put up the aerial view of the plan as the applicant is proposing? (*Plan is displayed)* Show us what you intended with No. 8.

Mr. Klein: We would like to move the alignment as far away from the properties as possible to provide them a buffer, especially as it continues to the west. The applicant started that process to move that up. It is limited because 135th Street is constructed and ends at a certain point. The hope is that we can actually start moving that up a little farther to the north to provide them some relief as far as a buffer.

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Chairman Elkins: Mr. Petersen, do you have any responses to Mr. Klein's comments?

Mr. Petersen: With that explanation, Stipulation No. 8 is fine, and I withdraw my request to delete it. I made my case on Villaggio.

Chairman Elkins: Thank you. This brings us to the discussion portion of our consideration. Usually, I toss it out to the commissioners to discuss it first, but this time, I'm going to at least try to frame the discussion a little bit. As an adjudicatory body and as a commission that is always helpful is when the issues are clearly stated. Often times, there is a lot of detail in what we have to deal with, and we get down into the details and work with the city and developers to see how those details can be reconciled. In this case, I'm grateful to both the applicant and staff. We have a very clear policy decision to make. That relates to Mr. Petersen's clients, and he makes no apologies for the fact that they're seeking to diverge away from the 135th Street Corridor plan as well as to the extent that it is grafted upon our Comprehensive Plan. Certainly, it is within our purview to make a recommendation to Governing Body. On the contrary side, the city staff and volunteers such as Commissioner Strauss have spent a great deal of time over the last 3-4 years in developing that plan. We're called upon to provide our input to Governing Body on just that. We need to discuss whether we think this is an appropriate deviation from that plan or whether our recommendation is to stick with the Comprehensive Plan and the 135th Street Community Plan. It behooves us to have that discussion before we get to the discussion of particular stipulations. With that, I would open the floor to any commissioner who wishes to be heard on this very fundamental policy issue about whether we should recommend a deviation away from the plan that so much work has gone into.

Comm. Hunter: I think I said this at the last meeting. There is a need to be flexible with that plan. We can go through whether this is the right plan, but I do see some need to be flexible. I welcome the applicant's comments. I appreciate the fact that you did work together. It looks like we did make some steps forward from the last meeting to now. I do welcome the idea of looking outside the box of the 135th Street Plan.

Comm. Strauss: I'll start by saying I think the applicant and Mr. Petersen did themselves a disservice by choosing not to speak up at the 135th Street Implementation Plan meetings. Mr. Petersen said they had reasons not to speak up, but the purpose of those meetings was to determine the right development. That is why we talked to landowners, developers, and adjacent neighborhoods. We wanted to know what they wanted. If they so chose to not speak up, it puts us in a quandary here. I disagree with Mr. Petersen when he started his presentation saying we are miles apart. I think we are much closer to what we envisioned for the 135th Street Corridor, but we are missing some key elements. We talked about flexibility when we put this plan together. Not every development along the corridor will look just like this one, but they have to have certain elements that this development is missing. During our Public Hearing, I heard a comment that said they like this development because it is similar to Leawood Falls. The whole point of the 135th Street Corridor is we don't want it to be similar to the rest of Leawood. We love the way

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Leawood has developed over the years. We love cul-de-sacs. We love the green space, but the community designated this area as a different area. We don't want it to look just like Leawood Falls. That means cul-de-sacs are just like Leawood, and they are appropriate in those areas but not this one because they are not mixed-use. They don't facilitate the definition of mixed-use, which you'll find in the Urban Land Institute, which staff is well versed on. I think we're close because I see the key elements, but we're missing two things. I think we have the commercial space that transitions to the residential area as a buffer. I'm fine with the 55% development upgrade. We laid out a grid system for the circulation of pedestrians and people around because that's what a mixed-use development is centered around by definition. I see that we could get a grid system, but we would lose about six duplexes. I think you could relocate those somewhere else. I think there is no net loss of project. The other key element is a sense of place with your green space. Traditional suburban development says to put it in the corner in order to account for it in some way. I've got a green space in my subdivision that is near the entry, and there are more trees. It's beautiful, but no one uses it. Mixed-use is a usable space for people to gather, just like the ice-skating rink at Park Place that is green space in summer. It has to be a gathering space not behind the senior center, which will look beautiful to people driving down the road. The point is to get people interacting. If the green space were more integrated into the commercial area into the center and maybe push the senior center farther east, I think you would have that important element of mixed-use. I am pro-development. In my eight years on the commission, I've only voted against a project once, and that was for the Slab & Pickle. I am pro-development, but I am just not comfortable with this development because it's just additional Leawood suburban development. It's a great development. I really want this to work out, but it's not the intent of the 135th Street Plan. I would vote in denial, but what I would vote for is either reconfiguration of the plan, which I think can be done, or if, as Mr. Petersen states, it just won't work in this space, we need to revisit the 135th Street Community Plan. I hate to head down the path of putting in the wrong kind of development from what the community already said is desirable.

Comm. Coleman: To give you some background, in the initial meeting on September 11th, it was Commissioner Hunter, Commissioner Stevens, and me. From that meeting, I got the minutes. I also asked for the DVD of the meeting so I could see what happened. There was a lot of talk about the cul-de-sacs and the High Street intersection, but the main premise of the meeting was to send it back to us and have staff work with the developer to come up with a good plan. It wasn't anything about 135th Street Plan not working. When I got my packet, I was excited. I saw everyone wanting this to work. I looked at the materials, and I didn't see anything greatly different. The roundabout was gone; High Street was moved. I was disappointed and frustrated because this is not what City Council intended. It was a lot of work on the 135th Street Community Plan. It's what the community wants, and I think we have to adhere to that unless something drastically changes. I remember that first meeting on September 11th, and I said that maybe the plan was the problem as opposed to the proposed development. I'm with Commissioner Strauss; if there is a problem with the 135th Street Corridor and it is a fundamental rejection of the 135th Street Community Plan, that's what we need to address. We do want development, but we don't want haphazard development. We want a plan the

community has been involved with. If the plan we have out there is not viable, not feasible, then we need to alter that plan so we have the proper development in that corridor.

Comm. Belzer: Thank you for speaking and letting me defer to you. I'm very conflicted. I was not at the September 11th meeting, but I spent a lot of time reading every word and trying to figure out everything that had taken place. I have to agree with Commissioner Coleman; I feel like we came back to the same exact place. I, too, felt frustrated, but then it made me start to wonder what is the flexibility for us regarding the 135th Street Community Plan? What is the right direction? Is this the right direction? I'm not 100% sure what that means, but I think we're much closer than what Mr. Petersen stated in the beginning of his presentation. I think we can come to some agreements with some flexibility. I'm not sure if it's the wisest decision to let the property sit again. We have viable suggestions here in front of us. Development will be good for Leawood. To sit on it and start a whole process again is a very lengthy and daunting task. I'm conflicted. I'm not exactly sure what I think the right decision is at this point.

Comm. Stevens: I was here previously, but I guess I was disappointed to see that the revised plan is very similar to what was presented before. As you mentioned, there were some adjustments, some for the better. I'm concerned that it proposes development that is not comprehensive in its full scope. The conditions of not being in compliance with all of the 135th Street Community Plan and the Comprehensive Plan is really concerning, especially the mixed-use district areas being constricted in size and not creating the spaces that make those areas special. The conditions of planning, the goals within the 135th Street Community Plan are based on fundamental goals of highly successful planning and planning principles for connectivity, for creating this sense of place and special areas. Again, it almost feels like it's been compromised further. There is a row of four- to five-story buildings on the northwestern side of the block, a group of two-story buildings that almost feel like pad sites within a parking lot in the center. It's not a connected neighborhood. It's not the planned district that was the goal of the 135th Street Community Plan and the Comprehensive Plan. For all those reasons, I can't get past all of the nine deviations and the other areas of non-compliance.

Chairman Elkins: Thank you. For my part, I see a lot of positive in the plan. I see the plan achieves a number of the policy goals that are incorporated into the 135th Street Community Plan. We do have a plan that contains mixed-use here in my mind. There are different uses, including everything from the assisted living, which is something needed in Leawood, retail, office, and attached homes. Those are all things we seek to achieve with a mixed-use plan. The other thing I think this achieves, using my terms, is it creates a gradient. One of the things many homeowners are concerned about is what buffer they will have between what happens on 135th Street back to their homes north of 137th Street. This really accomplishes that. The folks who spoke today are not going to have a car dealership across the street from them or a big box. It accomplishes a great deal of what we hope to achieve through mixed-use. I think the point Mr. Petersen and his clients made, which was actually made by the consultant at the meeting, is that mixed-use does not necessarily mean vertical. Horizontal mixed-use is within the concept. This strikes me

as an interesting and creative way to achieve the horizontal mixed-use. I share some of the concerns that other commissioners have raised around the sense of place. I understand, from a practical standpoint, what the applicant is trying to achieve, but while it is great for the people using the bike lanes, in terms of creating a sense of community and a gathering place, it seems like the planning of the collection point is challenging to have it achieve what we hope to achieve. Again, I compliment the applicant because a lot of the connectivity addresses what we have talked about again and again over the years: pedestrian and bicycle connectivity. This plan does seem to achieve that with some of the planning with respect to bike trails and pedestrian connectivity. I agree with Commissioner Belzer that it is a mixed bag, but it does bring us back to the fundamental question of whether we want to accept a plan in front of us that appears to have financing and is willing to move forward but is still a deviation from the plan for the area or not. Are there other comments that any commissioner would like to make?

Comm. Strauss: I'll say again that I think there are a lot of great elements with this plan. I don't know the right way to go, but I don't feel like this meets the intent of the 135th Street Community Plan, so I can't endorse it. I also feel like the developer could go back and work with the city and make some small, key changes to have a plan that meets the outlined goals of city staff and the 135th Street Community Plan. That is where I am. I don't think we're far from it. I don't feel like connecting streets and putting in a gathering space is far off, but those are key elements of what we said this corridor would be.

Chairman Elkins: Let me take a small deviation from normal procedures. Mr. Petersen, I do not want to put words in your mouth, but it is my belief that your clients would prefer to move forward or not move forward with this plan rather than taking another tour through the city staff, given the comments we've made here, to try to reach a consensus at this stage in the process.

Mr. Petersen: That is correct. I say that because it sounds like it's small steps and we're not willing to consider small steps, but connecting the cul-de-sacs is not small steps; it's a lot of loss of the whole concept. What I'd rather have is a recommendation for approval with direction to City Council. When you see it, I'd like to at least talk about that again. To say that we'll just connect all the streets, we've just spent too much time and would rather have you vote. I say this with the utmost respect: I'd love to have a recommendation for approval, even with conditions.

Chairman Elkins: I understand. Additional comments from the commissioners?

Comm. Hunter: If people are looking for direction, connecting cul-de-sacs is a fairly large undertaking with this plan. What is it that we would like to see? Are there a couple things we can recommend that they could go back to do? I don't think it's fair to say that it's going to be a moratorium on development on 135th Street, so we have to go back and start over. What would you like to see?

Comm. Strauss: I guess I said that because we have the blueprint in front of us with the 135th Street Plan. We have to deny it because staff says this does not meet the 135th Street

Plan. I guess I threw out that maybe we should rethink the plan because, if it will never be built, as Mr. Petersen says, how can we approve their plan? We either have to deny the plan or go back and rethink the corridor.

Chairman Elkins: I guess I would make the comment, though, that my understanding is the distinction between the LDO and the plan is that the plan is not a binding document. We are not obligated to approve or deny a project based on the plan. We make deviations from the Comprehensive Plan all the time. I understand what you're saying philosophically, but just as a matter of process and procedure, I want to make it clear that the commission is not bound to either approve or disapprove a plan based on whether it meets the Comprehensive Plan.

Comm. Strauss: I agree, but we had four+ years of staff thinking about it, asking the public, landowners, and developers, and this is what we came with. It would be hard to go against that when so much has been invested in that. We know that City Council was interested in that direction. I agree that we're not bound by it, but it sure seems like a pretty good search light.

Chairman Elkins: At the risk of putting words in your mouth, the key things I heard you say that you thought were missing were the connectivity and the location of the gathering place to create this sense of space. Is that fair?

Comm. Strauss: For me, those were the big ones that missed the mark.

Chairman Elkins: Commissioner Stevens, you had a pretty good list as well. Would you add to that?

Comm. Stevens: Those were the key elements. With added space in the mixed-use area, the applicant would be able to better create versions of mixed-use arrangements that would be much more in keeping with the planning goals of the plan. The tight space allocation for that portion of the development is what is really creating a lot of the issues. I think building form, development form, and organization would help reinforce a sense of place within the mixed-use areas as well as what you mentioned, making those areas much different than a traditional commercial strip. To me, that seems important. It's about the configuration of the available area that's allocated for mixed-use that is making it difficult for the applicant to achieve some of the goals.

Chairman Elkins: I'll rise to a point of order at this point. Under the rules of the commission, we are limited to the 9:00 pm hour; although, we have the option to extend for 30 minutes.

A motion to extend the meeting to 9:30 pm was made by Belzer; seconded by Strauss. Motion carried with a unanimous vote of 5-0. For: Belzer, Hunter, Strauss, Coleman, and Stevens.

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Comm. Strauss: Some of the working sessions we had on the 135th Street Community Plan as far as gathering spaces were pocket parks that development surrounded, not that they were put off to the sides. People could have a place in the middle of the development. They go out of their office, and they're in this green space. It doesn't have to be a green space, but it's an open space and not a parking lot. If we could only put that green space in the center, it's a gathering space in the middle rather than the parking lot, which is very typical of what we see in suburban Kansas City.

Comm. Belzer: While I can appreciate the extensive number of hours and amount of work that went into the Community Plan four years ago, I really think we have to think in a flexible way. I do see the point about the green space. I think the applicant did a great job of saying they have the big green space, but the truth is that it's very far from the common areas; it's kind of tucked into the corner. I think it's a great idea to do that. It would be great to incorporate that more into the more common areas. I know it's in the plan, and I understand that. I'm not as hung up on the connectivity of the cul-de-sacs. I see 137th Street as the connector and the street where the connectivity takes place. Personally, I liked the roundabout and think that added an element of green space and area of interest, but I apparently should have addressed that at the September 11th meeting. From a pedestrian standpoint, the connectivity is there with the trails. If you're living in one of these villas and you're driving, you're not going to come back out and around anywhere; you're going to go straight out to 137th Street. I see that as the big connector. I do agree that it would be ideal if there were some community gathering spaces that were closer to the retail and office spaces. I would be really happy with that, but when I look at this, I see a lot of elements of mixed-use. I see a lot of elements of the intent of the Community Plan, maybe not to the letter, but I see the spirit of what was coming forth in the Community Plan in the plan set before us.

Chairman Elkins: Before we move to a motion and a vote, I think we owe it to Mr. Petersen to talk just a moment about the stipulations. For purposes of this discussion, let's take the stipulations that effectively put back in the 135th Street Community Plan and go to the stipulations that were left after we went through them. Do any of the commissioners have strong feelings one way or the other about the stipulations that we reviewed? I think we eliminated a fair number as being essentially part of this same issue as far as whether this plan should be in the confines of the 135th Street Community Plan. I heard one commissioner express general agreement about the idea of the 55% bonus. Do any commissioners wish to be heard on that? Seeing none, I'll move on to the business about retention versus detention. Do any commissioners have a better understanding than I do and wish to be heard on it? On the revisions, No. 1A refers to the 55%. What about No. 9? I think all they were asking for was within the proposed development, and I presume there is no dispute or concern about that.

Comm. Strauss: We're so focused on this development, but I think there was a stipulation that said to not bring the road down to the property line for the development to the west. It is to the benefit of the property owners south of this project but to the detriment to the property owners to the west.

Mr. Petersen: It is No. 8. I asked for it to be deleted, but I'm fine with it being back in with the explanation that it's only the portion on our property.

Comm. Strauss: If I could just say one more think about 137th Street, I had no problem with moving the street a little farther north. That is part of the flexibility. The line put on in 1996 was a best guess, and when things are laid out, things change.

Chairman Elkins: Thank you. Are there any other comments about the stipulations we discussed? I appreciate the comments from the commission. I think they're thoughtful. I think we've had good deliberations tonight. I think, regardless of how the motion moves forward and how this project moves forward, we have certainly provided some insight for the Governing Body as they make whatever decision they need to make. With that, I would entertain a motion.

A motion to deny CASE 71-18 – 135th STREET AND KENNETH ROAD – MIXED-USE AND MEDIUM-DENSITY RESIDENTIAL – Request for approval of a Rezoning from AG (Agricultural) to MXD (Mixed-Use Development District) and RP-3 (Planned Cluster Attached Residential District), Special Use Permit for an Assisted Living Facility, Preliminary Plan and Preliminary Plat, located south of 135th Street and west of Kenneth Road – was made by Strauss in conjunction with staff's comments; seconded by Coleman.

Chairman Elkins: Is there discussion on the motion?

Comm. Strauss: Obviously, this goes on to Governing Body. I would like to see this development come back with some changes. Hopefully, Governing Body can add some insight to what we talked about. I hope we're consistent because if we are in two different corners, that is not good, either. I hope this development comes back with revisions because I would like to see it completed.

Chairman Elkins: Additional discussion of the pending motion? We will move to a hand vote.

Motion passed with a vote of 3-2. For: Stevens, Coleman, and Strauss. Opposed: Belzer and Hunter.

Mr. Petersen: Does the chair vote?

Chairman Elkins: The chair only votes in the case of a tie. I'm not inclined to create a tie. Any further business to come before the commission? Thank you to Mr. Petersen and your clients. It will be interesting to see how the Governing Body moves forward.

Mr. Petersen: We always thank you for your time. Sorry it takes so long, but it's an important issue.

MEETING ADJOURNED

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