

**City of Leawood
Planning Commission Meeting
February 27, 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: Belzer, Hoyt, Levitan, Pateidl, Elkins, Strauss, Ramsey, Coleman, and Block

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any amendments to the agenda?

Mr. Klein: No.

A motion to approve the agenda was made by Pateidl; seconded by Hoyt. Motion carried with a unanimous vote of 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block

APPROVAL OF MINUTES: Approval of the minutes from the January 23, 2018 Planning Commission meeting.

Chairman Elkins: Are there any amendments or revisions to the minutes? Seeing none, I would entertain a motion.

A motion to approve the minutes from the January 23, 2018 Planning Commission meeting was made by Coleman; seconded by Strauss. Motion carried with a unanimous vote of 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block

CONSENT AGENDA:

CASE 13-18 – LEAWOOD SUBDIVISION – LOT 789 – RESIDENTIAL EMERGENCY GENERATOR – Request for approval of a Final Landscape Plan, located north of 92nd Street and west of Lee Blvd.

CASE 10-18 – PARK PLACE – THE AINSWORTH FENCE – Request for approval of a Revised Final Plan, located north of 116th Place and west of Ash Street.

CASE 12-18 – TOWN CENTER CROSSING – LULULEMON – Request for approval of a Revised Final Plan for changes to the façade of a tenant space, located south of 119th Street and east of Roe Avenue.

Chairman Elkins: Does anyone wish to pull any of the cases from the Consent Agenda for consideration?

Comm. Coleman: On the Consent Agenda, there is an Emergency Generator, and under New Business is an Emergency Generator. I just wanted to know the major difference between the two.

Mr. Klein: One is located in an Office district, and the other is in a single-family house.

Comm. Coleman: Thank you.

Chairman Elkins: Does anyone wish to pull any of the cases for discussion? If not, do I hear a motion?

A motion to approve the Consent Agenda was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block

NEW BUSINESS:

CASE 15-18 – PINNACLE CORPORATE CENTER III – CROSSFIRST BANK – EMERGENCY GENERATOR – Request for approval of a Revised Final Plan, located south of 114th Street and west of Tomahawk Creek Parkway.

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Ms. Schuller: This is Case 15-18 – CrossFirst Bank – Emergency Generator – Request for approval of a Revised Final Plan. The applicant is proposing to install an additional backup generator adjacent to their existing generator, which is located on the southeast corner within their parking garage. Both the existing and proposed generators will be covered by a sound enclosure to ensure that they comply with the maximum decibel limitation listed in the Leawood Development Ordinance, which is 60 decibels at the property line. This compliance will also be verified at the time of final inspection. The enclosures will be surrounded by a chain link fence inside the garage for security purposes. On the exterior of the garage, 16 Juniper trees will be planted to screen the generators. The applicant meets the requirements of the Leawood Development Ordinance. Staff recommends approval of Case 15-18 with the stipulations outlined in the Staff Report.

Chairman Elkins: Thank you. Does anyone have questions?

Comm. Coleman: Is this the old CBIZ building and the parking garage?

Ms. Schuller: Yes.

Comm. Coleman: I noticed on the acoustics testing that the current generator exceeded the 60 decibels. You mentioned this would be near the current generator.

Ms. Schuller: The existing generator will have a new sound enclosure as well as the proposed generator.

Comm. Hoyt: This may be a misprint on the back of Page 2, where it says that the Fire Department has objection to the plan.

Ms. Schuller: I believe that is a misprint. I think he meant he had no objection. He did not provide me any other comments when I asked for his input. I can verify that, though.

Chairman Elkins: Thank you. Other questions? Seeing none, I would invite the applicant to step forward.

Applicant Presentation:

Katherine Waldrop, Hoefer Wysocki Architecture, 114th Street and Tomahawk Creek Parkway, appeared before the Planning Commission and made the following comments:

Ms. Waldrop: We are the architecture representative for CrossFirst Bank, applying for a generator. I'd welcome any questions you may have.

Chairman Elkins: Thank you. Are there questions for the applicant? This is your lucky night; you may step down. That takes us to discussion.

Comm. Coleman: Mark, did we ever hear any complaints on the existing generator at that space?

Mr. Klein: I don't believe we had any complaints. This space is surrounded by commercial development, so that may be part of the reason. We have received complaints on other generators that are closer to residential areas but not this one.

Chairman Elkins: Is there other discussion? If not, I would look for a motion.

A motion to recommend approval of CASE 15-18 – PINNACLE CORPORATE CENTER III – CROSSFIRST BANK – EMERGENCY GENERATOR – Request for approval of a Revised Final Plan, located south of 114th Street and west of Tomahawk Creek Parkway – with 5 Stipulations – was made by Hoyt; seconded by Coleman. Motion carried with a unanimous vote of 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block

CASE 129-17 – THE HILLS OF LEAWOOD – Request for approval of a Preliminary Plan and Preliminary Plat, located north of 151st Street and east of Mission Road.
PUBLIC HEARING

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 129-17 – The Hills of Leawood – Request for approval of a Preliminary Plat and Preliminary Plan. The subdivision is located east of Mission Road and north of 151st Street. Surrounding the property is Ironwoods Park to the north, The Reserve at Ironhorse to the south, and a single-family residential development under construction in Overland Park to the east, and The Pavilions of Leawood to the west. The single-family residential neighborhood of Mission Heights surrounds the periphery of the proposed development to the west and the southwest. The proposed development will include 73 single-family residential units, 41 of which will be manor homes, and 32 of which will be estates. There will be 10 separate tracts on 43.78 acres with a density of 1.67 lots per acre. The development will include a wet detention pond that will also serve as a water feature at the northern entrance of the development coming from 151st Street. The development will also include 2 direct connections into the existing Ironworks Trail that will be controlled by an electronic gate that will be timed for park hours. A trail connection will be between this proposed development and single-family development to the east. There will also be an amenity park that will feature a dining pavilion with a restroom, firepit/barbecue, open play area, and walking trail. The development was granted a variance to not meet average lot size within the 300' boundary by the Board of Zoning Appeals on October 25, 2017. It was granted an average lot size of 19,000 square feet per lot. The applicant is also asking for deviations on the side yard and rear yard setbacks. The side yard would be decreased from 15' to 12.75' in the setbacks for 31 lots. The rear yard would be reduced to 85% of the standard requirement for 24 of the lots. Along the western boundary of the subdivision is a 100' easement containing transmission power lines that run northeast-southwest. Only Tract G of this development is within the easement and will act as a dry stormwater detention pond. Along the north and east property lines, the applicant is proposing a 10' tree preservation easement along with a 10' utility easement. On the northern tree preservation easement, the applicant has proposed a 5' tall black wrought-iron fence to delineate the tree preservation easement and the utility easement along that northern boundary. The applicant has stated they have an agreement with KCP&L to only work on the most southern portion of the 5' of the utility easement. Staff is recommending a 15' tree preservation easement along the north side of the development along with the same black wrought-iron fence between the tree preservation easement and the utility easement. The development will also include a temporary emergency access road from Mission Road to the southwest corner of the development. A permanent public street will be constructed when the property immediately to the west of the proposed subdivision is developed. The Preliminary Plat and Plan would meet the bulk regulation requirements of the Leawood Development Ordinance with the deviations requested. Staff recommends approval of Case 129-17 with the stipulations in the Staff Report, and I'd be happy to answer questions.

Chairman Elkins: Thank you, Mr. Sanchez. I believe this is your first case to present. Welcome. Questions for Mr. Sanchez?

Comm. Pateidl: I have questions regarding the underground utilities. I'm not totally clear as to what we're proposing. We are proposing that a certain element is to be buried with

the exception that is noted on Page 9 that Stipulation No. 2 does not include existing high-voltage or power transmission in the western edge of the development. Would you enlighten me a bit more as to why we have that exception and what we're really anticipating doing as far as buried utilities?

Mr. Sanchez: This covers the west side of the property where it abuts the 100' utility easement and stipulates that they will not be buried.

Comm. Pateidl: Why?

Mr. Sanchez: The rest of the development would have to bury the other utilities.

Mr. Klein: Part of the reason we aren't requesting that those get buried is similar to the Glen of Leawood, which is located on the same property. It was a 52-lot subdivision with the same situation. The city has not typically required the large transmission lines to be buried due to the large expense and space. The transmission lines go into the Leabrooke subdivision. They provided the area underneath the lines as a green area. I think they also have some amenities, such as tennis courts.

Chairman Elkins: I think there is also an issue with public safety issue with generation and transmission lines with that voltage. They are perceived to be safer overhead than buried. I also believe there are some technical issues with respect to transmission lines as opposed to general power supply lines to residential space.

Comm. Pateidl: Do we then need to alter our ordinance? It seems like we are requiring something that we really don't want to do anyway.

Mr. Klein: You are absolutely right that we do require the power lines to be buried with the City Council's ability to exempt it. That is staff's recommendation with this one as well.

Chairman Elkins: Other questions for Mr. Sanchez? I would invite the applicant to step forward, please.

Applicant Presentation:

Greg Musil, Rouse Frets Law Firm, 5250 W. 116th Place, Suite 400, appeared before the Planning Commission with a PowerPoint presentation and made the following comments:

Mr. Musil: We're pleased to present this plan. This is at the northwest corner of 151st and Mission. It is surrounded by some single-family homes on large lots that were developed as early as the 1960s, and I think the latest one was in the 2000s. They are built on large lots where they can come off Mission Road or 151st. None of the interior developed because that requires infrastructure, including streets, sewers, and utilities. We have an empty interior infill area. There is a park at the north.

My team tonight includes Dr. Ishwar Reddy, who has owned the property for over 20 years. Mark Simpson and Saul Ellis are the developers. Tim Tucker with Phelps

Engineering is our civil engineer and can answer any questions on the civil engineering issues, including stormwater. Brick Owens is here to develop the Site Plan and landscaping. I hope to review the Preliminary Plat and Plan quickly, and review the stipulations, request your approval and answer any questions you or the public might have.

I thought it was worthwhile to start with Mr. Simpson and Mr. Ellis. They have developed over 3,000 homes in Johnson County and 400 in Leawood itself. You are probably familiar with some of their subdivisions, including Hallbrook Farms, Whitehorse, Estate of Ironhorse, Reserve at Ironhorse, and other subdivisions there. They represent somebody that knows how to build a high-quality development that is worthy of the City of Leawood where people want to live. As we'll see later, these home prices are expected to be between \$800,000 and well over \$1 million.

Mr. Sanchez indicated this, but we are consistent with the current and long-time zoning, which is Low Density Residential. It's been on the Master Plan that way for a long period of time. The development is going to be the high quality that the city requests. We're consistent with the Leawood Development Ordinance. The deviations he mentioned are all allowed by the ordinance and are offset by additional open space. We believe we're compatible with the existing neighbors in those long, large lots off Mission Road and 151st Street. We are compatible with the existing park uses. In fact, people who use the park will have the ability to come into our subdivision and vice versa. There is a sharp angle on the west side that shows the 100' easement for the power lines. It continues south and west across The Reserve at Ironwoods and to the subdivision on the southwest corner and also north into the park.

The Preliminary Plat and Preliminary Plan basically show the same layout with different details, depending on the engineering requirements. The streets will be lined with trees. There is a large wet detention area in the center. The tract preserves trees along both the eastern boundary with the Overland Park subdivision and the northern boundary with your park. There is a two-throated entrance into the subdivision. There is a lot of open space along the entrance area on both sides. To the west is the amenity area. There are open tracts throughout the development. In the northwest is the detention tract that Mr. Sanchez mentioned underneath the power lines.

The landscape plan shows that all the landscape requirements are either met or exceeded, including the placement of street trees and other trees along the area. It will be a heavily landscaped development. The manor lots are slightly smaller than the estate lots to the east. The lots will be an average of at least 19,000 square feet. Your ordinance requires a minimum of 15,000 square feet. The largest lots, I believe, are around 28,000 square feet.

The project will be built in 2 phases. The first phase has 39 total units in it broken down between manor lots and estate lots. That will be the southeast and eastern portion of the development. Phase 2 will follow that, hopefully right on its heels. As I mentioned, the development looks to develop houses in the price range of \$800,000-\$1.4 million. It will complete what is really an infill development. This is the last large area lot parcel, and it will develop it into 73 homes eventually. There is vacant land to the west of the power lines that is not included in this application. It is a very odd-shaped lot because of the power lines and because of the existing development of lots, which hopefully will be developed eventually as well. Before we went to the Board of Zoning appeals and

tonight, we talked to the 3 adjoining homes associations. To the east is Villas of Ironwoods with 48 homes being built in the City of Overland Park. We have a support letter from them. The Reserve at Ironhorse is across 151st Street to the south. We have a support letter from them, as we did at the BZA. The Pavilions of Leawood, across Mission to the west, also supported us at the BZA. The letters of support show that they surrounding neighborhoods think this will be a great addition to the neighborhood.

There are 28 separate stipulations. We don't have any problem with 23 of them. A couple of them, we would like to discuss because we have an issue with them; a couple, we simply want to clarify. Stipulation No. 8 would require a 15' tree preservation easement along the northern boundary where the subdivision adjoins Ironhorse Park. The tree preservation easement will be on private land, purchased by the individual lot owners that buy those lots that back up to the park. We believe 10' is sufficient to protect the trees that are there. We believe we will build a 5' wrought-iron style fence 10' from the property line. That easement will be in favor of the homes association and will be protected by the homes association. There will be specific declarations telling the homeowners that they cannot get into the tree easement, even though it is in their property. The trees will be dealt with by the homes association in conjunction with your parks department if they become diseased or damaged. Staff has suggested 15' instead of 10'. Staff's justification in the Staff Report is that we need to protect the privacy of park users and of these homeowners. With the existing tree line, 10' will actively and wholly support and protect anybody in the park who may not want to see or be seen through a tree line to a very nice house. It will also be sufficient to protect that homeowner from privacy of people walking on your park trails.

Ms. Bennett: Staff will be okay with the 10'.

Mr. Musil: I am so persuasive. We're going to protect that 10'. We're going to put up a fence. Stipulation No. 10 is another one we take issue with. It would require that the entire perimeter of the development have that same 5' tall wrought-iron fence. We are not aware of anything suggesting that the LDO requires such a fence around an entire subdivision or that it has been done anywhere else in the City of Leawood. Certainly, Mr. Simpson knows that when you're next to the Ironhorse Golf Course, you put up a fence because there's a public safety issue of people getting onto your private property. This would be unprecedented. Staff's justification was to have a common fence. We will have a common fence. The declarations will state that a fence on the back property line must match the fence that is going along the 10' tree preservation easement on the north. Any fence that goes in will need to be the same style. It would be unprecedented and unreasonable, both in cost and aesthetics, to tell every homeowner that the back yard must have a fence that will be paid for either in lot price or otherwise. We would ask for Stipulation No. 10 to simply be removed.

Within the 10' tree preservation easement, Stipulation No. 18 calls for a Tree Inventory Plan that would be presented at the Final Plan consideration by the Planning Commission. What we have suggested and believed we had agreement from the parks staff was that when we clean that area up, we will go out again with your parks staff and a professional arborist and will remove only trees that the city staff agree need to be removed. The goal is to clean up that area before the development goes in so that the tree

line is healthier and still serves its purpose. We would be responsible for the cost of cleaning it up. We would rather do that in the field than go out and try to tag every 6" caliper tree. It is much easier to go down the line and tag the ones that need to be removed. We'll get to the same goal, I think. We don't want to remove healthy trees. We don't want hardwood trees removed. We could either remove Stipulation No. 18 or revise it simply to say that we will clean up the tree line and it will be up to the city to tell us whether or not we can take out a particular tree.

Stipulation No. 17 refers to a tract with a connection from Villas of Ironwoods in Overland Park so that their residents can come across, catch the trail, and then use the access in Tract F to access Ironwoods Park and your trails. We will build a connection on our property and then on park property to connect to the Ironwoods Park existing trail. The slope on the area coming into Ironwoods Park is tough. Stipulation No. 17 says that every trail must be fully ADA compatible. To make it compatible, there will be a bunch of switchbacks because of the slope. We believe it is reasonable in this case to have a simple straight line, which would be an 8% grade. It would be steeper than the 5% required by ADA; although, it would not be steeper than some of the sidewalks along some of our streets. The ADA allows us to match the street grade even if it's greater than 5%. The other part that seems to support this notion of a straight line is that once people get into the park, the park's trail itself is not fully ADA compatible. We would be ensuring that somebody could get to the park on the ADA trail, but then the park itself would not be ADA compatible. We are suggesting that for those Overland Park residents from Villas of Ironwoods that want to come through that tract and enter the park, we do simply a relatively straight trail that would not quite comply with the full ADA requirement of 5% grade.

The final issue deals with the right-of-way existing to connect to Mission Road. Once Phase 2 gets underway and we get above the 39 houses, we have agreed that we will build a temporary access for emergency vehicles from Mission Road into the subdivision. When the western side of the power line develops, it would be turned into a permanent street that fully complies with all LDO requirements. Stipulation No. 25 is unclear because it is not clear to us when that temporary emergency access is required. It is our understanding that before we build Phase 2, we have to have the emergency access but that the 39 homes in Phase 1 were acceptable with the access presented.

Mr. Klein: The emergency access comes off a cul-de-sac that is located within Phase 2 of the development. In Phase 1, they don't even approach the area where the access road would start. Staff would expect it at the second phase.

Mr. Musil: Of the 5 issues I had, the 10' easement has been taken care of. We're left with the perimeter fence, the ADA compatibility on the northeast trail connection, the tree preservation easement and tagging the trees that would be removed instead of tagging every tree over 6" caliper. The others have been resolved by discussion with staff. Anybody on the team would be happy to answer any questions you might have, and we look forward to responding if there are any questions from the public.

Chairman Elkins: You identified stipulations you wanted to clarify. Are those in addition to these?

Mr. Musil: They were included in the stipulations we discussed.

Chairman Elkins: Thank you. Are there questions for Mr. Musil?

Comm. Pateidl: I have a clarification dealing with the perimeter fencing. I understand you don't want to put a fence around the perimeter. Can you indicate on the rendering where the tree preservation easement is located and where you anticipate putting the 5' fence?

Mr. Musil: The entire northern boundary that abuts Ironwoods Park will have a 10' tree preservation easement. From the property line dividing the park from the private property, we'll go 10' inside that and build a 5' wrought-iron fence. The easement will be the responsibility of the homes association, even though the underlying ownership will be with the lot owner.

Comm. Pateidl: I understand. The concern I had was if we don't encapsulate the area, are we really protecting the tree preservation easement? From direct access off the back property line, I see that, but it's easy to go around it to access that tree line. I was under the impression that you weren't going to fence the entire length of that. I thought you were going to stop halfway. You've clarified what I wanted to know. Thank you.

Comm. Strauss: Is the connection to the park a selling point? Is it an amenity for the subdivision?

Mr. Musil: There are actually 2. There was the one I showed you on the eastern side, and there will also be one on the western side under the power line easement. The issue here and the reason we wanted one on the side is that not only will Phase 1 access it, but anybody on all of the cul-de-sacs will have more direct access. It is an amenity both for The Hills of Leawood and Villas at Ironwood.

Comm. Strauss: I don't see the connection to the park on the west side.

Mr. Musil: *(demonstrates on the plan)*

Comm. Strauss: Does it connect to the cul-de-sac between two of the properties?

Mr. Musil: Yes; it will actually connect off the amenities portion. There will be a trail through the power line easement, past the dry detention, and into the park. We will build a connection within the park to the existing park trail.

Comm. Strauss: From the southwest cul-de-sac, someone would be able to walk out there, and there is a trail under the utility easement.

Mr. Musil: That would be part of Phase 2. Both of them will be gated so that they match park hours. There was concern expressed by your parks staff about the cabins back there and not having them open 24/7. We have agreed that the entrances will be gated.

Comm. Strauss: Thank you for doing that. I think that's a huge amenity. I was concerned that there was only one on the east side. I'm happy to hear there is one on the west side, too.

Comm. Pateidl: If you don't have a fence on the west side, how are you going to gate it?

Mr. Musil: We don't have a gate plan on Phase 2. It will be open like the other lots that go all the way to the west past the Fire Station. There's not a fence there. People are going to be able to get in there if they want to.

Comm. Pateidl: They could walk around the gate.

Mr. Musil: Well, the gate on the east side will be a solid fence. On the west side, people will be able to walk into the park.

Chairman Elkins: Additional questions. I have a couple. With respect to the ADA compliance, you talked about compatibility.

Mr. Musil: It is in compliance?

Chairman Elkins: Educate us a little bit on how much freedom we have to approve a non-compliant ADA amenity.

Mr. Musil: My understanding is that on a private property trail connection, the city has the leeway to do that. I've not heard otherwise.

Mr. Ley: We would need to research that more because from what I've heard, if two neighborhoods are connected, it would need to be ADA accessible. We can bring that back at Final Plan after researching.

Chairman Elkins: I really take a different view, but do you care to respond to Mr. Ley?

Mr. Musil: I will defer to that discussion. If we have to do it and there is no leeway, we will do it. We are trying to avoid several switchbacks and impervious surface in what is a nice tract that is park-like. I know the ADA doesn't always make common sense, but common sense would point out that we don't need an ADA-compliant path to access a non-ADA trail. If there is a requirement, we will obviously meet it.

Chairman Elkins: What is the vertical there? How many switchbacks are you talking about?

Mr. Musil: There were 4, and the grade is about 8%. I know that Mr. Owen and Mr. Tucker have a slide that shows how to match it. I don't have it in this presentation.

Chairman Elkins: Thank you. Mr. Musil, I didn't quite follow the logic with respect to the tree inventory. Would you mind going over that again? One of the things I'm concerned about is timing. At first, I thought there was a challenge there, but maybe there isn't. I'm concerned about leaving things open-ended with the potential for a dispute between the city and the developer. The idea of an inventory that is part of the Final Plan is appealing to me. Explain why you would prefer to do a different approach.

Mr. Musil: The city gets to decide ultimately whether a tree comes out or not. We would not want to do that before the Final Plan. We want to get it done, too. Mr. Simpson did the exact same thing along the eastern border with Villas of Ironwoods. He took an arborist in and cleaned up that tree line before he started construction. That way, the homeowners get a nice, clean tree line that is healthy. Whatever the timing is that the city feels is necessary to ensure it gets done is fine with us. Rather than going out and marking every tree and then having the city say some are fine and some are not, we'd like a joint effort to mark them with an arborist.

Chairman Elkins: The commitment that your client would make is that they would not do the cleanup until after that exercise had been completed?

Mr. Musil: That is correct. We're not touching the tree line until we get the permission of the city to touch whatever trees need to come out.

Chairman Elkins: Thank you. Are there other questions? This case requires a Public Hearing because we are talking about a plat adjustment. Is there anyone here who wishes to speak? We'll start on the right. As you come forward, we'll go over a few rules for the Public Hearing. We permit 4 minutes for comments. The light will blink to give you an idea that the end is near. I would appreciate if you could mind the time.

Public Hearing

BJ Grey, 3300 W. 151st Street, appeared before the Planning Commission and made the following comments:

Ms. Grey: My husband, Don Stout, and I live directly south of this project. I first would like to thank you for serving. This is not an easy task for you to be in this position. Thank you very much for your work. We would like to say that we are very much in favor of this. We have 1 1/3 acre, and we look forward to having neighbors on the north. We have direct access to the subdivision. I think it is time to make the variance and get busy on putting some more families in there. Thank you very much.

Chairman Elkins: Thank you.

Jeff Shumaker, 14904 Chadwick Street, appeared before the Planning Commission and made the following comments:

Mr. Shumaker: I'm in Villas of Leawood. My residence backs up directly to the east of this project. I've had an opportunity to review the plans. I've spoken with Mr. Simpson. I just wanted to show my support for the project this evening. We are very much in favor of it. We're looking forward to the park access trail. I walked my dog today in the beautiful weather but had to drive to the park to get there. We're anxious to have that in. Mr. Simpson and Mr. Ellis are very well known in this area. I'd like to say we are very pleased in our community with their development. I throw my full support and recommend your approval.

Chairman Elkins: Thank you.

Charmaine Hall, 15145 Pawnee Circle, appeared before the Planning Commission and made the following comments:

Ms. Hall: I represent the homeowners of Reserve at Ironhorse. We're directly south of the new development. We are very much in favor. We had a board meeting last week, and we like what we see. It seems to be in keeping with the neighborhood. The lot size is comparable to ours. It looks like it is going to be a real plus to the whole neighborhood. On behalf of Reserve at Ironhorse, I want to say that we are in favor of this proposal. Thank you.

Chairman Elkins: Thank you. Is there anyone else in the audience who wishes to be heard on Case 129-17?

As no one else was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Ramsey. Motion carried with a unanimous vote of 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: Mr. Musil, I have a question about the deviations that your client received from the Board of Zoning Appeals. What was the reasoning behind the request? Were you adding lots? If so, how many additional lots did you get as a result of the adjustment?

Mr. Musil: The BZA history is that your ordinance and bulk regulations for Low-Density Residential determine lot size by looking at a 300' buffer around the development, taking the average lot size from everything in that area. That is the minimum lot size, and it can't be greater than an acre. All of these lots that were developed along Mission and 151st are on septic tanks, and they are all 1-, 2-, or 3-acre lots. When we did our calculations, our minimum average lot size had to be about 38,000 square feet. That is simply unmarketable. Now, our biggest lot is 28,000 square feet, and our average is 19,000 square feet. We had to go to BZA to get a variance from that 300' buffer measurement. Our position was, as the BZA record will demonstrate, that if there is not a deviation for this property, it will never develop because it would not be feasible. Everything that wasn't done in the last 50 years has to be done by a developer, and the costs have to be recovered.

Chairman Elkins: Did that result in a number of additional lots for the subdivision?

Mr. Musil: We have always had this number of lots, give or take 1-2 on the side of the power lines because that is what Mr. Simpson and Mr. Ellis know we have to have to take the risk and get financing to make a development like this work. That drove it. The minimum lot size is still 4,000 square feet or almost 30% greater than the minimum in a residential subdivision. We think it is a good compromise. It is obviously going to be lots similar to all those nearby. Ours will be bigger than all except maybe Reserve at Ironhorse.

Chairman Elkins: Thank you. Additional questions for Mr. Musil?

Comm. Strauss: Can you tell me about the temporary connection to Mission Road? Is it paved? I know it is for emergency vehicles, but how do you prevent other people from using it?

Mr. Musil: It will not look like a street off Mission Road. This will be done as part of Phase 2. It will be some kind of hard-pan surface sufficient to support a fire vehicle to get into the subdivision from Mission Road if both the entrance and exit on 151st were blocked for some reason. We know there are certain standards and regulations the Fire Department will impose to make sure that is available. The right-of-way was dedicated some time ago to get out to Mission Road, but nothing has ever been constructed. I'm not sure if we put a gate across, the firetruck could go through. I've seen it various ways.

Mr. Klein: There have been times in the past when the Fire Department will want a gate with a Knox Box or something similar so they can access it when they need to. That would help deter people from using it as a drive.

Chairman Elkins: Anything else for Mr. Musil? I would extend my compliments to Mr. Simpson. It is not very often we have everyone in the audience who speaks to be in favor of a development. That is refreshing. Before we let Mr. Musil completely relax, would staff like to respond to what I sense are 2 contested stipulations? Let's start with the switchbacks on the trail.

Mr. Klein: With the switchbacks on the trail, staff is trying to ensure ADA compliance. My understanding is it would be a requirement. We talked with the developer, and there is a grade change. In order to accomplish it, switchbacks would be necessary. We are just looking for compliance with the ADA. If it is required, it is not something the city would have the ability to wave.

Chairman Elkins: Mr. Musil raises an interesting point. It seems ironic that the city is looking for ADA compliance, but the city's side of that trail is not ADA compliant?

Mr. Ley: There are 2 standards. There is one for the right-of-way. When sidewalks are in the right-of-way, the sidewalk can match the grade of the street and meet the

requirements. There is a new set of requirements on private property. The maximum grade at that point is 5%. I don't know the grade in the park.

Chairman Elkins: I think Mr. Musil's observation had to do with the park side of the trail.

Mr. Coleman: It is a recreation trail, and it was built prior to these portions of the ADA act that have been added. Within the last 6-7 years, they expanded into recreational and offsite connections.

Chairman Elkins: So, the ADA would not apply to a recreational trail?

Mr. Coleman: They have standards for that in the national parks and things like that. Those are more recent.

Mr. Ley: For shared-use paths, there are not the same ADA requirements that sidewalks have.

Chairman Elkins: Is it the city's position that the park side is ADA compliant?

Mr. Coleman: It would be compliant in the sense that it was built prior to the requirements of ADA for those off trails.

Chairman Elkins: It is a nonconforming use.

Mr. Coleman: Yes.

Comm. Strauss: If I understand correctly, they could also build a shared-use path that doesn't have to be ADA compliant.

Mr. Ley: We just need to look at it further to determine if it is truly a connection between two streets or if it is more of a shared-use path that could have a steeper grade. Staff would need to investigate that prior to Final Plan submittal.

Comm. Pateidl: Is it safe to say for our purposes here tonight that there is some grey area? If we were to take this stipulation and change, "shall comply" to read "shall be compatible with," it gives staff the opportunity between now and presentation to Governing Body to establish what that interpretation actually is.

Ms. Bennett: I think the good news about saying "shall comply" is it means they shall comply. If the ADA does not make them do switchbacks, it won't make them do switchbacks. If it does, they will. The grey area will be cleaned up one way or the other. Our building official looks at this, particularly since this will be an entrance into the park. This is partly on their property and partly on the city's property as well. It is an entrance into the park. The city is doing everything it can to make its parks more inclusive to all persons.

Comm. Pateidl: As long as we don't take the hard and fast interpretation that there is no option but switchbacks and are willing to negotiate or at least be openminded to the interpretation of the law, I would be fine with that. I hate the word "comply" because it seems a little finite in an area that is, admittedly, a little grey.

Mr. Coleman: We can work with them and review the ADA requirements with them prior to the Final Plan.

Comm. Pateidl: So, we strike that stipulation?

Mr. Coleman: I don't think I would strike it. You could put in that staff will work with them to meet the requirements of the ADA and clarify it with them.

Chairman Elkins: I guess I'm a little concerned about what happens when staff and the applicant can't come to an agreement as to whether or not the ADA applies. I actually agree with Ms. Bennett's approach. If we say it is going to apply and it is not applicable, it is straightforward. If we talk about compatibility, it almost makes it seem like there is an obligation to make it ADA compliant even if it is not required. I would be reluctant to go down that road. By requiring compliance, we at least leave the applicant with the argument that it doesn't apply, and therefore they are compliant if they don't have it. I'm always reluctant to let these go open-ended so that a dispute could come up for Governing Body.

Mr. Coleman: If we can't agree, we'll come back through with the Final Plan. It may be just like it is now but with an understanding of what will be presented at Final Plan.

Chairman Elkins: That's a fair point. We may have better research at that time.

Comm. Ramsey: Yes, because the requirement is the requirement. I don't think the applicant wants to be out on a limb any more than we do. We need to definitively decide this, but they need to do the research. This is an unusual area. My dealing with ADA is that we do not want to be on terms of having someone come in and make an accusation that we are not compliant.

Chairman Elkins: Thank you.

Mr. Musil: I would suggest that you say, "shall comply." I think what Governing Body would like is a recommendation. If it is not required by the ADA, are you okay with a straight path, or do you still want a switchback? You're the Planning Commission and are recommending. If you are okay with a straight line and we determine that it complies with the ADA, we all win and the Governing Body has your recommendation as opposed to leaving it open and seeing if it complies or not. If we don't have to put it in, are you comfortable one way or the other in your recommendation? That is what we would ask for. We don't want to get City Council requiring a 2/3 vote on a stipulation that was ambiguous.

Chairman Elkins: Thank you. Let's assume for the time being that it is not required. Would staff be fine with a straight line?

Mr. Klein: Yes; what we were looking for is ADA compliance.

Mr. Coleman: We're not in the business of designing the path.

Chairman Elkins: Any additional questions with respect to the ADA compliance on the path? If not, let's move to the fence issue. Staff, do you care to respond to Mr. Musil's comments on Stipulation No. 10 with respect to a fence?

Mr. Klein: We have asked for a perimeter fence before on other developments. There has been at least one development that put in a perimeter fence. The reason is if the developer puts in the perimeter fence, it makes the expectation for style of fence and connection points for other fences very clear. In the past, if there is no fence around the perimeter, individual homeowners will sometimes have fences and sometimes not, so there is a missing-tooth effect even if there is strict compliance with the style of fence. We have found homeowners who put up different variations of the fence as well.

Chairman Elkins: Mr. Musil, do you care to respond?

Mr. Musil: The declarations will be clear. They will include an example of the fence on the northern boundary. It is fair to assume that the fence is going to be the same style. If they don't, the homes association has the responsibility to enforce the declarations and make them remove it. The question is if you require every single lot on the perimeter of the subdivision with this many acres and 73 homes to put in the expense of a fence so that it delineates the property line. There may only be one other subdivision in the City of Leawood where it has actually been done. A subdivision of this size, with this many acres, is a lot of wrought-iron fence to put in for property owners who may not even want a fence at all. If they do want a fence, they're going to have to follow the declaration and build the exact same style, height, and type of fence that is along the northern boundary of the tree preservation easement. We really don't see a need for this, and it is an unreasonable imposition of cost which will be spread on every homeowner. It is hundreds of thousands of dollars to put a fence like that around the place. We think it isn't a planning principle. It is not a jagged-tooth look on the street right-of-way.

Chairman Elkins: That is the part I'm struggling with. On the street-facing side, it seems like you would have the risk of this effect, which would create an aesthetic issue. Am I missing something?

Mr. Musil: If one house decides to fence its back yard and uses the same wrought-iron fence all around, and the neighbors do not, I don't think it is a detriment to property values or public benefit to Leawood. Some homeowners might not want a fence. The benefit of the power line easement is the area is opened up.

Mr. Coleman: We would be fine if the declaration for the fence is indicated on the Final Plat so that it doesn't change over time.

Mr. Musil: That is a good solution.

Chairman Elkins: That brings us to the tree inventory. Does staff care to respond to Mr. Musil's comments?

Mr. Klein: The LDO requires a tree inventory. We know a lot of those trees are going to be removed with the construction. What we thought would be the most reasonable was to require the tree inventory along the tree preservation areas. We agree. We have had a number of conversations with the applicant. We think it would be a good idea if they got together with staff to determine what trees would be removed. The reason for the tree inventory is more of a transparency issue with the Planning Commission and Governing Body because you are not out at the site and have no idea how many trees are going to be removed. The hope is that they will work with staff to determine which trees need to be removed. We are talking about a 10' buffer along the north property line and a tree preservation easement along the east property line. We're primarily concerned about the north. This is a way to ensure that everyone is aware which trees will be removed and which ones are not.

Chairman Elkins: How do you do a tree inventory? Are we going to have a list somehow that shows where the trees are? I'm interested in the practicality of it.

Mr. Klein: Actually, you've had tree inventories in your packet before. Johnson County Wastewater had a tree inventory with a much larger site. Someone will locate the tree, indicate type and diameter, and list it on the inventory. If it is going to be removed, it will be marked with an X. Tree inventories are a requirement of the LDO. We know a lot of those trees will come out when they construct those houses, but the tree preservation easement will be the one critical spot, especially when a park is adjacent to the north.

Chairman Elkins: Mr. Simpson, do you care to respond?

Mark Simpson, 15145 Windsor Circle, appeared before the Planning Commission and made the following comments:

Mr. Simpson: This is strictly about the approach. Do we go in and pay a survey crew probably \$10,000-\$15,000 to measure every single tree in this 10' strip and plot them all a map? The reverse is to take a certified arborist and Parks Maintenance Director Brian Anderson and agree on which trees will be removed. The final determination would be made by the Parks Department. It will be a much more efficient process. We are trying to approach this in the most practical manner possible. We are deferring the final decision to the Parks Department. If our arborist says one should be removed and the Parks Department wants to try to save the tree, we try to save the tree.

Chairman Elkins: Thank you. Questions from the commission on this tree issue?

Comm. Ramsey: We're talking about different things. Staff is saying there is an LDO requirement to inventory the trees versus the proposal to determine which trees need to be removed. Mark, does it matter if it is done beforehand, or could they remove the trees and then mark the remaining trees?

Mr. Klein: Typically, we want it to be beforehand so everyone is clear. That way, Planning Commission and City Council get a tree inventory. They see a lot of trees being removed. At that point, they have the ability to voice their concern and consider if it needs to be looked at again. If they are already gone, that opportunity has passed.

Chairman Elkins: Mr. Klein, is there indeed an LDO requirement of a tree inventory?

Mr. Klein: I tried to reflect the language in there. We aren't talking every single sapling. This requires a tree inventory of every tree 6" caliper and more. It would be within the 10' buffer. We agree that we want the Parks Department to be part of the selection. I've seen a developer wishing to clean up a tree line and make it look better, and then the developer removes the visible barrier in doing so. I think it is good to walk onsite and discuss what is being removed and what is not. We all agree to that. This has to do with Planning Commission and City Council seeing a tree inventory as far as what needs to be removed.

Mr. Simpson: We addressed this. We met onsite with Ms. Claxton, Brian Anderson, our arborist and our land planner. We walked through, and there were flags on trees that would stay. We were going to go through with them and offer the arborist's opinion on the health of the tree. We've done a complete walkthrough prior to this date with the parks director and parks maintenance director. There is no disagreement on that first run-through about how we're going to handle this. We spent \$45,000 on the tree line on the east side 4 years ago for Villas of Ironwoods. It is dramatically better. We had dead trees, thorny locust, and all kinds of vines killing the trees. That tree line now is twice as green as it ever was. We want to do the same thing. We want to establish a long-term, healthy tree line that will thrive, survive, and be a benefit to the park and to our residents who will see it every day. They will have no need to impose on that because there is a fence. We have offered and will continue to offer to put in a \$1,000 penalty for infringing on that tree easement. We'd have each homeowner who buys a home backing up to the tree easement sign that acknowledgement that he understands it will be maintained by the homes association in conjunction with the parks district and is not something the homeowner can go in and make changes. We will work with the city to determine what trees will come out. It will probably be \$75,000 to address every tree. We're very sensitive about this issue; I just didn't want to have a survey crew count every single tree 6" or larger and then do another survey on every tree 6" or larger when we remove them. I think the interest is in the ones we're removing and not in the ones that are going to stay and be part of the preservation easement and protected by the homes association and the city.

Chairman Elkins: Thank you. I'll open it up to discussion. Let's start with the tree inventory. Comments?

Comm. Block: If it is a requirement of the LDO, I think it needs to stay.

Chairman Elkins: I guess that is one of the questions I have. What is the requirement? I don't hear the applicant stating opposition to having a piece of paper that lists the trees that are staying; it is a question of timing, I think.

Ms. Bennett: In Section 16-4-7.5H, the LDO states that the location of all trees 6" caliper or larger measured at 6" above ground level that are proposed for removal need to be shown on the Landscape Plan. I think this stipulation tracks that language.

Chairman Elkins: Thank you. In that case, I don't know that we really have a choice.

Comm. Pateidl: You're saying that all trees that are to be removed must be established. That is exactly what the applicant is saying.

Ms. Bennett: That is what the stipulation says.

Comm. Pateidl: Then, do we really have an issue? I don't think there's a problem.

Chairman Elkins: Stipulation No. 18 will remain unchanged. Let's go to the fence. Oh, staff already conceded that one.

Comm. Belzer: The language was changed. It would be very specific.

Comm. Ramsey: They're going to put it in as a declaration.

Chairman Elkins: There was consensus between staff and the applicant that Stipulation No. 10 will be modified.

Mr. Coleman: They will provide reference in the Final Plat that any fence built would match the fence on the north side per their Design Standards.

Chairman Elkins: That is good. The issue on Stipulation No. 8 was resolved.

Comm. Hoyt: It is changing to 10'.

Comm. Belzer: I think we're there.

Chairman Elkins: No. 25 was resolved.

Comm. Levitan: No. 17 stays the same.

Chairman Elkins: That covers the issues Mr. Musil raised. Any other discussion on the totality of Case 129-17?

Comm. Strauss: I have a question for Mr. Ley. It is fine how it is, but I'm looking at the driveway to the subdivision off 151st. If the cul-de-sac across the street was more of a public street that went to subdivision, I would be concerned about the offset because it will end up with offsetting left turns. I'm thinking about a future 151st street.

Mr. Ley: That cul-de-sac is not on 151st. It is on the private street.

Comm. Strauss: So, there is no access to 151st?

Mr. Ley: Correct.

Chairman Elkins: Additional discussion? Seeing none, is there someone ready to make a motion?

A motion to recommend approval of CASE 129-17 – THE HILLS OF LEAWOOD – Request for approval of a Preliminary Plan and Preliminary Plat, located north of 151st Street and east of Mission Road – with the 28 stipulations and the following amendments:

- **No. 8 to reduce the easement from 15' to 10'**
- **No. 10 to include the style of fence to match the northern property line in the Final Plat**
- **No. 25 to be included with Phase 2 was made by Block; seconded by Belzer. Motion carried with a unanimous vote of 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block**

CASE 14-18 – PARK PLACE EAST END – MIXED USE WITH HOTEL AND PARKING GARAGE EXPANSION – Request for approval of a Revised Preliminary Plan, Revised Preliminary Plat, and Special use Permit for a Hotel, located east of Nall Avenue and south of Town Center Drive. **PUBLIC HEARING**

Staff Presentation:

City Planner Jessica Schuller made the following presentation:

Audio was lost for a brief period during the presentation.

Ms. Schuller: Surface parking is provided with each building addition, which provides the required amount of parking by use per the LDO. The hotel is actually designed with podium parking, which is surface parking with the hotel built above it, supported on podiums. A small outdoor plaza and an amenity space is provided with each of these additions. On the west side of Park Place at the corner of Nall and Town Center Drive, the applicant is proposing a 7-story, 141,769-sq. ft. office building located just south of Parking Garage C. The office building is proposed to be 103' tall, so this requires a deviation from the 90' height limit and a $\frac{3}{4}$ vote by the Governing Body. In Staff

Comments, there is an incorrect reference to the section of the LDO. It will be amended. It was also reflected in the Stipulation Memo as well. It will be corrected to say, “a vote by the Governing Body” rather than by you here tonight. The applicant also proposes two additional levels to be added to the parking garage for a total of seven levels. It will also expand the parking garage southward at the ground level to incorporate a portion of the first level of the office building. It is actually going to be the first level and part of Building L. The applicant is also proposing two identical water features to be located at the entrance to Park Place along Rosewood Street. The applicant has provided a sample of what that water feature might look like. They are suggesting it will be 70’ tall and 9’ wide, made of copper, and have a curtain-style water flow. It will be landscaped and illuminated at night. This is a request for Preliminary Plan. Building Elevations and the final Landscape Plan will be approved at the time of Final Plan. Staff recommends approval of Case 14-18 with the stipulations outlined in the Staff Report.

Mr. Ley: Public Works updated stipulations on Sheet PW-2, Item 3B-2. It is in reference to the future traffic signal at 117th and Town Center Drive. It is on the cost share of that. Initially, it was going to be 50% Park Place and 50% Town Center Plaza. Since it is a three-legged intersection, the city will pay 1/3 of that. We modified it to 1/3 for Park Place, 1/3 for Town Center Plaza, and 1/3 for City of Leawood.

Chairman Elkins: Thank you. Questions for staff?

Comm. Block: I assume that since you’re still asking for a Public Impact Fee that the water feature is not considered art.

Mr. Klein: That is correct. The Public Art Impact Fee is determined by the city as to where it will be located. We have had that question on other cases. This is a water feature the applicant will provide onsite. Typically, public art is placed in a very public location.

Comm. Block: On Stipulation No. 22, I don’t understand the relationship of the creek to this project.

Mr. Klein: This stipulation has been part of this development since the beginning back in 2003. Rather than detaining onsite, the applicant agreed to do some creek improvements to the creek directly behind you. It is my understanding that it basically goes from Town Center Drive over to the pedestrian bridge that crosses the creek. They have a lot of water that will flow through that creek. This is to address erosion.

Comm. Block: The memo from Richard Coleman, dated February 22nd talked about the pedestrian crossing area on 117th and making some improvements to try to funnel down where folks can cross 117th Street. Why is that not included in the stipulations?

Mr. Ley: It is part of the Public Works stipulations, which are referenced.

Comm. Block: I just didn’t know why some things were called out specifically in the stipulations and others weren’t.

Mr. Ley: There is a stipulation that references my comments.

Chairman Elkins: Thank you. Other questions for staff?

Comm. Strauss: On Page 5, am I reading it right that there are 2,260 spaces after the completion of the proposed plan for total parking in the whole development? Has the city or the owner ever done a parking assessment to look at utilization of existing parking structures?

Mr. Klein: A parking study was done in the past and revised with another application we had on this site. This particular application, however, will meet the requirements of the LDO. The parking studies are done if the applicant is proposing not to meet those criteria to show they have sufficient parking onsite. In this case, they agreed to meet the requirements of the LDO.

Comm. Strauss: Can you talk about utilization of parking in the existing garage to the south? During the working hours, they're proposing an office building on that side. What will the utilization of that garage be?

Mr. Coleman: The garage you're referencing is part of the residential area?

Comm. Strauss: I'm talking about along Nall with the proposed expansion.

Mr. Coleman: They previously did a parking study as part of the previous plan approval that indicated they had enough parking for both the office and the retail.

Comm. Strauss: I'm not worried about enough; I'm worried about too much.

Mr. Coleman: They're probably overparked in the residential than the office and retail.

Comm. Strauss: With Garage C and the one to the south, are those full? There's not that much residential over there. Is there an opportunity to utilize shared parking in that garage south of Garage C?

Mr. Coleman: All of those garages are shared parking. The ones we have counted are the residential garages, and they have shown that they have extra parking in the residential units. They meet all the parking requirements.

Comm. Strauss: I think it has too much and could be lowered and still stay within the LDO requirements. I also think that, from a Planning Commission standpoint, I would like to bring up the LDO on parking at a later date.

Mr. Coleman: You can address that with the applicant because this is what they proposed as far as meeting the parking requirements. For example, the hotel feels they need those

parking spaces to address the hotel needs and the same with the office building and residential units.

Comm. Strauss: Perhaps they'll all be utilized. Yes, the applicant can talk to that.

Comm. Ramsey: This plan deviates significantly from the previous Preliminary Plan that was brought in last time, which deviated significantly from the original. Does this plan get close to the use ratios that originally were approved for Park Place?

Mr. Klein: This plan meets the requirements of Mixed Use. The original plan had more residential because the entire east end was supposed to be apartments; whereas now, we have office and a hotel. It still is within the requirements of Mixed Use.

Chairman Elkins: Are there any other questions? I would invite the applicant to step forward, then.

Applicant Presentation:

David Rezac, VanTrust Real Estate, 4900 Main, Suite 400, Kansas City, MO, appeared before the Planning Commission with a PowerPoint presentation and made the following comments:

Mr. Rezac: Thank you for the opportunity to speak. After almost 15 years now, we are finally here proposing the final phase of Park Place. We are very excited about continuing bringing to culmination this very exciting Mixed Use Development. I'm joined tonight with two others from VanTrust: Rich Muller and Ryan Hackenmiller. We also have the rest of our team. As was mentioned, we have four different parcels. We have four different architects working on this and some other common engineering as well. Judd Claussen from Phelps Engineering is the civil engineer for all of Park Place. Chris Dring with Young and Dring is the landscape architect. Brandon Boatwright with BRR is the hotel architect. LRK out of Dallas is our multifamily architect. Greg Finkel with Finkel Williams represents the East End office. Gary Schuberth with Opus Design Group is here representing the West End office architect. We wanted to go through the concept of each of the three parcels on the east end and also the one parcel on the west end.

Ms. Schuller described the hotel on 117th Street, the East End office at the intersection of 117th Street and Town Center, and then the Multifamily Residential on Town Center Drive. The West End parcel is on the west side of Nall and Town Center Drive. The hotel will have 133 rooms on a little over 78,000 square feet. It is 4 stories that will sit on a podium. That podium allows surface parking underneath. It will have 129 cars surface-parked and 7 cars on the new Private Street A. We think there is a very sensitive use of materials and thoughtful orientation with placing this mass on 117th Street. It is a very complimentary location and use to the development. The Multifamily to the north that is on Town Center Drive has 81 units consisting of studio, 1-bedroom, and 2-bedroom. It is 3 stories on the south, east and west. Because the grade works, it is 4 stories on the north. There are 37 cars to the west side that are surface-parked. The other 125 cars are in the structured garage in the middle. There are 2 entry/exits to the garage.

One is on the east side, and the other is on the south side. The Multifamily building takes its pointers from the existing R1 and R2 to the west on Town Center Drive. The use of complimentary materials, colors, proportions, and similar building features, not to mention the landscaping, allows us to continue the thoughtful residential aesthetic along Town Center Drive.

The office building on the very east side will be 50,000 square feet and 3 stories. It has 34 cars out front that are surface-parked, and the other 124 cars are in the structured parking garage across from the surface lot. The building with the glass, clean lines, scale, and appropriate proportions creates a perfect anchor to the east side of Park Place. We're having very good lease discussions with a prospective tenant that would take the entire building. That is the catalyst for this entire phase.

Last but not least is the West End office, which will be 141,000 square feet and 7 stories. As Ms. Schuller said, there is an extension of the garage to the south with just one level, which creates a half floor at ground level. That half floor could be retail or office. As it goes up, the full floor office goes over the top of that for 6 more levels. There would be a 2-level extension onto the top of the garage.

Once we get through the PDP and FDP processes, we're hoping to break ground this summer on all 3 parcels on the East End and hopefully have all 3 projects complete by the end of 2019. We've worked well with city staff to get here tonight, and we appreciate all their recommendations and suggestions on our submittal. We have a couple stipulations we would like to review. The first is No. 14. It talks about additional landscaping along 117th Street. That would be to discourage people crossing the street through the median. We would like to propose some language that better defines what our obligation will be to add that landscaping in. I think the intent is that we fill in some of the missing gaps in the landscaping between the sidewalk and the curb that is currently there that is allowing people to cross the street besides at the crosswalks. If that is the case, we are fine with that. Once again, it is just somewhat open right now, and we want to understand what that obligation may be.

On No. 22 that was mentioned earlier, the stipulation states that the applicant shall survey and repair the creek to the north as part of their storm detention. We understand that. A couple years ago, we surveyed that creek and had engineering documents completed in April, 2016. We actually bid the project and got a bid back at \$227,396. Instead of going through that process again, we thought it made a lot of sense to write that check to the city and not have to go through that process again. We would like to amend No. 25 to address whatever we end up doing on Nos. 14 and 22. That is all we have this evening. We would open it up for questions.

Chairman Elkins: Thank you. Questions?

Comm. Strauss: I'd like you to address the parking needs.

Mr. Rezac: When we initially went in to talk to city staff, we were proposing less of a parking use. We have looked at our use in R1 and R2, and they are pretty much full at 95% occupancy. The garage is, by no means, not full. We wanted to ask for a deviation, but we decided for the sake of completing the application to go ahead and meet the

requirements. As it relates to the hotel, I don't know if that number still works with your requirements.

Brandon Boatwright, BRR Architecture, 6700 Antioch Plaza, appeared before the Planning Commission and made the following comments:

Mr. Boatwright: Marriott will require 1:1 parking with the exception that the jurisdiction of the city requires otherwise.

Rich Muller, VanTrust Real Estate, 4900 Main Street, Suite 400, Kansas City, MO, appeared before the Planning Commission and made the following comments:

Mr. Muller: Sorry for the revolving door here. I think I understand your question as it relates to the existing Phase 1 and the uses of those garages. The study that we had done and tendered back on the previous Preliminary Plan in 2016 stated that there was a small surplus of extra spaces in that phase. The practical reality is that that entire surplus gets absorbed very quickly seasonally. To be able to rely on that on a day-to-day basis is not really practical. It was with that in mind that we didn't look to exacerbate that problem and further share parking in the East End development. That led to our decision to size the garage and other parking facilities as we did. To your point, we provide 2 spaces per unit on the residential. We provide 3 spaces per rentable square foot on the office, leaving the hotel aside. Of those spaces, 4 will be used by office tenants, and a space and a half will be used by residential. The usage is actually going to reflect what people actually need versus what the city is requiring. Hopefully that addresses the question.

Comm. Strauss: In a Mixed Use development, you want to maximize the shared use opportunity. When people in the residential are not there, office can use it. That's the whole idea of a shared multiuse area. I don't think anyone wants more parking than we need. No one likes parking the way it looks. I think I'm going to be the first person to say this on record in Leawood that communities across the country are reducing their requirements on parking because of autonomous and connected vehicles, shared-use vehicles, and Uber. People's mobility is changing. We're seeing it happen already. It rubs me the wrong way that we're adding so much more parking. I don't know the answer on the utilization. It's something that I just wanted to bring up. The way people live, work, and use their cars is changing rapidly. My next question has to do with the surface lot just west of the office building. There's 2-way traffic in the parking lot. What happens when the parking lot is full and the northbound vehicle gets to the end and finds out there are no parking spaces down there? How do they turn around?

Mr. Ley: On those locations, we have one of the stalls striped off for no parking. It allows someone to pull and turn around.

Comm. Strauss: Thank you. I saw that as a safety concern. Now, I have more of a comment. I remember when the owner came to us on the signage that we talked about on Nall. The applicant talked about not being able to build this development the same way it is now with the wall of parking garage. That stood out in my mind. They said it was

detrimental to the success, and that is why they needed all this signage. Now, we're closing that gap with more parking garage and adding more levels to Parking Garage C. The wall has gotten taller and longer. That confuses me. In my 7-8 years on the Planning Commission, I have one regret, and that is the façade of the garage on Parking Garage C. I don't know what that is on there, but it's not appealing, I think, and I'm afraid it's going to get worse as we're raising the height and length of the garage. It's one of the worst-looking garages I know of. I'd like to see the office building front Nall and have a little nicer exterior for people to see. I think that's I have right now.

Chairman Elkins: Thank you. Other questions for the applicant? Seeing none, I have one. You mentioned with respect to Stipulation No. 14 that you wanted more definition. What language would you propose for No. 14?

Mr. Rezac: Maybe we could clarify here with staff. I think the intent was that there are many planting beds along 117th Street that have gaps. We want to make sure that we are being asked to fill in those gaps with more plants and shrubs as opposed to replanting all of them. We have an established landscape scheme and the necklace that goes around the whole park. We are just looking to understand the scope of what is being requested.

Mr. Ley: Between the sidewalk and curb on the north side, staff is looking to have the plantings supplemented. Landscaping is covered on the Final Plan, which is why we weren't specific in what we were looking for. Also, in the island, we would like to have landscaping along 117th Street.

Chairman Elkins: How does that sound to the applicant?

Mr. Rezac: That doesn't sound very good. I certainly understand the request to beef up or control where people are exiting our property maybe with some additional landscaping between the sidewalk and the curb, but once you get out in the public right-of-way, if someone has managed to break the landscape barrier to leave our site, the notion of us coming out and landscaping those islands and the subsequent irrigation that would need to go with it in order to keep it alive, seems to be something best done by the city versus the private development.

Mr. Ley: Staff's position is people aren't only leaving their site, but most people are parking in AMC's parking lot and then crossing over to access Park Place. If we had the landscaping down the island, it is just a barrier that is closer to those people that are on the south side so they don't try to cross at that location like they're currently doing.

Mr. Rezac: I understand that request and the logic behind it. Looking at the 3 crossings that we're putting in as part of this development, they're not very far apart. It seems that most people are going to take the path of least resistance. Maybe some people would choose to go out in front of cars, but I think to the extent that there are crosswalks there, that is probably a good visual cue to folks as to where to cross. If additional landscaping is required to keep people from running out in the street from the south heading north, then maybe that's the adjacent property owner's responsibility, similar to how we would

be handling the signalization at Town Center Drive and 117th Street from a sharing perspective.

Chairman Elkins: Thank you. You may step down for the moment. Because this is a revision to a Preliminary Plat and also a Special Use Permit, we require a Public Hearing. Is there anyone in the audience who wishes to be heard on Case 14-18?

Public Hearing

Marian Stevens, 5280 W. 115th Place, appeared before the Planning Commission and made the following comments:

Ms. Stevens: I'm a little confused with what is being proposed on the west side. Is that a hotel there, backing up to Nall next to the AMC home office? What is going there?

Chairman Elkins: I believe that's an office building.

Ms. Stevens: How tall?

Chairman Elkins: That is one that is proposed for 100' or thereabouts.

Ms. Stevens: Is that 7 stories?

Chairman Elkins: Yes.

Ms. Stevens: I've lived at Park Place since pretty much the inception, and I like it there very much. I live on the 6th floor, which is considered the penthouse because I don't have anybody above me. My apartment faces out to that green spot where the building will be, and 7 floors will be higher than my apartment. I just think that 6 floors are definitely high enough. I don't see why they have to make that the tallest building there. From what I understand, 90-some feet are the height that you have approved, so 100' would be in addition?

Chairman Elkins: That is correct.

Ms. Stevens: I just want to make my objection to that being 7 stories. Another thing that is a little different than the actual building of it, but since I've lived at Park Place, it had a beautiful façade on the outside of the building. Slowly but surely, the apartment has been under reconstruction the whole 3 years I've lived there because of shoddy workmanship on both the outside and the inside of the building. Originally, I understand those might be for sale as condominiums, but everyone who lives there says they love to live there as renters but would certainly not have bought the place. We've had flooding. The whole front of the building has been torn apart. The last building at 115th Place is still under construction. The columns had to be taken off the front of the apartments. They had mold in the structure. They had to completely take them apart and redo them. The tiles on front of the buildings were completely taken off because they would not adhere to the building. On what was considered the 3rd floor of the apartment buildings, the tile terraces had to

be completely removed. We underwent construction there all last summer. It was terrible to live in those conditions because it was jackhammered. They had to redo them twice. They had to take the concrete off. There was flooding on that level into some of the apartments that caused mold issues and ants. I love the area. I have not had too many problems with my particular apartment, but many others have. All this new construction is great, but I'm wondering where the City of Leawood comes in with the building code. Why was that not taken care of when the building was built under the different stages? Why is it having to be reconstructed while we're living there and paying the same amount of rent that we paid before? Those are my issues.

Chairman Elkins: Thank you. We appreciate your comments.

Mr. Coleman: Can I address that a little bit from the city's standpoint? The buildings met code, but they had material failures that resulted in a lot of the issues she's talking about. With a lot of the construction these days, it is a thin wall veneer layup, and if it doesn't have skilled workmanship on it, it has envelope problems on the building that can result in leaks and the other things that she described. That is what happened there. In fact, in my job, I also look at a lot of different magazines. This project became a national example for some of the failures. We're well aware of it, but at the time of design, it met the code; it is just that the construction and materials failed.

Chairman Elkins: Thank you. Is there anyone else in the audience who wishes to be heard on Case 14-18?

As no one else 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 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block

Chairman Elkins: Would the applicant wish to respond to Ms. Stevens' comments?

Mr. Rezac: Mr. Coleman's description is very accurate. We had a really nice building with a nice design. We ended up with a design-build team that did not perform up to our expectations. We have committed ourselves and our resources to making it right. It is taking us a little bit longer than we would have liked, but we're pulling on a thread a bit here. Our commitment to our residents, to the city, and to the rest of the people that call Park Place home is one we intend to see all the way through. We have a different team selected for the next phase of the project, and we have a lot of lessons learned. With respect to that project, that is our approach to fix and go forward. As it relates to the height of the building, I would turn that over to the owner of that site and their representatives to discuss that request.

Gary Schuberth, 18001 W. 106th Street, Suite 165, Olathe, KS, appeared before the Planning Commission and made the following comments:

Mr. Schuberth: There was a 7-story hotel previously approved, so we're just coming back with a 7-story office building. Also, the garage at the time of its construction was

required to have foundations upgraded to be able to handle 2 additional floors being added to it. The amount of parking that comes with the 2 floors balances perfectly with the height and the square footage of the building we have. That is how we arrived at that size for the building. Also, the site slopes from Nall, going downhill into the site heading east. The building is right at the 90' height limit on Nall; it is just that it gets taller because of the slope. There are average grade plane and average height calculations on slope sites. We exceed that slightly, but we are asking for that deviation from the literal requirements on 90' for all 4 sides.

Chairman Elkins: If I understand correctly, the building from grade at Nall is still 90'; it is because of the placement of the building into the pan of the development that it gets to 100'.

Mr. Schuberth: Yes, the first floor of the existing parking garage is below grade on Nall. Where we extend to the south out of that existing building under our building is all hidden parking from the Nall side.

Chairman Elkins: Could you describe as well as you can how that business of height relates to the existing residential housing that Ms. Stevens was talking about? In other words, will the 7th floor be above, below, or at the same height as the 6th floor of the residential space?

Mr. Schuberth: It will be above their building, as is the 6th floor. If it was down one floor lower, it would still block or be at the same height.

Chairman Elkins: That configuration was approved in a prior plan with a different use?

Mr. Schuberth: I'm not sure of the exact height of that one, but it was 7 floors. We're coming back in with 7 floors as well.

Chairman Elkins: Additional questions for Mr. Schuberth? Thank you. Anything additional from the applicant before the commission goes into discussion? If not, we appreciate your comments and presentation. We are very much appreciative of the fact that it looks like Park Place is coming to a close. It has been a long time. It is, overall, a quality development, notwithstanding the issues you've had with the residential properties. It has become a very important part of our community. That takes us to discussion.

Comm. Strauss: I just want to say that I really appreciate the final phase of Park Place. It is long overdue. I really like the east side, but I have heartburn on the west side. A hotel was planned in that open space to give some breathing room, and now, we're just adding one of the lowest land uses of a parking garage to the existing wall. I will have a tough time supporting the overall proposal. It is just a personal thing that I think we've taken a bad situation and are making it worse.

Chairman Elkins: Thank you. One of the proposals by the applicant was with respect to Stipulation No. 22 and the survey and repair of the creek. What I thought I heard was a cash payment in lieu of that stipulation.

Mr. Ley: Staff is not opposed to bidding the project and having the city manage the construction of it, but we would need the developer to provide the construction plans and the specs for us to bid it. Once we bid the project, they would be required to pay whatever amount the bid was.

Chairman Elkins: Does the applicant care to respond?

Mr. Muller: I think part of what we're trying to accomplish is get some certainty on this and not double-down on costs that have already been incurred. As it was previously presented, we have done a lot of the work and have had bids done. What we would like to do at this point in time is to basically pay for the improvements as were mapped out prior. We think that is a reasonable approach. Otherwise, we're incurring more and more cost to go survey. We won't know what this finally looks like until we get further down the road and spend hundreds of thousands of dollars on Final Development Plan drawings and other construction documents before we figure out what this blank check actually says. One of the things we were hoping that we could just go ahead and write a check for the full amount of what it cost 18-20 months ago and have the city spend that money on what they want as they see it as a priority.

Chairman Elkins: What I think I hear the city saying is they're not opposed to working off the survey or the work that was done. The question would be difference in cost as a result of the 20 months intervening between the time you did that work and where we are today or, more appropriately, where we will be by the time this actually gets started in the summer of 2018.

Mr. Muller: Just so I can clarify, we're talking about rebidding the existing documents as opposed to re-surveying and changing scope.

Mr. Ley: We would need to walk the creek with the engineer, review the plans, and visually inspect the creek to decide if the plans were still relevant. We couldn't make a decision tonight.

Chairman Elkins: Additional comments on this issue of the creek repair? Thoughts about how we can address this? It feels like there is some common ground to get this resolved, but as always, I'm reluctant not to have things tied up, even at a Preliminary Plan stage. I am looking to my colleagues for suggestions as to how to address this.

Comm. Ramsey: The requirement stays the same in that the original agreement called for Park Place to do the work on the downstream creek. It is a matter of how to go about doing that administratively. I understand Public Works' reluctance because we don't know how much, if any, has changed since the plans were prepared and the way the creek is now. It sounds to me like, since the requirement is the same it is a matter of

administratively coming to a memo of understanding between you and Public Works about how you go forward. I don't think Public Works is disagreeing with doing what you're asking; it is just that they're not looking for you to transfer the blank check to them.

Mr. Muller: I think the one thing that may be a mitigating factor in this discussion is the fact that a number of years ago, BNPs were starting to be required in the City of Leawood, where we are actually building and detaining the first 1.37" of water that falls on the site on those parts of Park Place that have been required to build these BNPs. Understand that doesn't address 100-year storm situations or training or those sorts of things, but taking a look at the average rainfall that we get around here generally satisfies most of the rainfall that we get in this part of the country but for a couple wet seasons that we had not so long ago. It is not as if as much water as was originally projected is actually leaving the site; nor are we solely responsible for what flows through the creek behind City Hall. We do have a contributory part of that, and it would take a lot of analysis to figure out how much of that. That is probably beside the point, but I think what is important here is we don't want to stick the city with a blank check, either, which is why we're offering to write one for over a quarter of a million dollars. If we think that was the number back in 2016, I'm not sure how much escalation has taken place in terms of the construction costs. I just want to make sure that what we are doing is dealing with the same scope that we had put in front of us when we did the survey 20 months ago as opposed to having other things be added to the list and driving those costs beyond what we can afford.

Chairman Elkins: There is also a possibility that we could have had significant storms and additional damage to the creek in the intervening 20 months, which at least casts a little bit of a question about the continued validity of the survey that was done. On the other hand, it's been so long since we had a really good rainstorm around here. I don't know if we've had the issues around additional damage to the creek during that intervening 20 months. That creates an additional issue of uncertainty here.

Mr. Muller: This is a question for my edification. If this is not the forum for it, I apologize. I assume the city does have plans to take care of its stormwater infrastructure where it sits on public land throughout the city and has a rotating plan to deal with these things. I don't know if this has or hasn't ever been maintained by the city over that course of time or if this has been allowed to degrade beyond what the city might normally allow on other stormwater-conveying infrastructure. I think from our perspective, we have a reasonable expectation that the entire city's infrastructure is maintained to a certain level along the way. We understand that, early on, there was an agreement made. If nothing has been done to that in 10-15 years and many different property owners are contributing to whatever erosion is happening, it seems a little lopsided to expect us to be solely responsible for its repair.

Chairman Elkins: Though, as you pointed out, that was a commitment made by your predecessors early on in the process. The risk of the delay kind of sat with you during that point in time. To your point, though, the city does have a plan for infrastructure repair

and maintenance around stormwater systems. Let's move for a moment, then, to the question of the business of the landscaping. Comments from the commission?

Comm. Hoyt: As a point of clarification, the real issue is the landscaping of the island that is not on your property per se? That is an island which is regularly maintained by whom?

Mr. Ley: Parks maintains some of the islands on the arterials. I do not know if they maintain this island. The island that is in question was constructed by Park Place.

Comm. Hoyt: I would be curious to know who was maintaining that. Does Park Place maintain the island?

Mr. Muller: I don't believe Park Place is maintaining the island.

Chairman Elkins: I take it staff doesn't have clarity over that, either. Unfortunately, our parks folks have left for the evening. That is unfortunate.

Comm. Pateidl: Stipulation No. 14 closes by saying that the landscaping will be reviewed at the time of Final Plan. I think there's more discussion that needs to take place between the applicant and the city regarding that. For our purposes tonight, I don't see a reason to object substantially to No. 14. That shouldn't be a sticking point.

Mr. Muller: No, our request wasn't to reject it; it was simply to put some clarity around the scope of that. I didn't read it to include the island.

Comm. Pateidl: I have one other question on Stipulation No. 22. You commented that, in 2016, you surveyed it and got bids. Mr. Ley pointed out specifically that were you to provide plans and specifications that would be appropriate for bidding purposes for a Public Works project, they would be happy to manage that. It was a little unclear to me as to what extent your construction documentation took place when you took bids in 2016. Some of those bids could be on the back of an envelope; others are a little more professional. I'm questioning where that all is at this point.

Mr. Muller: The civil engineer that did those construction documents that went out to bid is present, and he's done all the construction documents we've had at Park Place. As it relates to the work, it was competitively bid to qualified contractors who met our criteria. We have criteria as well for the types of folks and types of quality that we expect when projects are done. We don't often take the lowest bid. We often take the best value. We often take certainty of outcome when it comes to these things, even if it is an offsite project that we don't own. We'd be happy to share that documentation with whoever has an interest in it.

Comm. Pateidl: I think that's appropriate as we look at these kinds of decisions because that opens up a whole wide spectrum as to the detail behind it, which can influence the detail of the pricing. This blank check on an unknown becomes that much worse. I think

the offer to take the existing survey, walk the project, and see where we are is moving forward in the spirit that you would like them to move forward and places everybody into the perspective of a little more concrete decision-making than what is being offered this evening.

Mr. Muller: Agreed.

Chairman Elkins: Commissioner Pateidl, would you think that a modification to Stipulation No. 22 that had a “meet and confer” requirement to it would take care of what you’re thinking?

Comm. Pateidl: Commissioner Ramsey mentioned a memorandum of understanding, which is not a bad approach in a situation like this. That is, in essence, what you are talking about. It would focus into a more manageable stipulation.

Chairman Elkins: Other thoughts on either of these stipulations or the plan in general?

Comm. Pateidl: I’ll go to the plans in general. I think it’s great. It’s nice to see it coming close to a conclusion. I like the usage. As to the parking, I’m going to take the opposite position of my fellow commissioner. One of the critical complaints of Prairie Fire is the lack of parking. Erring on the side of more rather than less inside of Park Place, I think, is beneficial to your merchants particularly, who need all the help they can get.

Comm. Levitan: Mark, does the percentage allow them to go to office use on the first floor of the 7-story office building?

Mr. Klein: Yes, I think they’re okay. We talked with them to try to get the bottom floor to be retail because it would add some activity and maybe a little bit of a magnet down at that end, but it can also be used for office.

Comm. Levitan: Commissioner Strauss, you have an issue with the garage on Nall. I hear what you’re saying. My takeaway on this is the massing of the office building will probably take your eye there and away from the garage. It’s just something to consider. The way I look at the plans when I’m on Nall breaking the speed limit, unfortunately, my eye is going to go to that and away from the garage. I don’t know if that gives you any comfort. With respect to the plan, I like it. It’s market sensitive. I don’t think it adds to their continued burden with the retail. The office market is obviously very robust right now, and the hotel product looks really nice. I think it looks better than a lot of the hotels being built currently.

Comm. Block: I think we’re close, but do we need to extend the meeting?

Chairman Elkins: I think that’s a good idea.

A motion to extend the Planning Commission meeting for a period of 30 minutes was made by Block; seconded by Coleman. Motion carried with a unanimous vote of 8-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey, Coleman, and Block.

Chairman Elkins: Other comments or observations? Just for the record, I share Commissioner Strauss' concern about the parking garage. I think that when I was on the commission years ago, I voted against that series of parking garages for that very reason. That is water under the bridge now. I don't know that we're exacerbating the issue greatly by what's planned here. At least we're breaking it up. As Commissioner Levitan notes, at least there will be a tower there in the middle of the wall. I, too, would congratulate the developers and VanTrust for the stick-to-itiveness that you have shown throughout this whole episode. The result is going to be an outstanding part of our community and will help to effectively build what has become downtown Leawood, which we didn't have 15 years ago. We thank you for your contribution to the community in that fashion. Are there other comments?

Mr. Muller: Mr. Claussen with Phelps Engineering has what could be a very simple solution that maybe you've already written down. That would be to leave No. 22 intact and then simply add on, "or as otherwise may be agreed to by MOU between the city and developer."

Chairman Elkins: I like that a lot. Do I see someone willing to make a motion?

A motion to recommend approval of CASE 14-18 – PARK PLACE EAST END – MIXED USE WITH HOTEL AND PARKING GARAGE EXPANSION – Request for approval of a Revised Preliminary Plan, Revised Preliminary Plat, and Special use Permit for a Hotel, located east of Nall Avenue and south of Town Center Drive – with 25 Staff Stipulations, including an addition to the end of No. 22 to read: "or as otherwise may be agreed to by MOU between the city and developer" – was made by Hoyt; seconded by Pateidl. Motion carried with a vote of 7-1. For: Belzer, Hoyt, Levitan, Pateidl, Ramsey, Coleman, and Block. Opposed: Strauss.

Chairman Elkins: I would rise to a point of personal privilege. It is bittersweet tonight because I have been advised that one of our commissioners, who has been a very valuable contributor over the years he has participated in the commission, will take his leave at the end of this meeting. Our thanks both from the city and for me as chairman and the commission generally to Commissioner Ramsey, who will continue to work in service to the city as I understand on one of our major committees. In fact, I think it may be the Stormwater Committee if I remember correctly.

Comm. Ramsey: It is.

Chairman Elkins: You have been a great contributing member to the commission, and we will miss you. We want to thank you. We'll have a new commissioner announced at the time of our next meeting who will attempt to fill Commissioner Ramsey's chair. Thank you very much.

Comm. Ramsey: Thank you, and I'd like the record to show I hold the record for the shortest meeting for the commission. It's been a great time. It has gone very quickly. Thank you to all the staff and Richard, and especially Debbie. It has been a pleasure working with all of you.

Chairman Elkins: Thank you.

MEETING ADJOURNED