

**City of Leawood
Planning Commission Meeting
November 24, 2020
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: McGurren, Belzer, Hoyt, Elkins, Coleman, Block, Stevens, and Peterson. Absent: Hunter.

APPROVAL TO SUSPEND CERTAIN RULES OF PLANNING COMMISSION DUE TO PANDEMIC:

A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

MEETING STATEMENT:

To reduce the likelihood of the spread of COVID-19 and to comply with social distancing recommendations, this meeting of the Leawood Planning Commission is being conducted using the Zoom media format, with some of the commissioners appearing remotely. The meeting is being livestreamed on YouTube and the public can access the livestream by going to www.leawood.org for the live link. The public is strongly encouraged to access this meeting electronically; however, if you wish to comment on a public hearing item, please contact the Community Development Department to make arrangements.

Public comments will only be accepted during the public hearing portion of each agenda item where a public hearing is required. The City encourages the public to submit comments in writing prior to the public hearing by emailing comments to pcpubliccomments@leawood.org. Written public comments received at least 24 hours prior to the meeting will be distributed to members of the Planning Commission. Those wishing to appear remotely using the Zoom format media, should register at pcpubliccoments@leawood.org on or before Friday, November 20th at 5:00 pm. Individuals who contacted the Planning Department in advance to provide public comments will be called upon by name.

Electronic copies of tonight's agenda are available on the City's website at www.Leawood.org under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and seconded, a roll call vote will be taken. The Chair or staff will announce whether the

motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

APPROVAL OF THE AGENDA

Chairman Elkins: Are there any changes to the agenda?

Mr. Sanchez: There are not.

A motion to approve the agenda was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

APPROVAL OF MINUTES: Approval of minutes from the October 27, 2020 Planning Commission meetings.

Chairman Elkins: Are there any changes to the minutes? I have one on Page 7 about halfway down the page. Mr. Block's statement does not have a number for the stipulation.

Ms. Knight: We'd have to go back to the audio.

Comm. Block: It had to do with the spacing between the property line.

Chairman Elkins: I would ask staff to take a look and approve based on the recording.

A motion to approve the minutes, pending the correction on Page 7, from the October 27, 2020 Planning Commission meeting was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

Comm. Coleman: I know we don't have an Old Business section, but since we're just ending with the minutes, I thought it would be appropriate to explain one of the questions I had last time with regard to City Council bringing up the 135th Street Community Plan.

Chairman Elkins: Why don't we take that at the end of the docket?

CONTINUED TO THE DECEMBER 8, 2020 PLANNING COMMISSION MEETING: CASE 89-20 STATE LINE MXD – Request for approval of a Rezoning From SD-O (Planned Office) And R-1 (Planned Single Family Low Density (15,000 Sq. Ft. Per Dwelling)) To MXD (Mixed Use Development District), and Preliminary Plan, located south of W. 86th Terrace and west of State Line Road. PUBLIC HEARING

CONTINUED TO THE JANUARY 26, 2020 PLANNING COMMISSION MEETING: CASE 69-20 – HILLS OF LEAWOOD VILLAS – Request for approval of a Final Plat and Final Plan, located north of 151st Street and east of Mission Road.

CONSENT AGENDA:

CASE 97-20 – SOMERSET ACRES - LOT 13 – RESIDENTIAL GENERATOR – Request for approval of a Final Landscape Plan, located south of 87th Street and east of Mission Road.

CASE 101-20 – FCS PRIVATE WEALTH MANAGEMENT – MONUMENT SIGN – Request for approval of a Final Plan, located north of College Boulevard and west of Mission Road.

Chairman Elkins: A revised case summary was provided today. Do any commissioners wish to discuss either of the cases on the Consent Agenda? If not, is there a motion?

A motion to approve the Consent Agenda was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

NEW BUSINESS:

CASE 49-20 – CAMERON’S COURT – Request for approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: Staff has a change to Stipulation No. 5. We would like for it to read, “The applicant shall obtain all approvals and permits from the Public Works department per the Public Works memo on file (Exhibit A) with the City of Leawood Planning Department.” We would also like to delete Stipulation No. 39. This is Case 49-20 – Cameron’s Court – request for approval of a Rezoning from AG and SD-O to RP-2 and MXD, Preliminary Plan, and Preliminary Plat. The Planning Commission may remember this project from the September 9th meeting, when the project was recommended for denial. The applicant made changes prior to being heard by the Governing Body and asked to be remanded back to the Planning Commission. Planning staff reviewed the updated plan at that point and found that substantial changes had been made, which triggered the need for a new Public Hearing, notifications, etc. The case you’re hearing tonight is almost like a reset back to before we heard it on September 9th.

A number of changes have been made, including but not limited to, the main entrance of Tract A being removed on the south side. The building heights fronting 135th Street on Tract B east of High Drive went from a 4/4 split to a 4/5 split. The development now meets the regulations within the Leawood Development Ordinance (LDO). The main issues between staff and the applicant is the main theory behind what a Mixed-Use development is. The applicant has taken the position that this is horizontal; staff feels that this is basically four separate developments: one medium-density, two high-density residential, and one commercial. We believe there is a possibility to create a true Mixed-

Use development, guided by the Comprehensive Plan and the 135th Street Community Plan. Although the plan now meets the LDO, the plan has not seen many changes to try to meet the Comprehensive Plan or the 135th Street Community Plan. There is a conflict with the proposed RP-2 portion and the Comprehensive Plan. The project is still proposed to be gated for Tracts A and B. As staff stated when the project was first presented, fences and gates created a disconnect between areas and, in this case, separates part of the Mixed-Use development within itself. Staff feels that the applicant is taking advantage of the MXD zoning as the project is benefitting from the regulations of the MXD development without having all the integration of the MXD development with all the different uses being right next to each other and being in the same building, etc. Some of these regulations include larger apartment buildings and higher buildings heights. The objective within the plan states that the MXD shall be developed at a human scale with villager Main Street style, which staff also does not believe is being met. Within the 135th Street Community Plan, the road types that were once labeled on the previous plan have now been removed from this updated plan. The use of these road types - neighborhood, active pedestrian, and destination streets – are tools to help create the type of Mixed Use the city is looking for. These call for wider sidewalks, on-street parking, activity on the street, and things that try to activate the roadways and sidewalks. The removal of Kenneth and Chadwick Road creates issues for the development to achieve connectivity and grid-like designs, which gets back to the last point about activity on the street. The development does not provide the transect of uses, which is meant to help the existing neighborhoods to the north of 133rd Street by giving them like uses nearby and transitioning farther south to 135th Street more dense commercial uses. The proposed application still does not meet multiple requirements within the 135th Street Community Plan and the Comprehensive Plan. Staff still recommends denial of Case 49-20, and we're happy to answer any questions.

Chairman Elkins: Thank you. To reflect back on one statement, as of this time there is not a portion of this plan that is violative of any provision of the Leawood Development Ordinance. There continue to be issues in staff's mind whether it complies with the Comprehensive Plan and the 135th Street Community Plan.

Mr. Sanchez: That is correct.

Comm. Block: We had a couple documents related to this case on the dais. I understand the public letter from Patty Bennett, but is the applicant's responses to staff stipulations to amend the document in the packet?

Mr. Sanchez: It is not in the packet, and we were just notified of it just a little bit ago. We put it on the dais, and it will be part of the public record.

Comm. Block: Is that the same for the applicant's response to the Golden Rule?

Mr. Sanchez: That's correct.

Chairman Elkins: Mr. Sanchez, can you recount for the commission the Governing Body's actions with respect to this plan?

Mr. Sanchez: The applicant may be able to tell this better than I would, but at the Governing Body meeting, the applicant requested to be remanded back to the Planning Commission because of changes they wanted to make. After that decision was made, staff reviewed the updated plans and realized there were changes that were major enough to require them to go back through the entire process.

Chairman Elkins: Thank you. Any other questions for staff?

Applicant Presentation:

Rick Oddo, Oddo Development, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Oddo: Happy to present our plan for a \$400 million community for Leawood. Henry Klover is our architect. Our attorney, Curt Holland and landowner Bob Regnier are here as well. His attorney will also be speaking tonight.

I am going to try to be briefer this time since we went over much of this last time. I believe I need to go over several points. This is a \$400 million community that is ready to go. Because of that, we need to spend the appropriate time and go through some things in detail. First, from State Line to Pawnee is currently zoned MXD. We're trying to keep the zoning for most of the community except the part we are proposing RP-2 along 133rd Street. We want to do exactly what you did across the street on the south side. We're doing this for the protection of the neighbors. As long as it is MXD, who knows what it could become. It could be 3-5-story buildings with parking garages.

We believe we meet the plan as a horizontal MXD. We will bring needed housing options to the neighborhood. We're not looking at government housing. Reasonably priced housing in Leawood is \$750,000-\$850,000 single-family homes. One-bedroom apartments start at \$1,500; two-bedroom apartments start at \$2,000. We even have penthouses that go up to \$3,500 a month. We will have no three-bedroom apartments in this community, which will keep families from bringing extra kids and adding a burden to the schools. The site layout is a very thought-out plan, starting with the northwest side as RP-2, providing a great buffer to Wilshire to the north. It goes from RP-2 to similar-sized "big-house" development just like Villa Milano at 137th and Mission. Those will be carried through stucco and stone on into its development. To the east, we'll have a little higher density but still only 11.5 units per acre. We're doing the same thing up along 133rd Street. We'll have 37' tall buildings maximum. We get to our 4- and 5-story buildings along 135th Street. The density is low at 133rd and increases going south toward 135th Street. To the east, we have commercial zoning. All of our retail is along State Line and 135th Street, which is imperative. We are mirroring what is happening across the street, which has Walmart, Lowe's, McDonalds, and other retail. We will have retail here as well. There isn't a need for intermixing the commercial. As a developer, I know that retail wants to be concentrated; it does not want to be sporadic all over the place. When retail is sporadic, nothing is successful. We have about a one-mile link from State Line to Pawnee. First of all, there is not enough retail to put along there, and secondly, nothing

would succeed if we intermix it. Retail needs to be concentrated at high-density corners like State Line and 135th Street. At the same time, we've started off on 133rd Street with 1-story buildings. As we go south, we pick up taller office buildings. We move the hotel to the south side farther away from 133rd Street and the residential neighborhoods. We are cognitive of the fact that we are trying to get lower density to the north and higher to the south. We are putting our strongest part of the higher-density retail/commercial along State Line, mirroring what is in Missouri, and getting into the residential component that will be the needed housing to feed and give support to the retail and commercial. We have also put on very little traffic on 133rd Street. You've seen our traffic reports. Right now, 133rd is all A- and B-level services. After this is fully developed, that will be the same. We also did some things like only the RP-2 has entrances onto 133rd. We have to have some streets cut through from 135th to 133rd. The neighbors wanted as few cut-throughs as possible because every time there is a left turn, it causes traffic problems. We limit it to High Drive and Kenneth. We also have done a lot to save all the trees. The trees all around the church are being saved as well as the habitat along 133rd and Kenneth and at the entrance on Chadwick. Once we get this built out with all the sidewalks, crosswalks, and bike trail, it will actually improve the pedestrian experience along 133rd. The plan, as you know, will create hundreds of millions of dollars in tax revenue for Johnson County with minimal impact on the school district's population. This will create hundreds of thousands of dollars in property taxes for the City of Leawood with very little impact to the City of Leawood because all the streets in the commercial/retail area will be private drives. All the streets in the apartment communities will be private. That means we pay for the installation and maintenance with no cost to the city. Of course, RP-2 will be single-family residences, and that will have a public street, which will be the only thing the city will have to maintain. There are very few extra maintenance costs to the city, but there will be increased tax dollars for the city.

As you know, this site has been zoned for office since 1975, but it's been in the MXD plan for about 20 years now and remains undeveloped. This plan is viable, and we can start development immediately. It meets the spirit of MXD without asking for deviations and density increases, and it places all the development and commercial where it will be successful and appropriate while being market driven.

We've had a lot of neighborhood interact meetings, as you know. I'm going to go through what they wanted and what we've come up with. The number one concern was to have High Drive offset so it wasn't a straight-through to the north side of 133rd, and we did that. The neighbors wanted as few connections, even though the 135th Street Corridor Plan calls for lots of connections with nine streets cutting through. We're at two, and we feel that it is all that is necessary to get traffic from 133rd to 135th Street. Every street that goes through from one end to the other is another left-right connection that is disruptive, will slow down traffic, and make things more congested.

We limited the number of entrances to the commercial site. We had a couple, and now, we only have the one at Kenneth off 133rd. The other exit is an exit-only, right-in, right-out, and it won't slow down traffic. That traffic is all going to State Line. The neighbors requested multiple times that we don't have Kenneth come straight through in order to save the trees and to limit traffic. The church didn't want it, either. We don't feel it's necessary, and we get to maintain all the trees though that area. We save 1,100 lineal feet by 100 feet wide or greater of all those trees, and we put a bike trail through the

middle of all that. We move the traffic from Kenneth around through the retail development. Traffic can get through if necessary, but it limits the traffic on 133rd.

We maintained the trees on both sides of the church. We also were able to save the trees over in the park area on 133rd. As we said before, we've directed as much traffic away from 133rd as we could. We deliberately don't have entrances from the apartment communities on or off 133rd. We've minimized density as much as possible. As you well know, MXD allows for up to 9-story buildings, which is far more than could ever be leased. We're being more realistic. We've put a minimum amount of retail/commercial allowed by the LDO. We've really reduced the number of units. I could put almost double the number of apartments here and still be in compliance. I didn't do that because I'm trying to minimize the impact on the neighborhood. I'm trying to be a good neighbor and still make this financially viable. I hope it's appreciated. Across the street, you approved apartments at 28 units per acre, and we're at 11.2-11.4 units per acre overall. Park Place was also near 30. We're a fraction of those.

Most of the neighbors did not want to have retail between Kenneth and Pawnee. They wanted it at Mission and State Line with nothing between because they didn't want the traffic along 133rd. Additionally, it doesn't work well anyway in that area, like we said. The most recent request from neighbors was to increase the hiking and biking, which we've done. We have added a trail along Kenneth from 133rd to 135th. That will be a beautiful pathway.

I'd like to talk about the changes we've made. We moved the clubhouse at Chadwick to High Drive. When we did our traffic study, we read that left-hand turns going eastbound, traffic would have crossed four lanes without a stoplight. We already have a stoplight at State Line, High Drive, Pawnee, and Kenneth. We don't need more stoplights, and we want to avoid traffic cutting across four lanes at Chadwick. Our traffic engineer is requesting to remove that, even though the 135th Street Corridor is saying it should be in there. This is another contradiction between traffic studies and your LDO not mixing with the multi-section, multi-streets. It is not possible to build those multiple streets to cut through because it would cause traffic jams and would reduce buildable space.

We want to show all the sidewalks. We've added a bunch of green space and parks. The first park is near the residential area. The next space is a beautiful node by the pond. The bike trail will be beautiful through the commercial property. We're also adding two more park areas at the corners of the west apartment community at 135th Street. This will be open to the community. We also have parks inside the community. We're adding almost 15 acres of parks, 9.4 of which will be open to the community. Gezer is a hair over 10 acres with 1/3 parking lot and 1/3 pond. We're adding very usable park space for everybody. We'll also have another 5.5 acres internally for our residents. Like at Wilshire, they have an internal park for their community. It has a pool, tennis court, playground, and a nice area for their residents. We'll do the same for ours. There's nothing wrong with having something a little special for them. We're also adding a lot of acreage and benefit for all the neighbors to enjoy. We also took the recommendation of the Planning Commission and put a bend in 134th Street in the RP-2, which adds some character. We have trails and sidewalks that cross High Drive in several areas.

At our interact meetings, one of the big concerns was traffic. Any development of this size will add traffic, but we are at 1/5 the density that is allowed by the LDO. These

streets were designed to handle the larger, higher density development. As you can see in the traffic reports, 135th Street is still all A and B, and the service levels will be maintained at this level. Had we done all the street cut-throughs, 133rd would be a nightmare to drive on. Another issue raised was effect on property values. High-quality development always improves property values. Uncertainty is what devalues property. Additionally, we are creating a nice buffer. When we did Villa Milano and Tuscany, it did not hurt the value of the multi-million-dollar homes in any way. High-quality properties do not hurt the value; the only thing that hurts it is high-rise buildings, parking garages, and uncertainty. Another topic raised was crime. We don't really have any crime in our communities, but this is also why we want to have a gated community. By doing this, it gives a real sense of security and deters small, petty crimes. We feel it is imperative with the number of seniors and single women who will live here, as well as executives who will travel. I understand that some people are against it. If that's the case, that is a reasonable discussion. I don't want you to not approve our property because of gates. A fence should not be an issue because there are lots of fenced communities, including one in Hallbrook. These are common. I hope you approve this with the gates because it adds value to the apartment communities. Let us be exclusive and deter crime.

Additionally, people worry about overloading the school system. The school has anticipated this road, apartments, and a much higher density than what we're proposing on the corner. I asked the school district if the population could be handled. The reply said, "I can say that the short answer is that Mission Trails is not near capacity, and the potential for this development is the reason why. Mission Trails is between 75-80% utilization this year. We are constantly monitoring new development proposals and using that knowledge to inform enroll projections. The potential for this development in Leawood's 135th Street Community Plan area has been on our radar for quite some time, as the plan has been in place for the last seven years or so. The additional capacity at Mission Trails is designed to be prepared for that growth when it comes." I can unequivocally state that Blue Valley School District is ready and waiting for this development to be built, and it will not overload them. As we said before, 4-6 kids per apartment community is not even one per grade. If we built this all as single family, we would have about six times more kids.

Some of Cameron's Court's main benefits include a variety of living types. One of the things that came out in a recent market study showed that there were not enough single-family homes under \$1 million in the city. We're proposing 54 homes in the \$700,000-\$800,000 range. This will add extra protection for the people to the north; it doesn't hurt property values; it fills a need for a lot of seniors and empty nesters. We have also changed the lots to include three-car garages with ranch-style homes. We lost a few lots in doing this. The west apartments are very similar to the big-house design. They will have a lot of stucco and stone, very much like a single-family home. I will point out that we have downspouts. It would be difficult, if not impossible, to put internal gutters in and would be a major mold hazard. The other style homes are more commercial style with a flat roof, for which it is very appropriate to do internal gutters. We also have our main entrances to Cameron's Court on High Drive and Pawnee, avoiding 133rd Street and Chadwick so we don't create a traffic issue on 135th Street.

At this point, I'm going to turn this over to Henry Klover to go over the east phase and the commercial.

Henry Klover, Klover Architects, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Klover: What you see on the screen demonstrates how we solve the issue of the LDO requirement to have the parking garages attached. The parking garages are attached to the building. The design of the layout of the site is also very purposeful. There are only two buildings that front 133rd Street. One is at the entrance; the other is on the east side. They are very narrow and are also low in height at 37 feet. For reference, a residential building can be 35 feet high with a higher elevation than what we have. We have tried as much as possible to be purposeful to get connectivity and cross-section lower throughout. Buildings would be offered in different styles. Point of market is needed and necessary. As Rick mentioned, in the market study that the city did in 2014 and the recent one done by the Regniers, what was indicated is the market that was needed was townhomes, row houses, and apartments.

Something that popped up with the Fire Department was a request to widen some roads and to make sure they had connectivity through the buildings. We have agreed to create what is allowed by the LDO, which is a 15' wide separation. They would prefer 20 feet, but to comply with the LDO, they agreed to 15 feet to allow for the Fire Department trucks to have more than one way in, to get across the building, and to have the hose reach.

The view from High Drive shows that the buildings are partially buried in berms around the garages to shield them. We have created pathways through the buildings to get to the buildings as well. We have used strong stone base materials to create strong cap elements. The end of the building is more of the penthouse that is directly across. The roof element above is 10/10 slope to create interesting character, particularly for the penthouse. We created a rhythm going through it. The courtyard will be shielded from the High Drive view. We have made sure the cut-through is no more than 15 feet, which the Fire Department can work with and which complies with the LDO. Between the units on the 4-story side, the central element will include walkways and seating areas. The site slopes considerably from north to south, so it will create an interesting environment.

In our commercial area, we kept the frames and strong elements in the base, middle, and top. We intend to carry through the theme here as well. Kenneth Road loops back internally as a traffic-calming device to provide access from 135th and 133rd. All of the higher-density buildings in height are located on the southern part of the site. As requested by the neighborhood, we kept a lot of the trees along 133rd Street. The buildings are formed around the loops, so the interior and the exterior buildings form a barrier of visibility to the parking lots. The office complex has a large park in the middle. The pathway will meander through the existing trees, as requested by the community.

There is a deliberate transition from the residential to the higher-density residential, using stone and common elements. The taller apartment buildings to the east are slightly more dense but still not as dense as permitted. Again, the transition from the smaller and shorter units on 133rd most toward 135th. Then, it moves to much higher density on the commercial side. The highest traffic counts are on Mission and 135th and State Line and 135th. As we referred to it years ago, it is like a dog bone where the ends have higher density in retail at Mission and State Line, which is where all the retail exists

today. As I said in the past, you can sell a pad site at 135th and Mission and 135th and State Line for much more than anything at Chadwick or High Drive would ever go for. We think the layout is perfectly appropriate and marketable in the environment that has existed for 20 years. The last time I presented the 9-10 projects I've been involved with in this corridor didn't succeed for various reasons, but this plan is appropriate. RP-3 has been approved on the south side, and we are requesting RP-2 on the north side as an attempt to satisfy the residents to get lower density closer to them. The cuts going back to 133rd Street were of great concern to the residents. There are 80 intersections and nodes between 135th Street, Pawnee, 133rd to State Line. It is almost an impossibility to have that much retail and commercial with that many intersections and nodes. It hasn't been possible for 20 years. We do not see it possible going forward. It also flies in the face of one of staff's demands to make sure that the green spaces were maintained. Every one of these would have wiped them out. It wouldn't have kept any green space the way it was designed. Curtis will get into the street nodes and internal streets. Part of the issue is that we've met the LDO, but the 135th Street Community Plan has certain requirements that are not provided for in the LDO. You don't have the setbacks. You don't allow parking on the streets. You don't allow the density that is required. There has always been a conflict between complying with the LDO and the 135th Street Community Plan. We have tried hard to maintain a balance between them. As noted, it would allow an overall density between 24 and 96 units per acre, which, as we've noted and Rick has said quite eloquently, the community does not want. We've tried hard to comply with the guidelines and meet what is practical in the community we want.

Mr. Oddo: I want to go back to the overall summary. The City of Leawood would get over \$800,000 a year in property taxes with a total of \$16 million in 20 years. Had we done this 20 years ago, the city would be in a lot better financial shape. School districts would get almost \$3.5 million in property taxes, yet they'll have about under 20 kids. Obviously, they won't cost that much to educate, so the school district is all in favor of this. General property tax for Johnson County is over \$6.7 million with very little extra cost. Plus, we have to pay over \$2-3 million in fees upfront to offset impact fees, streets, parks, and building permits. It is a huge benefit to the city.

I want to talk about some of the benefit summaries. I believe that City Council remanded it back. If they didn't want to see it come back up to them with the changes we had, meeting the LDO, they would have denied it at that point. I believe they want to see this plan, which is a viable MXD plan that is market driven. The community can support it. We can fill the residential and help fill the retail. Without the residential component and concentrating the retail at State Line, it won't be successful. We need the retail only at State Line.

The development team has worked really hard to design a plan that differs from what others have but will also bring benefit to the community. The benefits are all the sidewalks, all the parks, crosswalks, and biking trails. We'll maintain the integrity and disperse traffic away from the single-family neighborhoods to the north. We have direct access toward 135th and 133rd. The High Drive connection is offset, as is Kenneth Road. We moved commercial and retail away from the existing residential community and puts the highest traffic and tallest buildings at 135th and State Line, not at 133rd. We have several different residential products that are desperately needed and are market driven.

Like I said before, the residential will drive the retail component. This will produce millions in property taxes, as I stated before, and we're ready to start now. I appreciate your time. I'm hoping for questions. Before we do that, I'd really like to send this to Curt Holland and Bob Regnier.

Curtis Holland, Polsinelli Law Firm, 900 W. 48th Place, Suite 900, Kansas City, MO, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Holland: We talked last time about this project. I'm going to cover two topics: Golden Criteria and stipulations. Rick and Henry did a great job of giving the overview and changes since you saw it last. I'll try to be brief, as much as I can. I know staff had prepared remarks with regard to the Golden Criteria. As mentioned earlier, the documents on your dais came late from my office. I apologize for that. We got Staff Report late Friday, but we really didn't get the Public Works memo until yesterday. It was a challenge to go through it and talk with the Public Works folks, which we did, to try to come up with a plan to address those concerns. I would like to start with the Golden Criteria, which is for you all to use and review our plan. I don't think we need to talk about character of the neighborhood, zoning and uses of property nearby. Regarding suitability of subject property for the uses to which it has been restricted, the property is currently zoned AG and SD-O. It's been that way since 1975. I would say the subject property is really not suited for either AG or SD-O, which I think nobody would argue. We don't feel it is suitable for a vertical MXD that is described in the 135th Street Community Plan. Rick has touched on that already, and I'll talk about it a bit later. We do believe the property is suitable for the horizontal MXD like we have proposed tonight. The property has been vacant with the current zoning since 1975, which is 45 years. Previously, there was a home and agricultural buildings. Otherwise, the property has been undeveloped since even before the City of Leawood was incorporated in 1948. I want to talk about No. 5, which is the extent to which the removal of restrictions would detrimentally affect nearby property. I would say that in our discussion with the residents, we believe that the residents don't want a high-density commercial development next to their single-family homes. If you can envision putting Park Place on our property next to the residences north of 133rd Street, I'm sure you would see that they would not like that. This is over 100 acres and could probably fit 5-6 Park Place developments in. That's what we understand the 135th Street Community Plan would like to see. Frankly, we think putting something like that there would have significant detrimental impact on those residences. I would skip over No. 6 because it is the balance test, and I want to come back to that. No.7 is the recommendation of professional staff, and we know what they've said, so there's no reason to go over that. I want to get into No. 8, which is the conformance of the requested change to the adopted Master Plan of the City of Leawood. I know you've already heard a lot about that tonight, and you've heard about it over the past several months with respect to our plan but also other projects that have been presented to you, such as Regents Park and Fontana. You've heard discussion about the ability to create a true Mixed-Use community like what is set forth in the 135th Street Community Plan on all that property. Rick mentioned that the length of our property is close to a mile, which is true. If you add up all the square footage and how it would work developed under the 135th Street Community Plan, you're talking over 2 million square

feet of commercial/Mixed-Use/office-type development in that corridor. It's unrealistic, frankly. It's not workable. With all due respect, I think there were good intentions with that plan when it was adopted six years ago. It is really not workable to expect to develop all this property in a Mixed-Use fashion as described in the 135th Street Community Plan. We've done that already in parts of the corridor. For example, Villaggio will now be Fontana. If you go down the list of projects, you'll see a lot of empty spaces there. There's really not a market to do a bunch more of this. We've already got a lot that is not developed. I would ask you to look at an aerial map of the corridor and look to the west in Overland Park or to the east in Kansas City, MO. You would see substantial development in both, but the Leawood portion looks barren in comparison. I would suggest that the main reason is the city's adoption of the 135th Street Community Plan and adherence to it. I know we've talked about it already that the street grid is not workable. There are many components of the 135th Street Community Plan that are not workable for this area of Leawood. We are in a suburban setting and not in an urban setting where that might be possible. It certainly has been a challenge for the other Mixed-Use projects in the area, such as Park Place and Prairie Fire, both of which had substantial incentives. Lenexa City Center is maybe the most successful of the Mixed-Use projects and was heavily incentivized by the city. These can't be done without a lot of incentives, and even with incentives, they're quite a challenge. The Comprehensive Plan and the 135th Street Community Plan are guides; they're not the LDO. We are treating them like they're the LDO, and they're not. Yet, we have really prevented ourselves from being able to develop in the corridor by strictly adhering to them. We think our plan meets the spirit and intent of it. Rick and Henry did a great job of giving an overview.

I want to back up to Golden Criteria No. 6, which is the relative gain to the public health, safety, and welfare due to denial of the application as compared to the hardship imposed, if any, as a result of denial of the application. That's really the ballast test. What is the impact to the community versus the hardship? I would suggest that there is really no gain in denying the application. Rick talked about all the tax benefits. There really are substantial benefits to the community at large and to the local community, even though there is some opposition to it. You have to look at the harm and hardship it causes to the property owner. I know Bob Regnier is here to talk about that a little bit later. I don't think it's too strong to suggest that adhering to this 135th Street Community Plan is, in essence condemning the Regnier property to vacancy permanently. If all you can do is develop this property in strict accordance with the 135th Street Community Plan, it will never get developed. I appreciate the opportunity to talk about the Golden Criteria. I know staff has their version; you've just heard ours.

I want to talk about stipulations. You received a packet today. I don't intend to go through each of them. There are 50, and the last time we were here, there were 30-32. I want to talk about No. 4, which speaks to the construction of an additional lane on 135th Street for the full frontage of the property. I've had conversations with the legal department about that. As Rick mentioned, we're paying millions of dollars of development fees here. Those fees are supposed to be used for transportation improvements within the corridor. We understand that. We're paying those and yet being asked to also build 135th Street. It seems that it's a little bit of double-dipping. Having said that, we are open to discussing that construction with the city and potentially doing

something similar to what is being considered with Regents Park. This particular item isn't something you have much control over as a Planning Commission, but I did want to raise it since this is our Public Hearing.

I'd like to go to No. 5 which is the Public Works memo. One of the things that was a huge surprise was the suggestion that we put in bike lanes or widen 133rd Street almost for the full length by 4 feet on our side. We've been in the city's system for six months now, and we just get this Public Works memo yesterday. That is a huge undertaking, and I'm not sure that it should be our responsibility to do anything with the bike lanes because the impact from our project isn't causing a need to put in bike lanes. I know the rationale is the turn lanes might impact the bike lanes, but I would challenge you to go up and down 133rd Street and see what the city did at the intersections. You'll see that they're striped all the way up to the intersections, and the lane isn't carried through the intersections. We just think it's unfair to pop that on us yesterday. It's frankly millions of dollars; it's not just as simple as cutting a road and widening it. There are storm inlet boxes and pipes up and down 133rd Street. Along the north side is a 10' bike path already. If the bikers want to go up and down 133rd Street, I would suggest that they use the bike path already built and not make this developer widen it an extra 4 feet at a cost of millions of dollars and move the storm inlets and who knows what else because it then gets into setbacks and landscaping between the sidewalk and the street. There are grade differentials, so it's a substantial undertaking. We're strongly opposed to it. The only other item in the Public Works memo I want to talk about relates to Stipulation No. 39, which staff indicated earlier in the meeting was being stricken. This had to do with constructing all the public improvements at one time. We don't want to do that, nor do we need to do that. For example, when we build the RP-2, there is a street that we would put in, but we don't need to have High Drive put in when we do that. High Drive would go with the multifamily units. No. 39 calls for all the improvements to be built in one single phases, and no developer would do that in a multi-phased project like this. It is financially burdensome to lump all that on the developer. The Public Works folks agreed with me, so it was great to have No. 39 stricken; however, the Public Works memo refers to that stipulation in their No. 2C. I would suggest this be stricken as well. We don't agree that all public improvements should be built in a single phase.

I'd like to move on to No. 10, which asks that the applicant shall provide a plan showing the construction of Kenneth Road and Chadwick Street to help create a grid network. This was discussed earlier by Rick. The neighbors were adamant not to put in Kenneth Road as a through street, so we didn't. There are also good reasons not to put in Chadwick, including that it would create an intersection that would not allow left turn out movements onto 135th Street. We don't agree that Kenneth Road and Chadwick Street should be put in. We want to build Kenneth Road as we've shown it on our plan, where it loops through the commercial area. It shouldn't be a through street.

Next is No. 16, which discusses burying power lines. We understand that is an ordinance requirement, but the second sentence in that stipulation says, "This must be done prior to final occupancy of any building within the project." You have to understand that the overhead power lines being discussed here are all along State Line Road. We don't have overhead power lines on 133rd Street. We're fortunate enough to not have them along 135th Street on our side. If we're going to build the RP-2 development in the first phase, why would we spend all this money to bury the power lines along State Line

Road? That's just not a workable situation. You've got to eliminate that second sentence or indicate that it must be done prior to final occupancy of any building associated with the commercial development.

No. 23 talks about the downspouts being internalized, which is fine with the other buildings but not for the big-house structures. Rick mentioned that those structures are designed to look like big homes, and it is not appropriate to have internal guttering or downspouts in a structure like that. It can create mold issues, and it's a bad idea. We're good with it on the other buildings.

No. 28 says that all materials shall meet the requirements of the LDO, which shall be reviewed at the time of Final Plan. We're okay with that in general, but we also want to make sure we get an opportunity to say that we want to look at the issue with respect to the roofing materials, especially on the big-house structures because those roofing materials should look more like residential homes. Putting tile and heavy roofing materials on them isn't appropriate.

We talked about No. 39, so I'll skip that. The last is No. 46, which is okay except when it says that each lot owner is jointly and severally liable for such maintenance and repair or replacement and talks about the failure to maintain, repair, or replace the common areas. The city is saying that each lot owner could be held individually liable for the maintenance obligations for the common areas in the RP-2 section. That is not workable and needs to be tweaked to remove the "jointly and severally" language. With that, I'm done. Thank you for your time. Now, I would turn it over to Bob, unless you have questions.

Chairman Elkins: Thank you. We'll come back with questions after the presentation is complete.

Robert Regnier, 3400 W. 119th Street, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Regnier: I am a banker at the Bank of Blue Valley and a real estate owner in the City of Leawood. My part in this presentation is mainly focused on the history of the property and to give you a little background. When my dad purchased the first piece of this property, I was either a senior in high school or a freshman or sophomore in college. I will turn 72 in about 30 days, so that tells you how long we've had an investment in this property. My dad passed away in 2000, and for the last 21 years, I've fielded questions and inquiries about the property. I've probably talked to anywhere from 1-2 dozen people in that period of time. Many of those, I referred to the City of Leawood. Several of those actually came to a potential contract and a formal application, but obviously, nothing was ever approved by the city. One of the problems we faced over that period of time was that every opportunity was for a small piece, or one element. It was a concern of the city and, frankly, us as well. We didn't want to put something in there that didn't fit with whatever was going to go next to it. The city mentioned on multiple occasions that they wanted a plan for the whole property. I think that is what we have here today. I also want to comment that in the interact meetings, the things that come up with the neighbors have been traffic, density, height, and crime. The interesting thing that is an anomaly and ironic that all of those things would be made worse if it was possible to do the Mixed-Use

development that is proposed in the 135th Street Community Plan. There will never be support by the neighbors for that plan because that plan incorporates all the things they don't want or potential issues. This plan addresses a lot of those and is a really good opportunity to turn a piece of property that has been pushing up corn and soybeans for a long time into a nice piece of property that will be complementary to the neighbors. In all the years we talked about different things, we always ran into the same problem, which was the 135th Street Community Plan. We made the decision to go to the company Robert Charles Lesser, which is a nationally and internationally recognized firm that had made most of their reputation working on Mixed-Use developments. The date of this report is June 19, 2019, which is important for something I'll bring up a little bit later. I'm going to quote two pieces of the executive summary that aren't highlighted in the slide: "For the foreseeable future, this market will remain a largely drive-able suburban location with very limited opportunities for commercial, office, retail, or hospitality development." Also, "Conceptual zoning plans like those contemplated in the 135th Street Community Plan that call for vertically Mixed-Use development and/or higher-density residential and/or commercial uses are not supportable in the overall Leawood marketplace, nor at the subject property in the near, mid or even long term." This is saying that the 135th Street Community Plan is an interesting idea, but there was never a feasibility done to determine if it was workable for this piece of property. I don't believe it was workable 20 years ago, nor is it today, particularly with the changes in environment with changes in retail. We did this study in June, 2019. A document generated back then is the exact plan you have in front of you today, except there is more retail and office on the State Line property. Rick Oddo never saw this report when he came to us and said he thought the area was perfect for residential, moderate-density and higher-density apartments. In fact, that's exactly what is being proposed. You have in front of you a developer who has a sparkling and unblemished record as a developer who can financially accomplish this and do a nice job creating a great residential community in Leawood. The report recommends phases of luxury apartments, which is exactly what Rick is proposing. They talked originally about office zoning. Those of you who have any experience with office zoning know that it tends to be in corridors where there's good transportation and already an existing office product. This report says that there is very limited opportunity for office in this area. We have some on 135th Street. We are hopeful and believe that the development of an additional residential density, as is contemplated in this plan, will generate additional demand for office and/or retail. Relative to hospitality, we have a hotel on the 135th Street Corridor, and that could be feasible sometime in the next ten years. Even in the short term, it's not feasible.

You have in front of you a plan from a first-class developer. It is an excellent plan that is compatible with the neighborhood and creates a very good residential neighborhood and also creates some density that will allow for potentially a little more density on 135th Street as is desired by the City of Leawood. I would also go back to the original plan and say that you all give your time in order to create a better community for the City of Leawood. You all know and should take comfort in knowing that this is not an academic exercise. You're creating a plan that is buildable and feasible for the future of Leawood. Everyone has a copy of this feasibility study. I would be pleased to bring this group into a future Planning Commission meeting if that would assist you in future plans for other property along 135th Street. They have a great reputation and have done a lot of

work on this particular property. Thank you for giving me a couple minutes tonight. I'm going to turn this over to Fred Logan, my attorney, to further highlight some of the Golden Criteria.

Fred Logan, Logan, Logan, and Watson, 8340 Mission Road, Suite 106, Prairie Village, KS, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Logan: I appear as counsel for the Regniers. I will have brief remarks. I want to address one of the points that is made in the RCL report. They talk about the present zoning that isn't workable. I want to cast that in the light of what the Regniers have experienced for 40 years. That has a definite grounding in what the Golden Rules say. There are two legal criteria from the Golden Rule that are particularly important here. The first is the time for which the property has been vacant. Look at it from the perspective of the Regniers. It has remained vacant for 40 years. It essentially had an office zoning for 40 years and then a Mixed-Use zoning that has been demonstrated simply will not work and would not be supported. We think, from a legal perspective, it is something that is very important for the Planning Commission and City Council to consider. I think an argument could be constructed that the present zoning and land-use scheme virtually forces the land to remain vacant. The second point I want to make has to do with No. 6, which is the relative gain to the public health, safety, and welfare by the destruction of the value of the plaintiff's property as compared to the hardship imposed upon the individual landowner. The Regniers have lived with this hardship now for 40 years with unworkable zoning. It is a demonstrated hardship. From their perspective, these rules show that this proposal should be approved. It is a very fine development proposal. The Regniers strongly support it. If the two Golden Criteria are to be considered in the way we think they should, the approval of the project is essential. I thank you for your consideration of these legal arguments under the Golden Criteria. I will turn it back to Mr. Oddo.

Mr. Oddo: I am open for questions.

Chairman Elkins: Thank you. We appreciate your presentation. Questions for the applicant?

Comm. Hoyt: I have four questions. Whoever wants to tackle each one is fine. First, in your description of the various park areas, which I'm thrilled to see these great enhancements, other than bike lanes and the one overlook that had some sort of concrete pad, are there going to be any pieces of equipment? Are there going to be specific amenities, whether it be playground equipment, picnic tables, or shelters? What's the concept?

Mr. Oddo: We'll have benches. It will not have playgrounds. I could not afford to have that type of liability. We will have a more detailed version of the amenities at the time of Final Plan. We'll maintain all the park areas, some of which will be open for everybody.

Comm. Hoyt: Maybe bike racks?

Mr. Oddo: Round things to lock up bikes, yes.

Comm. Hoyt: I have a big-picture question that gets to the recurring idea of trying to create a sense of place. I'm referring to the Cameron's Court of Leawood document dated October 12, 2020, that went through various points addressing staff concerns. There is a comment that, "A consistent theme has not been developed for all portions of the project to work together." Your response was, "A sense of place is a feeling created by the environment and not necessarily a design. The renderings provided illustrate that sense of place." Could you articulate what that sense of place is? Specifically, what is it, and maybe frame it as a completion of the sentence, "Welcome to Cameron's Court, the place where . . ." fill in the blank.

Mr. Oddo: I appreciate what you're saying. I'll turn this over to our architect. Keep in mind this is one mile long. An identical look for one mile would be hideous.

Comm. Hoyt: I'm not sure that it has to be a look. I think the sense of place is something that provides a cohesive sense. If, in fact, this plan does that, can you articulate what that cohesive sense is?

Mr. Oddo: We're going to have a consistent look of these nodes, the same benches everywhere, the same look on all of those. I'll turn this over to our architect.

Mr. Klover: I did write the sentence you quoted. I'm an architect that's registered in all 50 states, and I've done a lot of lifestyle centers, Oak Park Mall, even Cornerstone. Sense of place gets confused by saying it's a corner or a node. It's like sitting on the Paris street corner in the brasserie or New York City. It's actually a feeling, a sense of belonging. It can be a sense of place with a favorite overlook. Obviously, in the commercial area, it's a little easier because we can have patios, plaza areas, seating areas where people can walk and enjoy. They can walk the trails. They can have benches. In the neighborhood, it's more a sense of belonging. It's a sense of character, image and belonging. It's a feeling. It's not architecture. This rendering we have up there is the best for saying it's a sense of place because it's going to be one of those things where people see the valley, creek, pond, and people and will want to go there. It's wanting to be involved and figure out what's going on behind the trees. It's all a feeling and emotion. I think the 135th Street Corridor does it exactly the way you shouldn't do it by creating a bunch of corners and nodes. There are a lot of places in New York that you can walk a lot of corners and not be excited to be there. Obviously, as Rick said, it's a mile long. It's all about character development, the parks, the activities. The whole sense of place is people wanting to be there. I think it's extremely important to get the people there because driving that corridor now, you wouldn't even know you're in the city anymore. Without it, no one is going to go there, so you need houses.

Mr. Oddo: Inside the apartment communities, we'll have a dog park. Each one will have its own dog park. Each will have community gardens. We have several areas to just sit

down. At 137th and Mission, I love driving through, especially in the spring and fall because people are out sitting around with a huge sense of community. People love meeting around all the nodes. We'll have seating areas inside the fence area, similar to that. We create nodes within the communities. That is why I had some of the highest retention of residents in any apartment complex.

Comm. Hoyt: I never thought of sense of place as nodes and corners, for the record. I'm looking more for what we're trying to evoke. This is a very humble suggestion, and it may be a little lofty. When I look at all these pictures and hear what you're trying to emphasize over and over again, it seems like the tagline might be, "Welcome to Cameron's Court, the place where people live and work in a park." It seems like bike trails, green spaces evoke that. Not that it's the million-dollar tagline, but that's what I feel like I see. Let me move on.

Mr. Oddo: If you notice, we're low-density properties. I think people like the elbow room they get from these types of communities, compared to the ones at 30 units per acre with just a small piece of grass here and there. There's no walking area. We have elbow space that people want in a high-end community like Leawood.

Comm. Hoyt: Right now, people definitely want elbow space. It's a very timely thing. As another side question, what is the origin of Cameron's Court's name?

Mr. Oddo: I love the question. I have three kids. I have a daughter named Courtney and a daughter named Cameron, so I combined the name.

Comm. Hoyt: Specifically, where are the gates, and how do we go about removing them?

Mr. Oddo: Let's start with the entrances (*refers to plan*). There is a roundabout, so if someone wants to speak to someone who is not answering, they can turn around easily without stopping the flow. The other one comes off Kenneth and has the same thing. We have a third one as a fire exit, which will be emergency access only. It would be just like at Villa Milano. On the other apartment community, there is one at the entrance with a turnabout. There is another on Pawnee. There are two entrance points in each community and an extra one because of the cul de sac that is created on the east community. The residents won't use the emergency exits.

Comm. Hoyt: My impression, based on your presentation, is that while you feel these gates are a wonderful asset, getting rid of them would not be a complete deal-breaker.

Mr. Oddo: Making me widen and put in a 4' bike lane and moving sidewalks, losing more square footage at the back of the homes and spending \$2 million dollars on a street would be the deal-breakers. I do highly beg you to allow the gates being in. It's not a deal-breaker, but I think it adds a sense of place. It definitely deters any smash-and-grab crimes. It adds a sense of a very high-end community. When you go to other cities, all communities are gated in Florida, Atlanta, Texas, Arizona. Tonight, the only two things

we should be discussing is if it should have gates and if it should be 15' or 20' drive lanes for the Fire Department. Ms. Hoyt, I want to add that I wouldn't spend the amount money it takes to gate and fence these things at \$750,000 per community if I didn't feel it added value. When a developer wants to increase costs, you know it adds value.

Chairman Elkins: Other questions? I have a few. You said one of the concerns that has come up regularly has to do with the impact of traffic on 135th Street. You've used various different adjectives that suggest that you don't believe the impact will be very great. On the other hand, you also have made a point of the fact that you designed it to push traffic away from 132nd. I realize your traffic study is in here, but I'd like to hear your description. It's a little counterintuitive to say that you're going to add about 715 housing units, and that will not have a fairly dramatic impact on the main thoroughfare streets. Can you tell us about that and expand on why it makes sense?

Mr. Oddo: I want to step back a second because some people will ask about qualifications. I do have an engineering degree from K-State, so I am schooled in street design and how these things function. From a design point of view, the apartment communities produce about 110 pieces of traffic per hour for each apartment and then 1/3 of that for residential. You're looking at about 230-240 pieces of traffic per hour at high traffic, which is 7:30-9:00 and 3:30-5:30. That is 4 cars per minute going every direction around this community. That is nothing in the scheme of traffic flow. I'm very passionate about this. Keep in mind that most will go to 135th Street, but if not, it's two cars per minute to 133rd and two cars per minute on 135th Street. That's nothing. That's why we say the street levels do not change at all from what they are. On 133rd, it's A and B. On 135th, the issue isn't on the Kansas side but rather because the Missouri side narrows to two lanes going east.

Mr. Holland: The road system was designed decades ago to anticipate this traffic. The first step is the road system from 133rd and 137th as a combined project from Overland Park through Leawood to take pressure off 135th. It was designed to be an overflow and have a lot of traffic in it. The density they were putting onto it was very low. Secondly, when Rick talks about A and B, it goes all the way from A to F, rated to the delays that people have to expect. All the work we're doing here is that everything is an A, B today, and it will still stay at A and B with the exception of some interchanges that are problems today such as State Line and 135th.

Mr. Oddo: The one traffic area that decreased traffic level was at Chadwick, and your traffic engineer was concerned about it. We started talking to him, and we simply ask about moving our clubhouse to High Drive, which would completely eliminate 135th Street. He was in favor of that idea because it created a bit of a flow on 135th Street.

Mr. Holland: It will improve traffic, and the biggest issue there was the simple fact that it would never warrant an intersection stoplight just because of the cross streets. Obviously, 135th Street would, but the cross streets wouldn't warrant a stoplight. There are rules about how many lanes of traffic can turn left, so it was always going to be an issue.

Mr. Oddo: Yes, so we eliminated the issue. Does that answer your question about the traffic?

Chairman Elkins: It does. Another question has to do with the density and number of units per acre. I'd like to ask you to reflect on that a little more.

Mr. Oddo: We have 662 units on 59 acres, so it's basically 11.2 units per acre. Across the street in the residential section, you approved 29 units per acre. Allowed by the MXD plan is 24-96 units per acre, as suggested in the Community Plan. I would be happy to go up to 24 units per acre, but I don't think my neighbors would appreciate that. I've been trying to be respectful of them.

Chairman Elkins: Mr. Oddo, could you compare and contrast that type of density with the apartment development you built off Mission Road?

Mr. Oddo: I believe they're at 12 units per acre.

Chairman Elkins: So, they would be approximately the same.

Mr. Oddo: I actually believe this would be a hair less, but I'm going from complete memory.

Chairman Elkins: Thank you. I agree with Commissioner Hoyt. I think the addition of the bike trail is a positive change. Does the bike trail connect with the Leawood bike trail system already in place?

Mr. Oddo: It connects with it at 133rd Street and meanders on down through the trees, very similar to Tomahawk Trail. This would be a 6' trail.

Chairman Elkins: Thank you. Those are my questions. Does anyone else have questions?

Comm. McGurren: The last time we reviewed this, I made similar comments. Just for the record, I'll recap. Thank you for the plan improvements from what we saw before. I continue to believe the feasibility study highlights key issues and concerns that should be addressed by the city. I would have hoped by now that the applicant and city would have resolved more of their differences. Everyone in this process deserves that kind of progress. I'd like to see a scenario where we have the opportunity to make progress tonight and move toward a plan we would see in the final stages that would resolve a number of the staff recommendations in such a way that the applicant and city would have come to an agreement. In my mind, that is feasible in a way that either minimizes or eliminates several of the recommendations, assuming that the others are met. It seems that would be a bit of a middle ground. I'm asking Mr. Oddo if staff recommendations 2, 3, 7, 10, and 11 were not part of what was presented here tonight, could you agree to all of the other stipulations, reminding you that No. 39 had been removed? The stipulations mentioned are all related to the Community Plan and Comprehensive Plan. If the city

were to come to the conclusion that they aren't feasible and were not part of it, would all the others be acceptable?

Mr. Oddo: I hate to say this, but we didn't get this until Friday evening. We had a lot of additions from the previous time and we'd been talking with them for months. Nos. 2 and 3 shouldn't be there. No. 4, we couldn't agree to it; it would destroy everything. We would work with the city to come up with something because we can't pay all the development fees and build it; it's one or the other. You're doing something similar with the developer to the south. This is another reason Leawood hasn't developed. I couldn't agree to No. 5 because to widen 133rd would be extensive. There is a storm drain about every 150 feet that would have to be moved. A sidewalk would have to be moved. Then, we have setback and grade issues. It's also on a very short part and doesn't carry through where there is high density. It would not be consistent with the rest of 133rd.

Mr. Holland: The city built it and then didn't put it in, so now you're asking the developer to put something in that you didn't put in for a bike lane.

Mr. Oddo: You don't do it on 137th Street. You wouldn't be consistent with your own plan, so it wouldn't be fair to ask me to do it.

Comm. McGurren: If, given the opportunity to not so strictly adhere to the Comprehensive Plan and 135th Street Community Plan, you would not be able to move forward with the city?

Mr. Oddo: I would say we'd be able to move forward with the Preliminary Plan and pick up the rest of these things with a good Final Plan. The other thing I would say is we were hoping the city was going to redo the ordinances on what was allowed and take care of some of these things, which I understand has been moved to March and April so they can look at the different materials. I'd be willing to hold up Final Plan based on a meeting with Planning Commission and City Council to get some better guidelines on items like that. I could live with the gates being removed but not the fencing. No. 9 should be removed as well. The grid network in No. 10 goes against what the neighbors want. There would be no green space, and the traffic flow on 133rd and 135th would be horrendous. The power lines in No. 16 would be a clarification based on that phase starting.

Chairman Elkins: I think Mr. Holland identified nine stipulations that you are taking particular exception to. Several, you've already hit upon, but all nine are ones we need to resolve tonight.

Mr. Oddo: I do believe the big-house look should really be more in line with the single-family area to the north. I can always change the design to look modern with a flat roof, but I think it's nice to have a difference in architecture and different product types. I think Nos. 23 and 28 should be removed as well. That's pretty much it.

Chairman Elkins: I think Mr. Holland mentioned No. 46 as well.

Mr. Oddo: Thank you.

Comm. McGurren: My last question is a general one. Why do you think more of this hasn't been resolved up to this point, and what gives you the opinion that it could be before the next stage?

Mr. Oddo: I think you've got a very good point. Staff is being told to have a strict adherence to what they believe is an MXD plan, and there are some things in here that I don't believe are strictly in here but are interpretations, which are very different. That's why I would love to sit down with people in Planning Commission and City Council and talk about these things properly. We want to get it approved so we can start moving forward with Final Plan. Once I go from this to Final Plan, I'll have a few months to look at these things and to have more time to develop them. Hopefully, a strict interpretation that makes things not possible can be avoided. If you look at 133rd and Roe with a strict interpretation, you'll see that they built two buildings and went broke. I don't want to do that. I want something that will be successful. I know what is possible.

Chairman Elkins: This may be for Mr. Holland, but he referenced Stipulation No. 4 around the additional lane for 135th Street and at least suggested there might be a willingness to consider some sort of an agreement or financing arrangement similar to what was done at the Regents Park project, south of your project. Can you enlighten us on what that arrangement was?

Mr. Holland: I think there's been some agreement. I don't know in what format, but generally, as I understand it, in lieu of actually constructing 135th Street and widening it, based on our traffic study that Public Works agrees with, the traffic from our development wouldn't trigger the need for widening of 135th Street until full development of the commercial office part. It would not be warranted with the residential components, but it might be later with the commercial development. With respect to Regents Park, instead of physically constructing the road and widening it, they would pay a lump sum payment to the city to do that work. The payment of that money would be triggered by either an independent traffic study determining that the traffic level of service at State Line and 135th Street would ever turn to level F, which is not good, or if Kansas City, MO ever built another lane eastbound down to the Blue River Bridge. That would trigger the payment obligation that the city could use to widen 135th Street. Having said that, I had some preliminary discussion with the legal department. There is no commitment that the city would agree to do something similar, but we're hopeful that the city might consider something along those lines. We'd be open to a discussion.

Chairman Elkins: Thank you. Are there other questions? I'd like to preview how I intend to proceed. We've been at it for almost 2 ½ hours, so we'll take a short break. We'll come back and open the Public Hearing. At the conclusion of the Public Hearing, the applicant will have an opportunity to respond to the comments of the public. Then, I'll ask city staff to respond to the specific stipulations the applicant took issue with. Then,

I'll give the last word on the stipulations to the applicant. Then, we'll move on to discussion.

Five-minute recess

Chairman Elkins: We'll open the Public Hearing to hear comments from the public. The commission allows four minutes for each person to speak.

Public Hearing

Chairman Elkins: Is John Kelly available? Next, I have Bill Johansson.

Bill Johansson, 13294 Fairway Street, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Johansson: I'm a board member of Wilshire Place Homes Association. Our neighborhood is along a great portion of the north side of the proposed development and is presumably the most impacted by it. I'm speaking to relay concerns of our homeowners from a June all-neighborhood meeting. We had a survey that involved broad participation of 115 of the 172 homes. In it, 80% of the homeowners voted in opposition. We acknowledge there have been recent changes to the plan. Some of those attempt to allay some of our concerns; however, our neighborhood's primary concerns of traffic, property values, and community amenities still need to be addressed. Regarding traffic, we have concerns about 133rd Street and specifically about High Drive in 132nd Street. This is a cut-through from 133rd Street to Mission Road. It is a road where many of our neighbors live and on which their driveways enter. It is a very busy street, especially during rush hours and school days. Even without any additional development, residents along High Drive and 132nd Street need traffic cessation measures implemented. Regarding property values, as a follow-up to our first point, we're extremely concerned about High Drive and 132nd Street becoming busier, creating a market discount to the value of those homes, which in turn hurts nearby comparable homes streets and blocks away and the subdivision as a whole. This goes back to the need for traffic cessation on 132nd / High Drive. Regarding green space, Wilshire Place has expressed a concern that the development will add hundreds of residential units to the surrounding area, and there isn't enough expansion of parks and trails. We acknowledge that the new revised plan expands that, but that is still a concern for us, and green spaces are very important. Based on these major concerns of traffic, property values, and community amenities, we consider the proposed development, relative to the mitigations, still an issue for our neighborhood. We sent a letter on August 20th to the Planning Commission and City Council. We haven't changed that letter because we basically don't feel that the changes that have been implemented were dramatically different enough to warrant us changing our letter or our overall points of opposition. Thank you for your time.

Chairman Elkins: Thank you. Dan Goldberg?

Dan Goldberg, 13089 W. 132nd Place, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Goldberg: I've lived here with my wife and two children for six years. I live within 200 feet of the proposed development. I personally want to thank this body for allowing me to speak. I think this body's vote is an easy one. This body should deny the proposed plan for the same reasons it denied it in September. First, city staff is opposed to it. Secondly, neighboring communities are vehemently opposed to it. Third, it is not consistent with the city's Comprehensive Plan and specifically the 135th Street Community Plan. For a couple hours tonight, we heard the demonization of the 135th Street Community Plan. It is over 60 pages long. It was passed by the city only six years ago, and the city spent tens of thousands of dollars on it. Now, we're told by the developers and lawyers that we should just trash this plan. The problem is that none of these developers or lawyers addressed that the city readopted it just this year on March 2, 2020 with Ordinance #2991, which reaffirmed the importance of the Comprehensive Plan and the 135th Street Community Plan. Why did the city do that? On page 50 of the 2019 update, it shows that it is important to the city. "As the City of Leawood looks to its future, it will continue to maintain the residential property values, promote neighborhood-oriented commercial developments and quality Mixed-Use developments, offer a variety of high-quality residential neighborhoods, sustain environmental sensitivity, retain natural landscapes, and provide public open space. This vision is articulated in the Comprehensive Plan. The City of Leawood will continue to grow with distinction." I don't think I could put that any better. That's not what this development does. I think there are a lot of problems with the notion that buildings that will tower in the sky up to 37 feet are good for this community and this area. Over 600 units leads to a massively dense development. The notion that it is not going to have an impact on our traffic or our schools or our way of life is divorced from reality. I think overall, after listening for over two hours to developers and lawyers, I get the overriding sense that they know better than the City of Leawood what is best for its own community. The problem with that is that we elected the City Council members to do what's best. They have made it clear. I think the problem with Oddo Development is they got this remanded and thought they would just bring the same plan. I think City Council was kind enough to give them another opportunity. I think city staff continues to work with the developers, but they refuse to come in compliance with the numerous concerns, whether fire, bike lanes, or a variety of other concerns. I think the notion that this land can't be developed consistent with the 135th Street Plan is just not true. The plan has only existed for six years. The fact that none of us neighbors would want to live with something that is consistent with that plan is also just patently false.

Chairman Elkins: Thank you. Your time has expired. If you could come to a conclusion, that would be great.

Mr. Goldberg: We'd all love to live next to a Mission Farms or a similar development. Looking at this development as a whole, I think it's important that the city stay true to its values, its mission, and its constituency. I think this plan is not consistent with that. I respectfully request that you vote in opposition. Thank you for your time.

Chairman Elkins: Thank you. Chris Vukas?

Chris Vukas, 13252 Falmouth Street, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Vukas: I live in Wilshire Place. I want to thank the Planning Commission for the opportunity to speak tonight. First and foremost, the applicant does not represent Wilshire Place or its residents' views. Please disregard any attempt for him to say what we would want, whether it is X, Y, or Z. He has had limited conversations with folks. That's not his fault, but he does not speak for our neighborhood. We live here. I agree that a feasibility study should be done for this area. I think the assertion that our neighborhood never wants Mixed Use is not an accurate statement at all. We want an innovative, modern, well thought-out project that improves our property values and provides us with benefit. Think of the Meadowbrook project in Overland Park, developed by Van Trust. That's the true Mixed-Use project that includes luxury homes, expansive parks, townhomes, modern and high-density residential, commercial, and hospitality. That, I think, is what my neighbors have said they want. That is a 100-acre parcel similar to this, and it is frankly a pretty cool project. That's a forward-looking project in the midst of a residential area that is additive and increases property values, similar to this size project. I think everybody knows that the proposed project is not Mixed Use. Does it look like Park Place? It doesn't. Does it look like Mission Farms? It doesn't. It's a lazy attempt to convince residents, the Planning Commission, and City Council that it is not what a first-tier urban planning student can recognize as not Mixed Use. I know our neighborhood wouldn't want six Park Places, but we'd love one with restaurants and shops that we can walk to. Both Park Place and Mission Farms are way less dense than this project. They're more additive to the community. The applicant has no skin in the game when it comes to Mixed Use. He does not own the commercial land. He does not control the commercial land. He can claim all the things that will be built, but he has zero control of it. He has said to our neighborhood that he doesn't believe commercial works here. What he wants to do is take advantage of the density bonus he gets with the Leawood code to build far more apartments than should be in any one spot adjacent to \$500,000-\$1 million homes. The assertion that there aren't enough homes in Leawood under \$1 million is completely absurd. Maybe there aren't in Hallbrook, where the applicant lives, but the vast majority of the homes are below \$1 million. I can tell you we have neighbors who have put their house on the market because of this project already. People are selling their house and moving out of Leawood, Kansas because of this project. They know this will reduce their property values. They're acting now before it is built. Please identify another project that has this many apartments in one singular area that doesn't include any commercial space. Even if it does, I don't think it exists in Leawood. The applicant talked about a sense of place. The three-story residential looked exactly like the ones they are developing in Lenexa, identical to the ones they are developing in Lenexa. There was no thought process put into Leawood's sense of place regarding this plan. They plopped their Lenexa design on this project without a thought. The applicant keeps referring to limiting the density in this project to a minimum amount. That may be true but only if this is considered MXD, which anyone can tell it is not. There is zero commercial development in this development; it is four phases of residential with zero commercial.

Chairman Elkins: Thank you. Your time has expired. If you could conclude, that would be great.

Mr. Vukas: We all know something is going to be built in this location. If this is determined to be Mixed Use for decades, maybe we should take a look at this area and do a feasibility study as suggested to figure out if something similar to this should be built there or if it should be something different. Thank you for the time.

Chairman Elkins: Thank you. Chris Nelson?

Chris Nelson, 13282 High Drive, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Nelson: I am a resident of Wilshire Place subdivision on High Drive, five houses in from the entrance of the subdivision. I would like to thank Leawood Planning Commission for the opportunity to speak regarding the proposed Cameron's Court development. I would like to state that I am adamantly opposed to this development. I feel that the 662 apartments and 54 homes will compound the existing traffic problem on 133rd and High Drive. The three neighborhoods most directly impacted by this proposed development have come out in strong opposition to the plan. As previously mentioned by Bill Johansson, our neighborhood, on a survey conducted by our HOA, overwhelmingly opposed this plan. I do not see any benefit to the surrounding residents from this development. To date, no details regarding restaurants or shopping have been provided. Also, the traffic problem has not been addressed. It appears the majority of the traffic will dump onto 133rd, which is already overburdened with the existing neighborhood traffic during a pandemic when people are working remotely and not attending school in person. We now plan to add approximately 1,000 residents with no plan to alleviate the traffic burden. The developer has made slight modifications to the plan to abate a few of the board's lesser concerns, like making a street that was previously straight slightly curved or adding a few public areas, most of which appear to be inside the proposed gated community. Over the past three months, we have been subjected to a death by 1,000 cuts, as the developer seems to be negotiating his way to approval of this development. I also would like to point out the timing of the meetings, which have included the first day of school. Now this one is the week of Thanksgiving, when people must choose between attending a Planning Commission meeting or meeting their family obligations. This whole process is taking place during a global pandemic, the likes of which the country has never seen. The developer's sole focus is pushing this plan through the Planning Commission and is attempting to wear us down with his persistence. Surrounding residents find themselves working, helping conduct at-home, online schooling, and attempting to meet their work and family obligations while trying to keep up-to-date on the ever-changing development plan. I moved here from Prairie Village to raise my family. I felt Leawood would provide an environment with better city planning and standards to provide a better lifestyle and to protect our home values. Despite the developer criticizing Park Place not working, I like the quality of life components it provides. I do not see any of those in the plan the developer is proposing. I do not see any reason for the city to amend the Leawood Development Ordinance for the benefit of one

developer. If the city takes the opinion of its residents and taxpayers into account, this plan should be voted down. I feel we, as a community, should strive for something more innovative and benefitting the entire community, rather than a densely arranged apartment complex with one of the last pieces of undeveloped land in Leawood. Another thing I would like to mention is I live within 500 feet of 133rd Street and walk my dog regularly on the walking trail. I see plenty of cyclists on that street. I would like to thank the Leawood Planning Commission for your time and consideration. Thank you.

Chairman Elkins: Thank you, Mr. Nelson. Ryan Brunton?

Ryan Brunton, 3114 W. 132nd Terrace, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Brunton: I live in the Wilshire Place subdivision, which is the subdivision immediately north of the apartment complex component of the proposed development. Thank you for the opportunity to share my thoughts. I recognize there are other Leawood residents who would like the same opportunity, so I will keep my comments very brief. Quite simply, it is my belief that the Cameron's Court plan is incompatible with the surrounding areas and neighborhoods. Further, it is inconsistent with the 135th Street Community Plan, as has already been stated by planning staff this evening. This is clearly not a Mixed-Use development. It is a multi-family development with some potential for commercial use at an undetermined future date. This multi-family development will cause a significant increase in the traffic on 133rd Street and roads leading into the Wilshire Place neighborhood, including High Drive and Canterbury. This causes safety concerns for pedestrians, including young children and park-goers in our area. I am also concerned that the potential for more than 1,000 additional residents will cause overcrowding issues for our amenities and green space. That is inconsistent with the city's long-term vision for this area. The change to the plan that removed the Chadwick entrance and exit from 135th Street may have improved traffic on 135th Street, but it serves to the detriment to the neighborhoods to the north. The residents of the western apartments will naturally head toward 133rd Street, particularly during peak traffic times. You previously heard from individual residents and leadership of the surrounding neighborhoods. I trust that it is clear that there is widespread opposition to this plan. We feel very strongly that any new development should add to the property values of existing homes and enhance our overall community. While there are some good elements to this project, any plan which places 650 units of multi-family housing on our doorstep is not a plan we can support or feel comfortable with. While I recognize the developer and its consultants may feel this is the case, this project is not the highest and best use on the last undeveloped piece of land in the 135th Street Corridor. We do not believe this is truly the type of Mixed-Use development envisioned by the city and its residents, pursuant to the 135th Street Community Plan. Simply put, this is not a Mixed-Use project. It is exclusively a multi-family development, and the citizens of Leawood, particularly those residing in the surrounding neighborhoods, deserve better. For these reasons, I respectfully ask the Planning Commission to reject this plan. Thank you very much.

Chairman Elkins: Thank you, Mr. Brunton. I note that we are coming close to the 9:00 hour. Our bylaws require that we take an affirmative action to extend the meeting.

A motion to extend the meeting for 30 minutes was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

Chairman Elkins: The meeting is extended until 9:30. Larry Gunja?

Larry Gunja, 13288 High Drive, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Gunja: I live in Wilshire Place. On August 16, 2020, I sent an email to Mayor Dunn, the Leawood Planning Commission, and the Leawood City Council stating my strong opposition to the proposed Oddo development plan. The now revised plan has done nothing to address the issue of the mass of new traffic that will be directed onto High Drive with the addition of 716 living units, an issue of utmost concern to the 81% of Wilshire Place residents who opposed and strongly oppose the development, according to a survey provided by the Wilshire Place Homeowners' Association. Additionally, any traffic studies regarding this project that have been conducted since March of this year are invalid and not a true representation of the traffic volume in normal times. This is due to so many people working from home instead of driving to and from work as well as schools operating virtually. My house is on High Drive, the second house north of 133rd Street. Often times during normal times, I can't back out of my own driveway without waiting for traffic to clear. High Drive is not a thoroughfare nor is it capable of handling the mass of additional traffic that will result from the aforementioned 716 additional living units. This project is too dense. Many of you will remember the tornado that came through the intersection of 133rd and Mission Road a few years ago. While that one intersection was closed for utility repairs, northbound traffic on High Drive from 133rd Street was almost constant. Southbound traffic on High Drive backed up to the north, past 132nd Street, approximately six houses long. Once again, along with the 81% of my Wilshire Place neighbors as well as my friends living in surrounding subdivisions affected by this proposal, I stand in opposition to the revised Oddo development proposal, Case 49-2020 – Cameron's Court. I hope you will consider my concerns as you move forward with this proposal, and I thank you for listening.

Chairman Elkins: Thank you, Mr. Gunja. Chad Summers?

Chad Summers, 2608 W. 131st Street, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Summers: Thank you for the opportunity to speak. I live in the Greenbriar subdivision. I just want to thank you for what must be the most thankless job in all of public service because I have participated in four of your Planning Commission meetings now, and I swear to almighty that it seems like Groundhog Day. I appreciate that you will sit and listen to applicant after applicant or developer after developer trying to re-pitch

you the same thing over and over. I found some opportunities to agree with the applicant on this project. I think more than anything, when he commented that the project is shovel-ready, I would say shovel-ready indeed, sir. I don't know if that's because it's going to have three dog parks or because the bull pucky is piling up quickly in this presentation, but I'm just going to run through a few things that came up tonight. Before I do that, I'd like to request that you all continue to regard and read the comments I submitted prior to the last meeting. First, there has been a characterization that traffic generated by this project will be minimal. At one point, somebody said it would add a little bit of traffic. At one point, the developer himself said that there were going to be two cars per minute, which is laughable. Anybody with Google can go to the website for Society of Traffic Engineers and identify that this project creates 27,000 trip ends per day. That works out to just shy of 19 cars per minute. When you complicate that by the fact that the applicant has removed the point of ingress and egress from 135th Street. It's naturally going to drive more of that traffic over to 133rd, which is 100% what all the neighboring communities are concerned about. I think it's interesting that there is the characterization that the project is an attempt to try to be a good neighbor, and we were even scolded that they hope we appreciate it. If the concern is being a good neighbor, wouldn't a neighborly thing to do be to extend the RP-2 portion of the development all the way from Pawnee to the church and eliminate the community's concerns about traffic out-letting from the higher density portion onto 133rd Street at all? I think that's a change to the project that a lot of the community could get behind. I also want to question the applicant's understanding of the neighborhood's concern about the high-density portion of this project. He made the comment that they've heard over and over again that the neighbors are concerned about the high-density commercial, but I would think based on the comments you've received in writing and that you've heard from the public tonight on this project, there seems to be a lot of concern about the high-density residential portion of this project. That brings me to maybe the most concerning thing about this proposal, which is that it's characterized by Mixed Use when it's really residential with a separate commercial development. I don't understand how you can claim that it's Mixed Use when the commercial aspect of the development is entirely separated from the residential portion. If the applicant would just submit a rezoning request that actually jibes with their plan, they would be seeking residential zoning for the land that used to be the horse farm and adjacent. That would actually limit the number of apartment units they could put on the ground. They're trying to take advantage of the bonus that they get by calling it Mixed Use, and in the same presentation, they're actually telling you that they don't want to do the commercial, retail, and office portion that would actually have a chance of making it Mixed Use. I see my time has expired, and I'll wrap up. I think that the comment has been made by several commissioners, either in this meeting or the last one, that perhaps something is outdated in the guidelines or the ordinance that govern development here. I would request that we do the sensible and responsible thing and commission a new study to determine if Mixed Use, with all the retail and office component, is still warranted or if something else is warranted in light of how the world is changing over the course of the last twelve months and have the developer submit a proposal that would comply with the new study. At a minimum, let's not allow a Mixed-Use proposal to come through with all the extra living units that come with it if it doesn't actually meet the definition of Mixed Use, which this clearly does not. In wrapping up, I

would like to thank you all again, and I would like to ask this: the tone of this meeting has already been adversarial. In the slides presented by the applicant, they are already calling people plaintiffs. I wonder if this is a sensible decision to make. The last time the city approved a plan with this applicant, it cost us \$331,000 in legal fees, and that was for an approved plan. This plan is five times as big. Is it going to cost us five times as much? The last thing I'd ask is do you think this plan is distinctively Leawood? Thank you very much for your time. I apologize for going over.

Chairman Elkins: Thank you for your comments. I'll go back to the beginning. John Kelly? If not, I would entertain a motion to close the Public Hearing.

A motion to close the Public Hearing was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

Chairman Elkins: At this time, I would open the floor to Mr. Oddo to respond to the comments we've heard from the public.

Mr. Oddo: Thank you very much for the chance to respond. It's disappointing to hear some of the feelings people are having and to try to overcome some of these objections we're fighting. Traffic, property values keep coming up. At least with the letter from Blue Valley, no one is talking about the schools. I think 133rd Street was built appropriately to plan ahead for the development we have here. Actually, it was developed to add even more traffic than what we're proposing. The gentleman before misspoke: I didn't say two cars per minute; I said it was four cars per minute only during high traffic times. I don't know where 27,000 cars came from. I think that's total traffic along 135th Street. That's not what we're generating. We're generating 111 cars during high peak times per complex, plus the residential comes to about 230-240 cars per minute only during high traffic hours. It's four cars per minute being split every direction. It's really not impacting the streets very much. That's a fact. It was also stated that a traffic study shouldn't be considered pertinent or valued. I couldn't disagree more. We had a traffic study done a few months prior to this by another developer. The same company hired the firm that we're using. What we did is we took the traffic counts then and the ones that we did back in April. Some of the counts went up; some went down, so to be fair, we used the highest volume of traffic per intersection. The traffic survey we did was spot-on because we always used the higher of the two numbers at every location. Regarding property values the proof is that Johnson County Appraiser Office does not reduce property values when they're up against a high-end apartment community. Tuscany has even higher-value properties right against our property at Villa Milano. This is separated by two rows of housing and a street. Wilshire and all the other communities are farther away from these, and Tuscany's home values did not change at all. I really think some people are being disingenuous when they say they would rather live next to a 4-story building with a 3-story parking garage. I think they're being disingenuous when they say they want a true Park Place, which would increase the density dramatically. I don't think they want even more traffic on 133rd Street. Also, the more cut-through streets that would be generated by strict adherence to the 135th Street Plan would create more traffic issues.

I really don't think they want that. I want to remind the Planning Commission, a little over a year ago, another developer came before this committee and presented a MXD plan that was more in line with what the city wanted, and the neighbors were outraged that something like that would be put on 133rd. They commented, "Why can't they build something more like Villa Milano?" I am building something more like Villa Milano and even less dense. I could be wrong with the LDO, but at 11.12 units per acre, we're far below any type of density issues that would be created if we were in an RP-4 plan. Those issues aren't true, either. The "towering buildings" at 133rd Street are 37 feet, which is within 2 feet of a 2-story house, and they have architectural features that give them height. Once again, our traffic study keeps it at an A-B level. Property values are not hurt. We're creating plenty of amenities. Gezer Park was built and planned for all of the development along 135th Street, and that park would be the sole park. I'm adding parks greater than what Gezer is, so there are plenty of community amenities. We're adding seating areas, shade areas, and a lot of value along 133rd Street for people to enjoy. I don't recall using the word "plaintiff" ever, and I don't want to go there because all I got back was my original rights and nothing more than that. I do want to state that we meet the LDO. The 135th Street Plan was a guideline and not a requirement. The two are opposing each other. There are dozens of parts of the 135th Street Plan that are diametrically opposed to the LDO. You have to follow one or the other; it is impossible to follow both. If you actually follow the 135th Street Plan, nothing is built. As we know, Park Place is failing. None of the other ones are working. I want to stay on a positive note. We meet the LDO. We are going to enhance the neighborhood. We are going to create rooftops to make more restaurants successful. We are bringing a needed value of new homes. To clarify, there aren't many new homes in Leawood under \$1 million, and that's what we're trying to do. I feel, as a Leawood resident, born and raised here since I was 14, I'm not going to do anything that will harm the city where I live, I walk around, I know the people. I'm not going to do anything to harm them. I feel that we are going to improve the neighborhood and bring a product that is needed. Yes, we are ready to start as soon as we get approval. I do think you ought to look at the stipulations that we agree with. We're pretty strong except on one of them on the ones we can't agree to. Most of them are around design plans or strict adherence to an idea that just isn't possible to be met. Curt, do you have anything else to add to this?

Mr. Holland: I don't have anything more to add.

Mr. Oddo: With that, I respectfully ask you to approve this plan. We will keep working along with staff to fine-tune the finishes. If you have more questions, I'm happy to answer them.

Chairman Elkins: There is one additional piece of business we'll turn to now. There are nine different stipulations that Mr. Holland pointed out were of significance to the project. I'd like for staff to respond, and then I'll give Mr. Oddo and Mr. Holland an opportunity to respond. I have Nos. 4, 5, 39, which was put with 5 because of something in the Public Words memo, 10, 16, 23 28, and 46. I'd like to take those in sequence and ask staff to go through them on a one-by-one basis. Then, we'll give Mr. Holland and Mr. Oddo the last word with respect to those. Mr. Sanchez, do you care to speak to No. 4?

Mr. Sanchez: With regard to No. 4, staff feels that this is a better discussion to occur with the City Administrator and City Council and maybe not tonight. We would ask to keep the stipulation in so we can continue the discussion. With regard to No. 5, I'll ask Public Works to chime in.

Brian Scovill, City Engineer, appeared before the Planning Commission and made the following comments:

Mr. Scovill: With respect to No. 5, it alludes to No. 39 as well. The Public Works memo, item 2C. We agree that some of the public improvements aren't phased correctly in the memo, and we are open to modifying our stipulations so that the public improvements associated with the residential area – the first three sub-bullets – are tied to the building permits. The public improvements related to the apartments are tied to temporary occupancy. With that, I would like to propose, with guidance from legal counsel, to revise Stipulation No. 5 to state something to the effect of, "The applicant shall provide and obtain all approvals and permits from the Public Works department per the Public Works memo Exhibit A, said memo to be revised to address timing of public improvements prior to Governing Body consideration."

Chairman Elkins: Thank you. That takes us to No. 10.

Mr. Sanchez: With regard to No. 10, the construction of Kenneth Road and Chadwick Street, the way staff sees this is there are already curb cuts where the streets are supposed to be, and it has been shown on the Master Street Plan for many years. This was supposed to be one of the main roads for the City of Leawood. When the plan first came in, Kenneth was there. I don't believe Chadwick has ever been shown. We would honestly like to see a plan where maybe they are in there and we could work something out. We would like more time to work with the applicants more to be able to get through that one.

Chairman Elkins: Could you show us the copy of the plan and remind us where they are?

Mr. Sanchez: (*Shows plan*) The connection to Chadwick is where the once main entrance was, and it's supposed to go all the way through from 133rd to 135th Street. Regarding the Kenneth Road connection, there is still an entrance off what was supposed to be Kenneth into the apartment complexes and the commercial; however, that new trail is now here. There is an entrance off 133rd Street as well.

Chairman Elkins: Can you comment a little more on staff's response to the suggestion by the applicant that creating these thoroughfares through the development is actually going to create more traffic issues and more issues with cyclists and pedestrians? I think it had something to do with the transects.

Mr. Scovill: Generally, having a grid network offers more places for the traffic to go and helps spread the traffic out. It gets people off the primary collector of 133rd or the arterial of 135th sooner than having them drive all the way to State Line or to Kenneth. It just

depends on their destination. With respect to this project, we asked their traffic engineer to evaluate a plan with Kenneth Road and one without Kenneth Road. They showed through modeling that there was almost a negligible difference in the delay along 135th Street, specifically at the State Line intersection. Based on that, Public Works doesn't see a significant issue with respect to eliminating Kenneth Road from a traffic perspective. We did not evaluate Chadwick.

Chairman Elkins: Let me make sure I'm tracking. Are you saying it's okay not to have it go through and that there's really not a difference between having it go through and not?

Mr. Scovill: From the Public Works perspective and the traffic element, Public Works does not believe that Kenneth Road would have an impact on traffic. I understand Planning is adamant that Kenneth goes through.

Chairman Elkins: What is the city proposing?

Mr. Sanchez: We would still like to see a plan that shows a Kenneth Road and Chadwick Street within it.

Chairman Elkins: That takes us to No. 16, which has to do with the timing of burying power lines.

Mr. Sanchez: We would be okay with phasing the public improvements, so the stipulation could be changed to phase it with the commercial area.

Chairman Elkins: Thank you. No. 23?

Mr. Sanchez: This refers to the downspouts being internalized. We are only asking for them to be internalized for the structures within the MXD area. We understand that for the single-family and RP-2, it is not something that could happen. It is an aesthetics regulation that we try to impose. All developments are asked to do this for us, whether residential or commercial if it is anything more than a single-family house. We would ask for this to stay in as well.

Chairman Elkins: Your view is that it is appropriate to have contained downspouts for what Mr. Oddo refers to as the big-house part of the development?

Mr. Sanchez: That is correct. Within Tract A, they are proposing 12- and 14-unit apartments. These are apartments you would see in an RP-3 or RP-4. They would not actually meet the RP-4 standards because they are too big. We would ask, because they are bigger, that they still meet that standard.

Chairman Elkins: What about the concerns the applicant raised about mold?

Mr. Sanchez: I don't have a lot of knowledge about the construction. We do have other residential developments in the City of Leawood have internalized downspouts. To my knowledge, I haven't heard anything about it. Other departments may have.

Chairman Elkins: That takes us to No. 28. I think that has to do with roofing materials.

Mr. Sanchez: With regard to No. 28, all materials are reviewed at the time of Final Plan. The stipulation doesn't say anything with regard to the roofing; it just says that it needs to meet the LDO. Whether discussions are had between now and then and the LDO is changed or not, we ask that they meet the LDO. I don't know if there is another way around that, other than to change the LDO.

Chairman Elkins: And No. 46.

Mr. Sanchez: This refers to establishing a funding mechanism. This is for residential developments to create an HOA. They can then take it from the developer and fund their own maintenance. With commercial developments, we ask that they create a management group. We had issues with Town Center Plaza. A development group was not created with that development, so we have issues with different property owners. This funding mechanism would help avoid that. This is a standard stipulation, so we would want to keep that as well.

A motion to extend the meeting for an additional 30 minutes was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

Chairman Elkins: Is this the issue that the applicant had with respect to the "joint and several liability" phrasing?

Mr. Sanchez: We would be okay with trying to reword it. As soon as the RP-2 part develops, they will then get their own HOA and split off from the rest of the development. We would ask that, since this is being zoned as Mixed Use, the entire development be under one management group to create that development.

Chairman Elkins: You mean other than the RP-2, correct?

Mr. Sanchez: Correct.

Chairman Elkins: You would have joint and several liability across two multi-family housing projects.

Mr. Sanchez: Correct, because this is one Mixed-Used development. They are using the residential units to meet their minimum requirements for commercial and vice versa.

Chairman Elkins: I think that gets us through the stipulations they were concerned about. Mr. Holland and Mr. Oddo, it feels like we've narrowed it down some, but I'd like to hear from you to see where our issues still lie.

Mr. Oddo: I really appreciate that. Briefly, on No. 5 is the 4' bike lane. We just physically can't do that. The HOA part, I'm going to let Curt talk about. I do see problems with different apartment complexes being joint and severally liable. I don't know what they would have responsibility for to each other once they split off. I'm worried about having an HOA situation, even commercially, with one retailer building not paying his stuff and then another retailer is responsible for his bills. It's a tax issue, and I'm concerned about that. I'll let Curt speak to that issue.

Mr. Holland: On RP-2, if we remove this requirement so we're not making each individual lot owner in the single-family subdivision jointly and severally liable for all the maintenance and common areas in the RP-2, that's good. If they're willing to modify it to make it clearer, it's helpful. I agree with Rick that it would be unusual to require the multi-family developments. Likely, they'll be separately platted. I don't see the ownership of one multi-family project being required to be jointly and severally liable for the common area maintenance obligations of the other multi-family project. If we could separate them, that would be great. The retail is a bit more challenging. Joint and several liability is not common at all in retail developments. Certainly, there will be a business association formed to maintain the common areas associated with the commercial development. I'm struggling with the language that you would require every lot owner in the development to be jointly and severally liable, meaning one lot owner could be held liable and wholly responsible for the maintenance of all the common areas. It's very rare; in fact, I don't think I've ever seen it. If it's standard, it's a little scary. I'm opposed to the language as it's written.

Chairman Elkins: What about the downspouts?

Mr. Oddo: In a commercial setting with a flat roof, you don't have downspouts; you have an internal system because the roofs all slope inward and go to an internal drain. That is appropriate on that style of apartment. The big-house look is made to look like a large residential house, so it has the same materials and structure, including the roof. Internal guttering only goes with a flat roof, which is not what we're doing here. We could also remove all gutters and downspouts because they're not required; they're just recommended. I really don't want to remove the gutters and downspouts because it doesn't look right not to have it. We could control erosion by putting river rock below.

Chairman Elkins: It sounds like it's still an issue. No. 10 refers to Kenneth and Chadwick. I assume that's still an issue for you.

Mr. Oddo: Yes, and I would go back to them asking us to remove the entrance because it was creating too much of a traffic issue on 135th Street with left-hand turns. Why would we want to have a cut-through? I would say a grid system works, but a grid system every

half mile, not every 100 yards. I'm exaggerating, but nine cut-throughs between Pawnee and State Line is ridiculous. Once again, it creates worse traffic flow but not better.

Chairman Elkins: Sorry to interrupt, but we have exactly 23 minutes for the commission to comment and reach a decision. If you want a decision tonight, we're going to have to speed up a bit. I guess there's still an issue with respect to Section 2C of the Public Works memo about the expansion of 135th Street.

Mr. Scovill: Yes, the city would require the applicant to restore the existing bike lanes along the corridor. We estimate that to be approximately 3,000 feet of the 5,500 feet of frontage. Based on the curb inlets, sidewalk, curbs, and pavement, we rough-order magnitude estimate that to be in the ballpark of \$400,000 and not the millions of dollars indicated by the applicant.

Chairman Elkins: Thank you. Mr. Oddo, I presume that is still an issue for you.

Mr. Oddo: Yes, I think there may also be utilities. There is no nexus between what we're creating and what was there. If it hasn't been done anywhere else on 133rd nor 137th Street, we shouldn't be the only ones treated like this. It just got thrown on to us yesterday. We can't do that one.

Chairman Elkins: The tally I have up is that you're not conceding, but with respect to No. 4, it is something that needs to be addressed before City Council. There is not an issue with No. 16 or 28. The remaining issues with respect to No. 5 and Section 2C of the Public Works memo, No. 10 on the Kenneth Road cut, No. 23 on the downspouts, and No. 46 around the funding mechanisms in terms of what are still issues. Do you all agree?

Mr. Oddo: Yes.

Chairman Elkins: Other than that, as a matter of formality, do you recognize that there are 50 stipulations, and you concede the rest of the stipulations?

Mr. Holland: There was some agreement to modify those stipulations.

Chairman Elkins: The question is about the balance.

Mr. Holland: With the changes I heard from staff, yes.

Chairman Elkins: I would have preferred to take up these stipulations one-by-one and give Governing Body some guidance about what we think about each one, but I don't know that it will be possible. At this point, I will open this up to comments, in hopes that we get to a vote in the next 20 minutes.

Comm. Coleman: I'd like to thank Mr. Regnier and Mr. Oddo. Obviously, this is a long process, especially for Mr. Regnier with all his family history on the project. Secondly, I'd like to thank all the public. I always learn something from your comments, and you do

your homework very well. My comments about the project really haven't changed since the last time we brought this up. The Comprehensive Plan, which includes the 135th Street Community Plan, is reviewed annually. That's our guideline and what we base our decisions on. In reviewing this plan, one thing from the Staff Report really jumped out at me. It was that this is four separate tracts of development and not really Mixed Use. I really couldn't agree more. It is not Mixed Use as we define it. There is no flow and no mix within each tract. It doesn't go together. We're not promoting Mixed Use; we're promoting four separate zoning areas. Regarding traffic, the Phase 1 of RP-2 dumps into 133rd Street. There is no other option for them. I see that as being very problematic with that area, especially High Drive. For those of us who live near Mission and 127th, there is a cross going one way or the other. I see that area as a disaster area, just waiting for accidents to occur with people going left and right out of Wilshire Place and people going north. I know the developer was trying to appease Wilshire Place in doing that, but frankly, I think it causes more problems. With that, I still continue to not be in favor of this development.

Comm. Block: Similar comments that were shared just now, so I'll keep it short. First of all, I think the plan has some attractive components. I'm glad to see it's in compliance with the LDO now; however, as Commissioner Coleman just mentioned, I do see it as four separate projects and not a Mixed-Use project. It does not create a sense of place between the projects. Going to the Community Plan one of the things, even more than the grid structure, is that it's producing human-scale village Main Street-style development that incorporates a consistent theme throughout the development to provide a high level of pedestrian activity. I think this creates pedestrian activity but only in those four areas. It's not linked together. With that, as long as the 135th Street Community Plan is in place, I don't feel comfortable approving a project that doesn't comply with that in any way whatsoever. I think it just throws it to the side. The plan was created with community input, planning and consulting representatives from Governing Body, and the landowners could have been part of that process. As it was mentioned, this was created six years ago. If the plan is not workable, it should be revised or updated, but as it stands now, unless it is thrown aside by Governing Body, I don't feel comfortable approving this plan.

Chairman Elkins: Other comments? If not, I'd be interested in a motion.

A motion to recommend denial of CASE 49-20 – CAMERON'S COURT – Request for approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road – was made by Coleman; seconded by Block.

Chairman Elkins: That takes us to discussion of the motion. I, too, have a concern as to whether this is really Mixed Use or not. I think our discussion around Stipulation No. 46 really highlighted that. The applicant pointed out not wanting cross liability between the two apartment complexes and the commercial complex. That's the whole point. If it truly were Mixed Use, it would not be an issue. It strikes me that it is a good illustration of the fact that this is not a Mixed-Use approach. Any other comments?

Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

Chairman Elkins: Thank you for your time and consideration. I would echo Commissioner Coleman's thanks to the public for the insightful comments. I note that it is 9:50. I gave a promise to Commissioner Coleman an opportunity to speak to an issue that is somewhat relevant to the case we just discussed. Staff, is there any chance we could get Case 98-20 done in five minutes? I'll be asking for a motion to continue the rest of the cases.

Mr. Sanchez: I don't think we'll be able to get through any more of the cases.

Chairman Elkins: The chair notes that the following cases will be continued to when, Mr. Sanchez?

Mr. Sanchez: It would be the first Planning Commission meeting in January. I'm not sure if we've decided to have a second one in January.

Chairman Elkins: We've already continued Case 69-20 to January 26th. Do you want the others to be the same, or are you looking for a meeting earlier in January?

Mr. Sanchez: There's a possibility we may have a meeting on January 12th.

Mr. Petersen: I'm here for Case 100-20. Why are we being continued to January when there is a December Planning Commission meeting?

Mr. Sanchez: The December 8th meeting has been set aside for another project, and it is the only thing on that agenda. Mark or Richard, are you on here?

Mr. Klein: It has a very large case associated. The application was in before any of these. We tried to meet as many cases as possible.

Mr. Petersen: It's sorry for my applicant who's trying to get a lease.

Chairman Elkins: What date are we going to continue this to?

Mr. Klein: We do plan on having a meeting on January 12th. The ones that have to be continued to a date certain are the ones with the Public Hearing, which is Case 98-20. The others have more flexibility.

Chairman Elkins: Do we want to take a chance and move Mr. Petersen's case to the December meeting in hopes that we get through the case that is already on the docket?

Mr. Klein: It might be possible to add it to the end of the meeting. The other application was before that one, so it would have gone first anyway. We could try to add it on to the end in case it gets over early.

Chairman Elkins: I know we normally take these in order, but I notice the city is actually the applicant for Case 98-20. Perhaps you could yield your position in line.

Mr. Klein: That one has a Public Hearing, so it would need to be continued to a date certain of January 12th.

Chairman Elkins: When is the December meeting?

Mr. Klein: December 8th.

Chairman Elkins: Why don't we have a motion to move Mr. Petersen's case to December 8th, recognizing it will be on the heel of the docket, and then I'd recognize a motion to move the rest to January 12th.

Mr. Petersen: I appreciate the accommodation.

A motion to continue Case 98-20 to the January 12, 2021 Planning Commission meeting, Case 100-20 to the December 8, 2020 Planning Commission meeting and Cases 109-20, 103-20, 102-20 to the January 12, 2021 Planning Commission meeting was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Block, Stevens, Belzer, Hoyt, Peterson.

Comm. Hoyt: Do we need to keep all of this paperwork, or will we get totally new reports?

Mr. Sanchez: We will give new Staff Reports.

Comm. Coleman: In the four minutes I have remaining, I wanted to ask about the last meeting we had on October 27, 2020. I had a question about the October 19 City Council meeting where Councilmember Cain brought up a discussion about Leawood's 135th Street Community Plan. I reviewed the Action Agenda and got comments from staff. I reviewed Councilmember Cain's minutes. They are proposing a City Council work session in February, a Planning Commission work session likely in March, and a combined work session perhaps in April. That would be the earliest time frame we would be discussing that. I wanted to point that out since it's a topic that comes up every meeting. There will be an opportunity to revisit the plan by both us and Governing Body.

Chairman Elkins: Thank you all for your careful consideration tonight.

MEETING ADJOURNED