

**City of Leawood
Planning Commission Meeting
June 8, 2021
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, Coleman, Stevens, Hunter, Belzer, Peterson, Elkins. Absent: Block, Hoyt.

Chairman Elkins: For the first time in 16 months, I'm not going to read a meeting statement into the record. We're meeting in person, and we're happy to welcome Commissioner Belzer back live. We also have a number of members of the public who are here tonight who wish to be heard on the case we're going to hear. Welcome to them all. We've learned a lot through the period of the pandemic, and we may take some of those lessons and apply them permanently. Some of that is still in process, and we may see some changes proposed to the Bylaws in the coming months. Having said that, we've decided this evening, assuming the commissioners agree, that we will proceed as we did in the past with permitting certain of the commissioners to participate by Zoom or over the internet. We'll also entertain public comments both in person and over the internet. We need to suspend certain rules regarding the necessary presence of commissioners for purposes of a quorum and other purposes.

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 Stevens. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Stevens, Hunter, Belzer, Peterson.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any additions?

Mr. Sanchez: We do not.

A motion to approve the agenda was made by Coleman; seconded by Belzer. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Stevens, Hunter, Belzer, Peterson.

CONTINUED TO THE JUNE 22, 2021 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.

OLD BUSINESS:

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

Chairman Elkins: I would note that there will be a Public Hearing in this meeting and that this case has been before the Planning Commission on at least two occasions. I’m not sure that, in the time I’ve been on the Planning Commission, that we’ve ever had a record as voluminous as the record staff provided to us. It was all very helpful. With that, I’ll ask for staff’s presentation, both setting the context, maybe resetting the stage, and also identifying the changes in the newest plan as compared to what we’ve seen in the past.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is case 49-20 – Cameron’s Court – Request for approval of a Preliminary Plan, Preliminary Plat, and Rezoning. Before we start, staff would like to note that, on the dais tonight, you have a number of comments made by the public which were presented to city staff after your packets were printed and delivered. Also, there is a letter from the applicant with regard to trees, which I believe we’ll discuss later tonight. These comments and letters from the applicant are the same that were sent to the Planning Commission earlier today. The project is approximately 115 acres from Pawnee Lane to State Line Road and 133rd Street to 135th Street. The total development will include 944 dwelling units, a 100-unit assisted living facility, and approximately 414,000 square feet of office/retail space.

I would like to go over the history of the project since it has been a while since the project has been in front of this body. (*Refers to presentation on the monitor throughout*) The Planning Commission saw the last rendition on September 9th. It had 54 single-family homes, a residential area, a secondary apartment residential area, and the commercial area closest to State Line. The plan was to go to the October 5th Governing Body meeting; however, the applicant made some changes. At the October 5th meeting, the Governing Body decided to remand it back to the Planning Commission to allow review of the changes. The proposal came back to the November 24, 2020 Planning Commission meeting. It still had a separated residential area to the south of the RP-2. There were still residential units between High Drive and Kenneth as well as a commercial area by State Line Road. This went to Governing Body on December 21st. The meeting was continued to January 4th, when they remanded it to the Planning Commission to allow staff, the applicant, and the neighbors to work things out to better meet the 135th Street Community Plan.

The current application is broken into five different tracts, which can easily be seen on Sheet 4 of the Staff Report. Tract 1 is to the east of Pawnee. Tract 2 is located

along what would be Chadwick between Tract 1 and Tract 3. Tract 3 is on the west side of what would be High Drive. Tract 4 is to the east of High Drive. Tract 5 is along State Line Road. The proposed application has incorporated a number of elements from the 135th Street Community Plan, including creating a grid pattern, removal of fences and gates around each of the phases, the addition of multiple housing options, and the integrations of some commercial uses within the western portion of the development. Although the project made improvements to the plan to better match the Community Plan, there are still a number of requirements that this project does not meet, including regulations with the Leawood Development Ordinance (LDO).

Staff would like to first address the landscaping requirements. Section 16-4-7.3E states that all trees larger than 12” caliper shall be replaced at a 1:1 caliper-inch ratio, unless the site is over 132 caliper inches per acre, which would allow planting at a ratio of 2:1 or half. The project is shown at 78.6 caliper inches per acre, which does not meet that threshold. The Preliminary and Landscaping Plan presented show the development under the required replanting by approximately 4,800 caliper inches. The purpose for the requirement originally was to keep as many large natural areas as possible, as there are very few within the City of Leawood. Planting an addition 4,800 caliper inches would be a major undertaking and should be addressed as soon as possible. There is a possibility that there could be substantial changes made to the plan to meet this requirement.

Staff would next like to talk about the parking. Section 16-4-5.4A and B state that Mixed-Use Developments shall be parked at two spaces per residential unit, one to be totally enclosed, and 3.0-3.5 spaces per 1,000 gross square feet of development. The ordinance also speaks about the regulations when it comes to different uses, such as convenience stores and the assisted living facility. For example, the convenience store has to be parked at a ratio of five parking spaces per 1,000 square feet. After the calculations were completed, the development will have to meet a minimum of 3,204 parking spaces and a maximum of 3,408. The applicant today is proposing 3,239 with an additional 328 to be land-banked. The issue we fall into here is, if all the land-banked parking were to be constructed, it then goes over the maximum allowed by the LDO.

Third and finally, staff would like to talk about the existing right-of-way dedicated to construct Kenneth Road. Currently, the city owns right-of-way, which was dedicated by the Cornerstone Church, meant for the construction of Kenneth Road. As it stands, the applicant is not showing the construction of Kenneth Road with this application. If Kenneth Road is not to be constructed as was planned, the right-of-way would then go back to the property owner who initially dedicated the land. The applicant has shown this right-of-way as part of this project, which would not be the actual case if Kenneth Road is not to be constructed. The applicant has stated that they have talked to the church about obtaining an access easement if necessary. If absolutely necessary, they do have enough room on the site to shift the drive to the east in order to meet the setback regulations and not encroach onto another property. Staff would like to see this issue resolved before moving further into the process, as what they are showing on the plans may shift over a few things and may change the plan a little bit.

Those are the issues the applicant has with regard to meeting regulations of the LDO. With regard to the Comprehensive Plan and 135th Street Community Plan, the applicant has made changes to better meet the intent of the plan. Although, the applicant has provided these changes since the previous submittal, there are portions of the

Community Plan this still does not meet. The plan does not create a “Main Street” design, as there are buildings separated by large parking areas, separating the buildings from one another. Having these large parking lots creates a burden for people who want to walk from one building to another. I’d like to show an example of “Main Street Design.” (*shows examples*) The street design promotes the buildings up to the sidewalk, up on the street, with on-street parking. It is meant to keep pedestrians on the street and keep it active. People would park once and then walk to different shops, do different activities, go back to the car, and leave. It is not meant for point-to-point vehicular transportation. It would have space for seating arrangements, landscaping, and lighting. The storefront is on the sidewalk, and parking is on the street. This is the type of development the city is looking for within MXD. This is not saying the entire development should look like this; it should just have nodal densities.

The plan also takes out large portions of natural areas that could be used as amenities. Not only does the destruction of the natural areas not meet the Community Plan, but the applicant does not meet the LDO with not being able to replace the trees that are being taken out. If these areas stay undisturbed, there would be no need to replace the caliper inches that the applicant is having a hard time replacing. Although there is some light integration of some uses throughout the development, overall, there is still large divide between the commercial and residential sides of the development. The way staff calculates the percentage of uses is using the entire development to create percentages. If we separate the development at Kenneth, the western portion is approximately 98.5% residential and 1.5% commercial. The east side of Kenneth would be more evenly distributed with 30% residential, 20% retail, and 50% office. The street designations would help create the design that the Community Plan is looking for. These street types include areas for landscaping, large sidewalks, and buildings pushed up by the street. The three different street types would work better to get a person from a place of residency to their final destination within the development. The Community Plan calls for different types of parking setups so that a person who wants to walk across the development would not have to cross multiple large parking fields. This causes a safety hazard and is not the type of plan that staff or the Community Plan calls for. The building would be designed to create interior parking areas or have small amounts of parking in front of the storefronts or even create structured parking. In total, all of these elements missing from the proposed application help create that Main Street effect that the city is looking for.

Staff cannot fully recommend approval for the proposed project, as it does not meet a number of the requirements per the LDO and does not meet the full intent of the 135th Street Community Plan. I’d be happy to answer questions.

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

Comm. McGurren: When it comes to the tree, parking, Kenneth Road right-of-way, lack of commercial and residential portions being integrated, the overuse of standard parking, and other issues, would you say that, in the last 4-5 months with the interaction between the applicant and city staff, all of these have been discussed extensively and they landed where they are tonight with the developer not interested in resolving these particular issues, or would you say it is still a work in progress?

Mr. Sanchez: Between the time of the last remand and now, we've been working very diligently with the applicant on creating the grid street network and really creating a cross between the retail, office, and residential areas. These are residual effects of the design.

Comm. McGurren: As a follow-up, would you say that, in theory, more time is needed to resolve these kinds of things, or the applicant was not interested in doing that at this point and wanted to see what happened with this submission?

Mr. Sanchez: The applicant probably has more to say, but with the tree issue, they want to resolve it in a way that does not meet the LDO. With regard to parking, that is an easy fix with some design work. We've talked to them about the existing right-of-way, and they said they could shift it if necessary. The portions that have to do with the Community Plan have been discussed; it is just a difference of opinion.

Chairman Elkins: Other questions? I have a few. Do the pictures you showed us earlier reflect Mixed Use?

Mr. Sanchez: Those were mostly commercial. Even in the 135th Street Community Plan, they talk about nodal development. In a specific area, it can have a Main Street design that spreads out and gets residential around it. In the 135th Street Community Plan, it talks about having nodal development right there on 135th and State Line Road. It would spread out from there, and then there would be more residential behind it with integrated residential around it.

Chairman Elkins: When you describe the concerns that staff has with respect to the Main Street design, the report says, "The development does not create a Main Street Design with the separation of buildings by large surface parking areas." Is the suggestion that staff would like to see the separation of buildings by large surface parking areas, or is that viewed as a negative by staff?

Mr. Sanchez: That is viewed as a negative. We would like for the buildings to be clustered closer together in order to get the surface parking. There are different ways of designing parking, with a little bit up front and the rest in the back of the building, a group of buildings creating a U shape, or structured parking.

Chairman Elkins: The point you're making is, as a result of the separation of buildings by a large surface parking area and the proposed plan, it cuts against the idea of Main Street design. You're not asking for Main Street design and the separation of buildings by surface parking area; that's really what you're critical of.

Mr. Sanchez: Yes.

Chairman Elkins: With respect to surface parking area, one of our concerns over the past several years has been this concept of parking fields. Does this plan as proposed address this concern?

Mr. Sanchez: Especially in the center of the development, there are large parking fields. It is a large parking area. Although they may be landscaped and accompanied by sidewalks, it is still unsafe for a pedestrian to get from the north side all the way to 135th Street. There are too many obstacles to get there safely in what is supposed to be a Mixed-Use development.

Chairman Elkins: Regardless of the number of parking spots, the arrangement of the parking is viewed by staff as a deficiency.

Mr. Sanchez: That is correct.

Chairman Elkins: In reviewing the reams of paper that we have with the prior record on this case, there has been a great deal of discussion by this body as well as the Governing Body around the concept of integration. I would be curious about staff's perspective about where we stand with respect to this need for integration, and are we headed in the right direction?

Mr. Sanchez: I alluded to it earlier. Staff sees this as almost two separate developments: east of Kenneth and west of Kenneth. One of them is a majority of residential; the other side is more a mix of uses, especially with the assisted living facility, a couple brownstones, and some live-work areas. The area on the east side is more integrated than it was before. The west side is not as integrated.

Chairman Elkins: The problem is that, while the east side may be integrated and the west side less integrated, the west side is not integrated into the east side?

Mr. Sanchez: It is both. We still want more commercial on the west side, but we also want both of those two parts to become one.

Chairman Elkins: It seems that there's a real challenge with that church property being right in the middle. There's a big blockade between the east and the west side. What are staff's thoughts about what could be done to create better integration between the east and the west sides of Kenneth?

Mr. Sanchez: It may be, at the time of Final Plan, that we see some place-making happening with some signage to make it one or a trail going through. There is a little bit of space along that north side. There are opportunities to do things. Staff doesn't really have an answer at this time.

Chairman Elkins: Is there actually a connection between the east and west sides, or does the church property completely block it off?

Mr. Sanchez: There is a bit of a connection where Kenneth Road was supposed to go. There is enough room for a vehicular connection.

Chairman Elkins: But again, what the city is looking for is pedestrian connectivity.

Mr. Sanchez: We would like both.

Chairman Elkins: I don't remember exactly what page it's on, but I remember the public comments have expressed concern about the traffic. As I recall, the report we got from staff indicated that staff's traffic consultant had not had an opportunity to look at the new traffic study that was done by the proponent of the plan. Has the consultant had a chance to look at it, and what is staff's view on this traffic issue and the representations or the position that the proponent's traffic consultant has taken?

Mr. Sanchez: We have a representative from the Public Works department here who may be able to speak better to that report.

Kerry Kanatzar, Public Works Engineer Supervisor, appeared before the Planning Commission and made the following comments:

Mr. Kanatzar: The study was conducted thoroughly and without prejudice. The proposed development has created an increase in overall volume to the tune of about 10%. The consultant shared the opinion that there was a need to install a third lane along 135th Street during Phase 1 if the project proceeds. Also, the 135th Street Plan has Kenneth as a connector. I know these plans are sometimes changed, but the study did not address that. If they could comment on that, it would complete the thought process.

Chairman Elkins: If we assume for a moment that Kenneth Road is built through as a connector, is it the city staff's position that the improvements that are proposed as part of this plan will be adequate to meet the traffic needs, at least for the foreseeable future, that are created by the additional traffic that is caused by the additional residential and commercial spaces?

Mr. Kanatzar: The consultant looked at internal and external trips. The external trips added to the network were evaluated on an intersection level of surface spaces, which is mostly the points of conflict or where there is a struggle for capacity. Most of those intersections provide adequate service.

Chairman Elkins: So, is it staff's view that the proposal adequately addresses the traffic needs that will be established if this plan is built as it is proposed?

Mr. Kanatzar: With the exception I alluded to earlier on 135th Street. State Line and 135th is currently operating at less-than-desirable levels, and this would exacerbate that. We propose that, if it goes forward, 135th Street needs to be addressed.

Chairman Elkins: At that particular point, is State Line actually the border so there is an issue of overlapping jurisdictions, or is it all on the Kansas side?

Mr. Kanatzar: It is a multijurisdictional issue. The survey section lines run parallel to Center and State Line.

Chairman Elkins: The traffic study that the applicant did spoke in terms of two phases. I was trying to relate that to the four or six phases that are talked about for the overall development. Can you relate those for us, or is that something to ask the applicant?

Mr. Sanchez: I think the applicant may be better able to answer that question.

Chairman Elkins: Thank you. Are there other questions?

Comm. Belzer: For the Main Street feel, are you referring strictly to Tract 5, or are you talking about a feel that would run across all five tracts?

Mr. Sanchez: We're mostly talking about an area within Tract 5 that would meet that design. It goes back to the nodal development. We don't want to overrun a lot of commercial development that is not going to be successful or full. Having the nodal development with it in one place would then make it a successful development.

Comm. Belzer: How do you envision the connectivity between the tracts taking place?

Mr. Sanchez: Using the three street designations we have in the 135th Street Community Plan, it shows different ways to connect a destination street to an active pedestrian area or going from sharrows to a bike lane. Those are different ways to get people across without using a car.

Comm. Belzer: So, it would be more of a pedestrian walkway that would dip down the little curve by the church?

Mr. Sanchez: There are multiple ways it could be done, and we'd just like to see that happen.

Comm. Coleman: Just to get my mind in the different iterations, I'll work my way back. In the third version, we have 944 dwelling units and 100 assisted living units. The second version, previous to this, had 54 single-family lots, 662 dwelling units, and a hotel. How many units were in the hotel?

Mr. Sanchez: That is all correct, and it was maybe 100.

Comm. Coleman: I couldn't find the first version. Do you have any notes on the number of dwelling units?

Mr. Sanchez: I would have to look back. I think they were fairly similar with a hotel. The single-family section was still there. Maybe the applicant could give more specifics.

Mr. Klein: The one that went to Governing Body in December, 2020 still had 662 multifamily dwelling units and 64 single-family units. The main change was a request to make the one street more linear.

Comm. Coleman: So, the difference between the first two versions was minor with the roads.

Mr. Klein: It was minor. As we've gone through the process to this third version, we tried to work with the applicant to meet the 135th Street Community Plan. They created a grid network that we hadn't seen in the previous plans. Those versions had the original apartment complexes fenced off, so there wasn't much connectivity. Commissioner Elkins is absolutely right that the church bisects the property, which makes it much more difficult to have a second east-west connection into that. With regard to the Main Street feel, we talked with the developer about it a number of times. They tried to create part of it. They have vertical integration of some of the uses off State Line Road. The applicant didn't think the market would hold up. They wanted a grocery store with a larger parking field, and then the Main Street feel is broken up.

Comm. Stevens: Regarding the Main Street feel, it seems like it's been referred to as being in Tract 5, but actually, wouldn't you want the Mixed-Use, tighter integration of some of this public commercial/retail/office space within even the rest of the tracts? I think that's part of the issue of the other tracts. They're 98% housing, and the integration of those uses is not distributed there as well, like as a node or special areas within them.

Mr. Klein: The 135th Street Community Plan has the nodes and then goes to an active pedestrian street, which still has wide sidewalks and a mixture of commercial. Then, it goes down into neighborhood streets. A lot of the streets they provided are the neighborhood street type with a 6' sidewalk. Active pedestrian sidewalks are wider, and then getting into the Main Street, it would have a 16' sidewalk and a planting aisle. Originally, the two nodes were focused on State Line Road. We talked to them about the other end over by Market Square with additional retail. That retail is going to do the best at the major intersections, so we talked about making the Main Street off that development as well. They integrated and wrapped buildings around the western side, creating corners. Within Chadwick, they tried to create a little retail to integrate and create more of a sense of place with the island. It pushed up the buildings, which is why this street is a private street as opposed to public because if it was public, they'd be required to meet the setbacks of the public street, and they wouldn't be able to have that feel. It came down to the applicant saying the market wouldn't allow it. That is where we kept pushing, but he said that was all he could do.

Comm. Peterson: I appreciate the graphic on Page 4 that depicts Tracts 1-5 because the coloring gives a clear indication that this is an unusual piece of property. Going from east to west, if the idea is to put a Main Street between those tracts, it creates an image similar to Charles, MO. The photos depicted an old-style, early 1900s Main Street. Nothing has been developed anywhere like that along 135th Street, west of Pawnee. The businesses immediately west of Pawnee on 135th Street have no access from 135th Street for a pedestrian. There is no Main Street feel at all. The only possibility of Main Street would be in Tract 5 because you've got the church property cutting a big chunk out. I don't see how the developer could possibly create a Main Street feel throughout this tract in

conforming with the 135th Street Plan. They are coming close in many regards. With respect to Kenneth Road, I've tried to look through Johnson County records. It appears that the majority of Kenneth Road is on the church property; it is not?

Mr. Sanchez: The way it is designed now, for the whole length of the church, the right-of-way has already been dedicated for the west side of Kenneth Road. The city owns the right-of-way. For the rest of it, it has not yet been dedicated.

Comm. Peterson: The west side of Kenneth Road is not in Tract 5, correct?

Mr. Sanchez: The way the developer has shown it, it includes that.

Comm. Peterson: In the packet on Diagram F1.0, it shows it.

Mr. Sanchez: On Sheet C1.6, you can see the darker line showing the property that the applicant is showing and the central line where Kenneth Road would be. They are showing that entire area within their development.

Comm. Peterson: To the left on the same document, to the west of that line for Tract 5, the vertical line going north to south is the current two-lane road that goes between 135th into the church's parking lot, correct?

Mr. Sanchez: That currently is the drive into the church from 135th Street.

Comm. Peterson: The optional Kenneth connection is to the left of the north-south line on that tract, so that is the area they would need to develop Kenneth Road, correct?

Mr. Sanchez: The city would require for the line to be brought down to then be dedicated as the right-of-way for Kenneth Road.

Comm. Peterson: If that were to be developed between 133rd on the north to 135th on the south, how could anyone possibly develop a Main Street look within any of these tracts and be a viable economic venture?

Mr. Klein: The 135th Street Community Plan shows an example that creates more of a grid network within Lot 5 with a private internal street that would bisect it closer to the eastern part of it. It would then have buildings pushed up to create the Main Street feel. It would create a node within there, with the realization that most of the commercial will be most successful on State Line Road because of the visibility. It tried to have the private streets pushed up with parking behind or smaller parking fields with structured parking. These are all things we talked about with the applicant; however, he thought something different would work better.

Comm. Peterson: With respect to that, other than Tract 5, how would one conceptually do anything with Tracts 1-4 with the Main Street look?

Mr. Klein: The nodal development isn't a Main Street throughout the entire development. Basically, there are nodes that pinpoint sections. In the 135th Street Community Plan, they are shown as red crosshairs with the Main Street, and then there are more commercial uses above it with a mixture of uses, wider sidewalks, and a bit more activity. As Ricky was indicating, moving away from that will move into areas that tend to be more residential. If the Main Street is located in Tract 5, moving west would transition to an active pedestrian street, which goes into a neighborhood street that is primarily residential. That is where the development has most located. It would be better if, like the 135th Street Community Plan, they could provide the other node adjacent to the Pawnee area, taking advantage of that intersection. The concern there was that there was already retail, but it offered an opportunity to expand that. It was also seen as a negative for that as well. They started out with a little more in that area and then pulled some back. They did wrap the corners and try to integrate it vertically.

Comm. Peterson: Would you say that Tract 1, which is east of Pawnee, could have more of the retail/commercial look added to it and do the same with more of Tract 5, it would be more in compliance with the 135th Street Plan?

Mr. Klein: That would definitely help with integrating more office and retail to create the node on that side, then transitioning in. There isn't a lot of transition and active pedestrian between. It goes from the commercial areas and then down to the neighborhood. It aligns with the grid network with sidewalks that create pedestrian connectivity. It also provides more pedestrian activity with a small natural area, but it is not the 16' sidewalks that would be in a Main Street. For instance, Park Place was developed with wider sidewalks because it created the opportunities for outdoor cafes and more activity. It really encouraged that feel. The active pedestrian streets would then be a transition between the Main Street down to the residential areas with 6' sidewalks.

Chairman Elkins: Are there other questions? If not, we'll hear from the applicant.

Applicant Presentation:

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

Mr. Oddo: We've got Henry and Patrick from the Klover team. We've got Dan Foster from Schlagel talking about our engineering and landscaping. Curt Holland is representing us. Janette Cox is Vice President of Operations for us. We also have Bob Regnier and Fred Logan.

I really want to take this opportunity to thank you for having a remand. Our team has worked, we felt, tirelessly with staff for the last six months. We've come up with a plan that we feel meets all the LDO except for the trees, which we'll get to later because it can't physically be met. It meets 100% of the 135th Street Corridor Plan. Several months ago, City Council remanded the plan back to the Planning Commission because they saw merit in the previous plan but wanted some items incorporated into a new plan that better fit what they had in mind. They told us they wanted a sense of community. We've got that. We've got more variety of homes with several different types. We've got

two Main Streets, and one is almost identical to the example staff gave us six months ago. We'll show you how we meet that Main Street feel. We also brought in more retail and office to the west side and more residential to the east side, per their request. We added the grid system and removed the fencing and gating. We have a sense of place that all of Leawood can enjoy. With staff's input, we've made substantial improvements based on what City Council asked us to do. I believe this is a once-in-a-lifetime opportunity for Leawood to take a very challenging, bifurcated site and develop it. It's very hard to have complete east-west integration. We also have to be concerned with how much commercial/retail we put in. Main Streets require high density. This is still very southern Johnson County with a low density. We have to be careful about having too much only walkable space. It's not going to be seen. The most important thing is to have a successful product that everybody is proud of. We are. We've got more green space than required. We've exceeded it by over five acres. We've got public trails everywhere. We've completely circled the church. I don't understand the bit about not having enough connectivity because of this. We've got community activity and public areas in multiple locations, integrating east to west, west to east, and north to south. We have lots of pedestrian connectivity. I'll show you how we meet all that. I really believe you're going to be shocked, and we're going to exceed all your expectations about what can be done if you let one qualified developer take on this whole site. This is one mile long, 115 acres. You're going to have some areas where we have worked with staff in adding more retail to the west end. We put Main Streets in Chadwick, and we have retail sites there. We added Main Street off State Line where a lot of the retail should be, across the street from Walmart and Lowes. We've got to consider what we have here and make a great plan for the entire 115 acres. Chadwick has one-way streets going north and south. There is parking on both sides. It has brownstones and wide pedestrian streets with a little bit of grass pace between the sidewalks and the brownstones. It is mirrored on the west side as well with a retail/restaurant and a kiosk to help with Chadwick Park. (*shows a fly-by video of the proposal*). There are luxury apartment homes wrapped with retail and bistros and restaurants along Pawnee. Chadwick Park has brownstones and a little bit of retail. There are three styles of twin villas all along 133rd Street, most of which will be for sale. High Drive is still bent to meet the needs of the neighbors in Wilshire, as they requested. We've got the mansion-style apartments and brownstones matching what we have in Chadwick Park. Coming in off State Line and 134th Street has the same brownstones, same restaurants. We're carrying similar elements east to west and west to east. Coming in off State Line is the senior living facility. We also have office buildings and a small grocery store. There has been a lot of interest in a small, 50,000-ft. grocer if we can meet the needs. That would set the whole east side tract to get started in a hurry. We also have Kenneth Trail. We don't have it as a street. We don't have a need for it as a street. We have it at the north and the south, and we saved 1,100 feet of trees. We wrapped it with a trail that is open to the public. Coming in off Pawnee has the bistro on the corner of 135th Street and Pawnee. It has commercial/retail with cafes and office. On both sides, there will be high-end apartment communities, and there is a parking deck that is well screened. When we finish our parking garages, they're not easy to see. They are raised courtyards. I think they're going to be beautiful. We have a fitness center and hope to bring in workout facilities, coffee shops, and bistros. The Main Street coming in off Chadwick has brownstones off 135th Street going north. There are large pedestrian

sidewalks. We have grass and wide areas, lots of room for seating. This is the Main Street feel. There is a kiosk that is the main center of Chadwick Park. Because it is private, we'll make a one-way street north and a one-way street south. We'll have parallel parking on both sides. There are brownstones and a restaurant on the east side. In the middle of Chadwick Park, we'll have all sorts of community development. We'll have events like car shows, food trucks, art fairs, and theater in the park, movie night. It will be far more than what Park Place has once very Thursday night. We'll have activities there from April through October about every other week. We have enough on-street parking that it won't be a hindrance to anybody. We'll fit in with all Leawood ordinances. We'll have all sorts of events that all of Leawood will want to come visit. On Chadwick, we'll have villas on the north side of the street, the whole length of 133rd. On the north side, we'll have our apartment communities. Coming off State Line, it doesn't look like a 1900 Main Street; it looks like a 2020 Main Street. It has large sidewalks, grass space, center lanes, multistory buildings with retail on the first floor and office on the second, landscape medians. The same brownstones that you saw on Chadwick are also in this development. We in continuation of one beautiful property of Cameron's Court. At the very end is the senior living that is several hundred feet back. It will be hard to see from State Line, but it will have the feel of Main Street all the way back. Heading south on the Kenneth loop, it is flanked on both sides with retail on first floor, office on second. We also have live-work buildings with corner restaurants and plain office buildings. It is a Main Street, once again, with parallel parking on the sides. There is a possible grocery store with a parking field. You've got to have a parking field for a grocery store. No one is going to park in a garage and carry their groceries through that. If you want a grocery store here, you're going to need this. It looks really nice, and it is really broken up with landscaping. The new ones in the market are going to want this and require it as well. Of course, we have more office, retail, restaurants all the way through. Welcome to Cameron's Court, a community for all of Leawood.

Please understand, this is a 115-acre community. It is the second-largest development in Leawood. The only thing bigger is Town Center. This will be just as successful. Of course, we're bifurcated by the church. I'll go over the proposed site. As Commissioner Peterson duly noted, off State Line, it ends in a Main Street. We couldn't cut through the ground that's owned by the church. They want to keep it. We did save all the trees behind that and made a beautiful park setting there. There is a mix of uses, including retail, office, and residential. We show a small-box grocer with the parking out front. It is the only way they will allow it. As has been brought up, when we went away from a normal-facing retail on 135th Street facing State Line and went to a Main Street feel, we could no longer put the convenience store on the south side of 134th Street. The only place for it is on a hard corner. It would be a right-in, right-out only. We're keeping the natural zone, per the requirements of the subdivision to the north. I want to talk about density. We are at the minimum density that can be put on a property like this. We could double it and be totally in line. We would still be okay with traffic, and it would be an even denser plan like Park Place and Prairie Fire. We have the minimum amount of office space at 15%. That's 285,000 square feet of office. I'm afraid to put much more than that in; however, if someone wants to put in a larger building with structured parking, we'd be happy to work with them, and I'm sure you would, too. This is going to take 8-10 years to build out; this is not something that happens overnight. The minimum amount of retail

is 5%; we have 6.8%. We feel this is about as much retail as can be comfortably put in a development. It needs to be where it is going to be successful, which is on major streets. We have some brought into the community, but that's because we have a big community center with Chadwick Park. The rest is going to be apartments, but we're only at 8.6 units per acre. The ordinance allows 15% with a bonus up to 19%. We're less than half the allowed ordinances. That's as low as anybody could expect, and we still have our twin villas all along 133rd, and we have a large natural park. We've done a great job of separating single family to the north and any development to the south. We have worked so hard with staff over multiple meetings. Some of these things that just came up have been since last Wednesday when we found out about a couple things. We saw some new things with the Staff Report Saturday when it came out. Up until then, we thought we had a plan that everybody liked. We will maintain the integrity of the neighborhood. We're dispersing traffic from the existing single-family neighborhoods. We are trying to push it to the east, west, and south. As your traffic engineer said and our traffic reports show, the team at Olsson saw it and agreed with ours that there would be very limited impact on the area and that the level of service stays the same. The High Drive connection to 133rd is offset to discourage traffic from going from 135th Street into Wilshire. Kenneth Road is currently proposed not to be constructed. When it only goes a few feet to the south, it doesn't even have a purpose other than just putting people in and out. To have it and save the 1,100 feet of trees, save the natural area, and allow for a bike trail, we don't see a need for Kenneth Road. To have a loop through the city, which I believe is another request of your plan, is beneficial. I want to stress this is a mile-long community that has one developer who will make a very cohesive community that everybody will be proud of. Cameron's Court does have a sense of place. It has a sense of community. We have developed a plan that people want to live, work, and play.

We are in complete compliance with the LDO and the intent of the 135th Street Plan. The only thing we don't have with the LDO is the trees, which isn't possible, and we'll get to that later. Everything else, we meet. There are several areas we discussed before, such as the situation where the 135th Street Corridor is in conflict with the LDO, such as with the 16' sidewalk. We took what the Fire Marshall and the LDO said to do and put in 12' sidewalks. We have a grid system with office and retail on both sides of Chadwick. We've added residential components to the eastern side by the senior living. They back up to a beautiful park area. We've added urban streetscape. This is one of those other issues with 135th Street where you want an urban feel with suburban setbacks, which doesn't mix. We've always followed the LDO and the intent of 135th Street, but we have a very walkable urban fabric. We've created a very marketable and desirable Main Street feel, unique to the area, but keeping with the ideas and spirit of 135th Street Plan. We've utilized all three types of streets like requested: neighborhood, active pedestrian, and destination. We've done this with a fair amount of density. We have the minimum retail, minimum office, and we are 8.6 units per acre when you allow 15, and with the bonus, I get to 19, so way less than half. Oddo Development has designed a unique plan that we know meets the intent of the 135th Street Plan that will bring much-needed housing to the neighborhood in addition to millions and millions of property tax for the city, county, and schools. This property will bring over \$10 million a year when fully built out. It's designed to be about half the density allowed by the ordinance. This should make people happy. They knew when they were buying that something would go

here, and so we have it with the minimum impact and half the density. We've dispersed the traffic all over by adding additional streets and nodes per the guidance of City Council. We've dedicated saving the natural zone. The 135th Street Corridor only has one natural zone, and that's on the west side of the church. We're trying to create another one on the east side of the church. This plan, like I said before, will create millions of dollars. The school district should get about \$5 million a year for anywhere from 5-10 kids. Even if it's doubled, schools are ready for it and want the tax dollars. The development creates much-needed property tax with no real burden to the city. You don't need more fire or police protection. We're taking care of all the streets except High Drive. The only burden is one street. After 20 years of development around the corridor, this plan is a viable development that can begin now, both the east and the west sides. This plan meets the requirements of the LDO and the spirit of the 135th Street Community Plan while placing commercial and retail where it is appropriate and market driven. Yes, we're going to put most of our retail and commercial across the street from the Walmart and Lowe's and very little residential over there, and we'll put more residential on the western side because it's quieter with less traffic. It's where people want to live. This is still the suburbs of Johnson County.

Let's talk about walkability. The bike trail goes all the way around the church. It completely loops it. We've got sidewalks all over the place. We've got connectivity and sidewalks around all the buildings. The other part that's really amazing is how much natural green space we're able to save and create. First and foremost, the only part of the 135th Street Corridor Plan that is designated natural zone is one where we only disturb it to put in Kenneth Road with the cross street, which is required by the grid system, and a detention pond in the low spot of the properties. We are maintaining the natural zone as requested, and we also have a buffer to help screen all the development from The Enclave. We also have large medians with green space in the Main Street. Because there are quality trees in the area, we have created a park. We also have another park with a pond and a few other parks with benches and places to sit. They are nice places to enjoy. We have another pond with another park. We found out there is an 80" oak tree, two 60" oak trees, and a couple of 20" oak trees that we don't want to destroy because they are quality trees. I removed a building just to save the trees. Chadwick is an amazing park and amenity center for all of Leawood to enjoy. It will be great for farmers' markets and food courts. We'll be able to raise a lot of money for charities and do a lot of good in the community. Of course, we've got an amenity center with a pool for residents. There is another large pond and another park.

I want to go back to the Main Street that someone asked for. We've got the retail all along Pawnee. Because it's a stoplight, we feel it would be a good spot to put retail/office. We have the buildings deliberately L-shaped so that we put most of it along 135th Street, and we're really screening the parking garages from everybody. If we flip it and make a Main Street, the parking garages will be seen by the neighbors and all along 135th Street. We feel that, to put a Main Street there, would not be what Leawood would want. It would look ugly. We did what makes it look best and what will make it successful. Commissioner Peterson made a good point that retail doesn't work in areas that don't have enough density. The area doesn't have enough to handle that. I hope I'm not misquoting him.

I want to talk about some of the varieties of housing we have. In your own study, giving the aging, relatively affluent population in Johnson County, 135th Street is a likely candidate for residential development, including townhomes and apartments, for empty-nesters. Most of our clients are over 50. If you have those and divorcees who want to live within two miles of their family, it represents about 70% of our community. Currently, demand exists for multifamily. We know this. All the good properties are full, and they add guide to the neighbors because the apartments and the number of people will be the catalyst for the retail to be successful and hopefully bring more office space to the area. The Kansas City market has demonstrated an inability to support condominiums, so we have very few of them. Therefore, the most likely product types moving forward are row homes, which we're calling brownstones, townhomes, villas, and apartments. We have twin villas and brownstones for sale and condos over the work/live buildings.

People have also asked about phasing. The first phase will be twin villas. The speed of them selling will affect how fast we get started on Phase 2 and if we do more of them for sale or have them for lease. We're not supposed to take lease or sale into consideration, but we do have these for sale. Phase 2 is the mansion-style homes and very large apartments. It includes building out Chadwick Park. This will include the space for cultural events at Chadwick. Phase 3 will some brownstones. The others will be part of Phase 5 and 6. Phase 4 will be high-end, four-story luxury apartments. We'll have a bistro on the corner with outdoor seating. I think it will look amazing. These are similar in size and mass to the ones you have right across the street. We feel it's a much better looking, with more detail. We did a lot better job on the parking garages. I want to stress that 37% of the total parking is structured and covered parking across the entire site. We've got structured parking on the east and west sides. We will add more structure if the market needs it for an office building. What you don't want is too much parking. You also mentioned parking was an issue, but we don't think it is. We meet the code. We do have a few hundred units for proposed additional overflow. We would never build all of them. It's just once we build this, if we see we need a little bit here or there, we'll add it and be able to do that. We'll come back and ask permission for those, and we'd only put in the max amount. We have it spread out because we don't know if we need it or where. We have proposed more optional parking than what we'll ever use. I feel that shouldn't be an objection but just represented as a stipulation.

Looking at the amenity courtyard, you can see gazebos, firepits, lots of gardens, Bocci Ball, seating areas. Every building will have a slightly different setup most likely. Here, I'll go over Phases 5 and 6. I can't stress enough: these are not different developments from the east to the west. Phases 1-4 will be built kind of in the order that you see. We don't know how fast that will be; it will be market driven. Phases 5 and 6, we will start marketing day one, as soon as we get an approved Preliminary Plan. As soon as we can get 65% of Phase 5 presold, we'll start putting in infrastructure. We can't put that type of infrastructure in without some demand for product. Phase 6, we will do after Phase 5. We're hoping to do Phase 5 while we do Phase 2 of the west side. Phase 6 will probably come in when we start doing Phases 3 and 4 on the other side. Those will be built out at the same time.

You saw from the movie that we have several different versions of different buildings and some of the similar architectural components. We carry everything across. We will have similar architectural elements, similar signage, and similar materials to

create a sense of feel and place for one large community. With this, I'm going to turn this over to Jeanette Cox.

Jeanette Cox, Vice President Oddo Development, appeared before the Planning Commission via Zoom and made the following comments:

Ms. Cox: I just want to take a few moments to share some further details about the multifamily communities and our company. Like it's been mentioned, we are a local company. I think that's important to stress because we will see this development through every phase, through the initial conception of it, through the construction, and then on to the management. I also would like to mention that we have done each of these components in other areas of the city successfully and continue to manage those. I want to give a glimpse of what that lifestyle is for our residents. Our vision is improving the way we live. Like I said, being a local developer, construction, and management, we feel we can definitely serve on that commitment to our residents and our tenants. We've been in business for over 50 years, and we've got a great team, award-winning communities, and staff that's able to manage these for the lifestyle of our residents.

I'd like to give you an example of one of our multifamily communities, statistics, and demographics of that. This is Villa Milano, which is just south of the proposed development. It is a 290-unit apartment community. The average age is 53, and the average income for that resident is \$151k. Our average renewal ratio is 73%, which we're very proud of. That generally means people are staying with us two years or longer. Of those that move out, 42% are purchasing homes within neighboring communities. They're pretty much staying right around that vicinity. Of those residents of the 290 apartment homes, only 2.4 of those occupants have minors living in that community. I know that was a little bit of a concern with the schools. What we've seen doesn't impact the schools much, but it does bring a lot of tax dollars, so it's a great benefit for Leawood.

Our average monthly rent at Villa Milano is \$1,700, and I just point that out because I want to walk you through our application process so you understand who our renter is. Like Rick mentioned, most of our renters are empty-nesters. They are over 50, so the average rent being \$1,700 at Milano, we're anticipating this community with an average rent over \$2,000. In order to apply and be approved with the community, you're making a minimum of 3.5 times that monthly rent. With that number for a one-bedroom, that equates to a minimum salary of \$71k. Like I said, \$2,000 is probably going to be more of the average for the community that is proposed tonight just north of this one. As you probably are aware with seeing all these A-class properties popping up in the city and also other cities in the Kansas City area, the lifestyle of the renter has certainly changed. It's definitely not renting just because it's a necessity; it's a lifestyle choice. With that comes several luxury-provided amenities that we will provide at all three of these proposed communities that Rick has just gone through. Those include concierge services, community events, maintenance-free living with 24-hour maintenance staff on all of our sites at each of these communities. We have pet parks, pet spas, fitness and wellness centers, community gardens throughout each of these communities, pools, and extensive landscaping and walking trails. Hopefully, that provides you a little insight into the lifestyle and the resident experience that we create for these apartment communities.

That Chadwick Park that was pointed out earlier will be not only open to our residents of the apartment communities but will also be available for all the residents of Leawood. That will be programmed by one of our staff members. With the art fairs and farmers' market, we will work with the city to make sure that we follow the proper guidelines.

Mr. Oddo: We'll go over some of the things that came up as concerns of the neighbors. Property values came up. We all know that Johnson County Appraisers stated that there's no impact on the value of home when there is a high-quality apartment community. That has been proven over and over again with Milano, Prairie Fire, Park Place, and Meadowbrook. They all had zero impact on the values of the homes. Uncertainty is what is a detriment to property values because you don't know if it's going to be a nine-story building there, which is allowed by your plan, or if it will be a nice twin villa. Regarding density, people are worried about too many people or too much. We did the minimum amount of office, minimum of retail. Retail really drives traffic counts, far more than anything else. If we do more retail, it will drive up traffic counts, so I don't think they want that. As we said before, we're at 8.6 units per acre with up to 19 allowed with bonuses. When people bought, they knew something would be built here. This is as low a density as you could ask for. As far as the impact on schools, we showed the slide that talked about that. The school district says Mission Trails feeds this area, and it has 75-80% utilization. They are expecting and are prepared for the growth as it comes. They have been looking at this area, and they're looking forward to it. They don't think it will have much impact, even if goes up to 20 kids. That isn't even two kids per grade. The other concern was traffic. We kind of discussed this. The street network was built to handle twice the density that we're planning. Page 24 of the Impact Study has numbers that Olssen agrees with. They said most everything on the east side is going to State Line and 135th Street, so it will have very low impact on 133rd. On the west side, we add seven street connections. During high times, that will add ten trips with a little over 600 trips per hour. That's ten trips per minute out seven different street connections. That's less than 1.4 trips per minute. That's one car every 40 seconds, which is negligible, according to traffic counts. We want to have the same agreement that we have across the street to the south with Lashbrook, where it would be the same stipulation you gave to our neighbors across the street. It wouldn't be part of Phase 1, but rather Phases 6 and 7, where it is going to generate traffic up on State Line. The other ones won't really do that much traffic.

I just want to stress that the tallest thing we have here is 51 feet, far below the allowable height of 90 feet. The only thing we really can't do in the requested grid system is the street that we don't own. If you remember, we looped it with a beautiful bike trail for everyone to join, and this is the only natural zone that was called for by your own 135th Street Plan. We saved all of it except for where we have to rebuilt and put in a new area for detention. We feel like we're doing our part for saving trees. With that, I'm going to turn it over to Mr. Klover.

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

Mr. Klover: It's been a bit of a challenge designing this because we're trying to deal between the LDO and the requirements of the 135th Street Community Plan. Obviously, we've designed it to take what you traditionally do and take an R-1 district, zone it to R-2, and then go higher density as you go. There's been a lot of commentary, but none of these setbacks or heights or density are allowed. That falls into the fact that we've had to design the project to skirt the LDO and still comply with it. We've tried to come up with the program that staff wanted, which was the destination streets, active pedestrian streets, and neighborhood streets, but the only one that is public is High Drive. The reason for that is we could not accomplish any of the requirements of the 135th Street Community Plan and keep the dimensions and the tightness of the street that was required and meet the LDO. We created these streets and, as closely as possible, kept to the Design Guidelines. The Community Plan is a suggestion, so the commentary about 16 feet is not really a code requirement or a mandate. It was also designed to accommodate the requirements of the Fire Department. If we take it up to 16 feet, the amenity zone and planning area of 8 feet and the street, you do not get within 30 feet that the Fire Department requires. We feel we comply. We're more than happy to work with staff on designing those elements, but it has not been codified; it has not part of the ordinance. There is no determination on how it needs to be done. The bigger thing for me has to do with the nodes. There have been a lot of comments about the nodes and where they go, but the one thing that keeps getting overlooked is the 135th Street Community Plan has provisions that it is flexible and will be based on marketplace and demand. It is not hard and fast. None of it has been put in the ordinances. That is where we've always had the biggest issue. It's a very subjective judgment on what is compliance with the 135th Street Community Plan in terms of what it means. What has always been missed is the fact that it's been negotiated, and it's to go where it's most needed. If you look at the diagrams, our thought it is would be dead center. Obviously, it doesn't quite line up with 134th Street, but we have created a node. We do not see a need for nodes on Chadwick, but we did create an element and character elements in that area. As you do all retail, the retail is very prominent on the State Line side and the Mission side. That's where we've placed it. You might notice there are only two shown. There is not this creation for all the way through. Part of the problem is picking and interpreting what it means. The study actually says they are paths forward. They give all kinds of alternatives for how to design the streets and paths. None of them have been codified. That also creates the issue that will come up that, all of a sudden, we have a lot of private streets that are taking out trees. Staff has made a determination that, if it's a public street, we don't take out the trees. It's like playing Whack-a-Mole. If we comply with one, we get whacked on the head because we can't comply with the other. We wanted to bring that to your attention that it is important.

You also need to understand that the Regniers' did a market study that said that there was not a need for all the retail and office. None of us want to build buildings that will sit empty. It's been a lot of the commentary from the community and neighborhood that they are concerned that there is too much retail and too much office. Obviously, if the bodies start coming in and it gets popular and people want to be there, we're going to come back in with a plan that adds more office and retail because there's more money there, truly. You need to have bodies, and you have a mile-long piece of property that's 115 acres that has sat vacant for now 46 years since it was rezoned in 1975.

I want to put in the record that, in the study, the Community Plan on Page 16, retail is listed that, per ESA data, as of August 13, indicates that the local trade area within a five-mile radius of 135th Street, is missing only a few categories of retail, including casual dining restaurants, convenience stores. The data from the ESA indicates that larger shopping centers in the area of Kansas City, MO, and within the 119th Street Corridor and to the west on 135th Street are satisfying demand for clothing, gifts, and other retail. This was written before but is very apropos because it's saying there is a lesser need because there is a trend to have people working at home with a greater proportion of work completed by contractors and temporary employees. This means that the companies will likely have less need for office space in the future, and the residential need as indicated by your own study is townhomes, row homes, villa homes, and apartments.

We wanted to also show you how we got to where we are because the site is very deep. You can't really do multiple layers and have retail survive. One of the options we gave to staff was to have buildings all the way around the perimeter to try to create more of a Main Street. We purposely know, because we've put them on other Site Plans within the community, that there are two famous, high-end grocery stores that are coming to the market. We also know they're not going to accept somebody in front of them. We did it purposely. Obviously, it's a decision on the part of the city and the staff and City Council as to whether or not they want to get a market, but we think it is very advantageous to the community to get it. When we were meeting with staff, one of the projects they referenced was our project of Mission Corners, which exists with Milano right behind it. They said it was very well received. Again, it is what we wanted. That is where we created the Main Street feel. We continued the brownstones all the way back. We tried to create the streetscapes. Staff has commented that people are dangerous, but you can walk all the way from one end to the other and not cross more than a couple minor streets and alleys. We've got major interconnectivity all the way around the project. We don't necessarily agree that there are massive parking fields. We have a parking field in front, but that's for the grocery store. We've also looped and wrapped all of the parking fields behind and between the buildings. From a streetscape, the office buildings are still going to be a Main Street. The parking is in behind the buildings, which is as they requested. From a standpoint of parking decks, obviously with the demand for office, it would price us out of the market to start with parking decks. As Rick stated, 37% of the parking is covered underground. There is multiple parking for the work/live that are all underground. It does not make sense for us to put in parking decks at this stage, particularly as these are so divided up. None of these blocks are very big. Again, it would be an interpretation of a large parking field. A large parking field to me is 2-3 times as big as these.

Mr. Oddo: We were given Mission Corners as an ideal example of what a Main Street should feel and look like. We massaged it to fit our needs. We made it a little deeper. If you notice, Mission Corners has more parking field out front as a percentage on a much smaller space than ours. We were told to do something like this. We wouldn't want to copy something like that. It wouldn't work in 2022. What we have is a modern feel with the proper Main Street so we can get both sides, something that is economically viable and meets your design. I'll show you the similarities between the approved plans that you

have in Cameron's Court. Both of them have the Main Street feel. Both have similar parking fields. We feel that we did a better job of screening and hiding the parking than Mission Corners. Both have structured parking underneath the residential components; so do we. Both of them have a residential component in the rear portion of the site up against, for us, where we have the most trees. We think that's an appropriate place for them. With this, we want to turn it over to Dan Foster.

Dan Foster, Landscape Architect, Schlagel and Associates, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Foster: Most of you have probably seen the letter we just put out recently. You may not have had an opportunity to go through it, so I wanted to go through it quickly. First, to fully understand the issues with complying with the tree-replacement requirements with the LDO, you have to have some background information. When the 135th Street Community Plan was adopted in 2013, it became an official city document. The city has required that any plan on this site follow that document in terms of street network, some land uses, building types and those types of things. That, obviously, has an impact on where you can and cannot save trees. The yellow on this particular plan you're seeing are the required streets per the 135th Street Community Plan. Providing those streets in the locations we're showing, like Chadwick, for example, conflicts with an existing hedge row. To the right of that is a group of oak trees. We actually bent the street down and around and took out a building in order to save those trees. I'll come back to Chadwick in a minute to talk about the quality of the trees. I didn't want to go down to what would be Kenneth. In the original plan, we had this as a public street. We also had it on the first version as a public street, so all those trees were not counted in that original plan. It was a little different scenario. Now that we're having to do these as private streets to follow the guidelines, staff is saying that we can no longer count them and that we have to include them in our tree replacement. On Kenneth and the streets going through the retail, which are required, you'll see that they're falling right in the area where there are significant trees. The detention areas are in that area as well. The green on the plan is showing the areas where we're able to save trees. Rick mentioned the area in the alignment of where Kenneth might have been. We also removed a building or did some shifting in the area on the east side to save additional trees. Along 133rd Street, we saved a significant number of trees. On the street plan, one of the big issues is in Chadwick, where an existing hedge row has elms and hedge trees. We also had two buildings on each side that we have to put in as part of the 135th Street Community Plan. By doing that particular design element out of the 135th Street Plan, we are not able to save any of those trees within that area at all.

Mr. Oddo: For the record, we originally didn't have those two buildings flanking Chadwick because we wanted to save the trees. Staff said they wanted the Main Street feel, so they asked us to continue brownstones. We said we could but we would lose trees. We keep getting knocked for trying to satisfy people, and it ends up hurting us in the end. If Kenneth goes all the way through, we don't get knocked for any of those trees, but because we tried to save a big chunk of trees and they had to become private because of that, we got dinged again, which we don't feel we should be.

Mr. Foster: The other area is the detention areas where we have to put them in to meet stormwater requirements. Obviously, we have to take out trees to be able to do that. By an LDO requirement, we're being penalized for an LDO requirement. There is this conflict happening between the 135th Street Community Plan, the LDO requirements in and amongst themselves. It's to the point where we're being boxed in on being able to actually preserve trees.

I wanted to go over the numbers I put into the letter. We have 9,029 caliper inches in the red and blue zones shown on the plan that we're removing. If we used 2.5" caliper tree, which is the city standard and also is the industry-available tree, we'd have to plant 3,612 trees in addition to the 1,492 trees that are required by code. We can't count any of the trees that are required for setbacks and those types of things toward our replacements, which means we have to plant 5,105 trees. That's a lot of trees. To put that in perspective, on the site now, we have 505 existing trees that meet the code standard. We're talking about putting in ten times the number of trees on this site than what exist today that are over 12 inches. The problem with that is when you start putting in streets, buildings, parking structures, and those types of things, I could wall all this area between the streets that are required on the 135th Street Community Plan, and I still could not meet the replacement because it would just be too close, and we would not be able to meet it. That's the point that I think you have to understand. This would not allow buildings or parking, just the streets and replacement trees.

Mr. Oddo: We feel that a system that says if you only put in the required streets, and detention ponds and you're still short 1,400 trees, something doesn't sound right. This is why we said it's an LDO requirement that can't be met. Without a single building, we're still short 1,400 trees.

Mr. Foster: The other part of that is the quality of the trees. I mentioned that in the letter as well. There were a lot of hedge, cottonwood, and elms, which are invasive species. In fact, some states have actually considered them on an invasive species list and have provided recommendations on their removal. We're asked to replace trees that have become invasive over time. One of the things that is kind of interesting is I looked on the 2012 aerial photograph, which is around the time that the 135th Street Community Plan was adopted, and that is also coincidentally the same time that the existing farm uses on the property were ceased and the buildings removed. Since 2012, there is a significant increase in the number of trees and the fact that the trees that were there that were allowed to be invasive have grown to the point where they now qualify. Just the simple fact that the farming operations ceased on the property is now making us have to replace trees that are truly an invasive species. The other thing you'll see on this slide is that, as Rick mentioned, on the 135th Street Community Plan, the only mention or any area they've ever shown as being preserved existing vegetation is right along the stream channel. Notice it's nothing along Kenneth. They just show those streets going straight through with nothing at Chadwick. There was no mention in the 135th Street Community Plan about that. We're aligning our street with that particular street. We're being penalized by providing what you want on 135th Street, but we can't meet it because the code says we have to replace all these trees in this area. With that, we feel that the plan that we proposed and submitted with our application is an appropriate planting design

that provides a plan that will allow for a healthy tree canopy, will maintain a well-landscaped appearance, will allow for green spaces for people to have recreational activities, just to create the character that is shown in that 135th Street Community Plan. If we were to try to come in and come close to putting more in, we would have solid trees throughout the entire area with no space for anybody to go out and walk their dog or fly a frisbee. That entire Chadwick Park area would be a solid mass of trees.

Mr. Oddo: We feel that, since the grid streets and detention ponds are required, they should be treated like a public street as a requirement and not count against us.

Unidentified Speaker: You can't build the street types to comply with the Community Plan and have them be public streets.

Mr. Oddo: Because of that, it's a requirement. Treat our private streets the same way you treat your public streets, and we don't have an issue. There is no place in the LDO that we can find that says that you can't do this; it's just an interpretation. I'm going to let someone else drill that one further.

Curtis Holland, Polsinelli Law Firm, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Holland: I want to thank you for hearing us tonight. I want to revisit the tree issue briefly. The tree discussion gives us an opportunity to discuss what you've heard tonight from our team, which is that there are inconsistencies between the LDO and the 135th Street Community Plan that really make it impossible to meet both perfectly. The last time the plan was presented to you about six months ago, staff made a number of points that resonated with some of you on the Planning Commission. That was that our plan didn't meet the LDO in a number of different ways. As a lawyer, I can appreciate that because the LDO is the law, and that's what you all need to follow. It's different than the 135th Street Community Plan, which is merely a guide with suggestions about how to do things but intended to be more flexible and, more importantly, is not the law. We're trying to thread the needle with this project to essentially do both comply with the LDO as well as the 135th Street Community Plan. As we've discussed here already tonight, it's simply impossible to do that. The tree issue really gives an opportunity to show you why that can't happen. As Dan Foster mentioned, we can't plant enough replacement trees to meet the LDO. I would say that in terms of the LDO, staff made the point that we've done a good job bringing a plan before you tonight that, in fact, does meet the LDO in most respects. It's not 100% because of the tree issue. They also mentioned the parking, which I know staff mentioned earlier is an easy fix. Frankly, the parking shouldn't be held against us at this point because they're counting parking spaces that are land banked. If those were taken out, we would be within the parking rules of the LDO. The other issue about the right-in, right-out at Kenneth came up very late in the discussion, maybe less than a week ago. We have had discussions with the church about getting an easement for that portion of it so that we wouldn't have to move things. I think we'll be able to work our way through that. The trees are something we really just can't resolve. I guess what I'd like to repeat on behalf of our team is, from a legal standpoint, it is very difficult

for staff to penalize us for not complying with the tree replacement requirements of the LDO when the very reason we can't comply is due to the fact that staff is insisting we follow the 135th Street Community Plan by putting in these grid streets. If you'll remember, six months ago, we weren't in favor of these grid streets. If you also saw some of the correspondence from the neighbors to the north, they aren't in favor of the grid streets. In fact, the last time we were here, we didn't show Chadwick going through for the very reason that we wanted to save those trees. When we come back before you tonight and over the last few months, they have insisted on the grid streets, including Chadwick, which causes us to remove these trees in part. One of the other challenges is these street types, in order to meet the 135th Street Plan, have to be private streets. We can't otherwise meet the LDO requirements for the street right-of-way and setback if we have these all-public streets. As mentioned by Dan and others earlier, the staff is telling us that, if we remove the trees from these grid streets that they're forcing us to put in, we have to replace all these trees; whereas, if these streets were public streets, such as High Drive or Kenneth Road, they wouldn't count those trees as needing to be replaced. From a legal standpoint, it doesn't seem to make sense or work for us that staff can hit us over the head with the LDO by saying we don't meet the code because we can't replace all the trees when it's the 135th Street Community Plan, which is not an ordinance, that is causing the issue. Also, it makes the interpretation that those trees must be replaced when trees that would be in the way of a public street are not counted against and would not have to be replaced. On the screen is Section 16-4-7.3. It's the only section in the LDO that talks about this issue. It says that all trees larger than 12 inches must be replaced on a 1:1 caliper-inch ratio. As we mentioned earlier, staff is making an interpretation that the trees that would be removed as a result of the private streets that are needed to meet the grid system have to be replaced, but the trees that would otherwise be removed to create the public streets don't have to be replaced. This paragraph from the LDO calls out no distinction between a private and public street. We don't know where they're coming up with that interpretation, but we would ask you to allow for the trees with the private streets to not be counted against us for purposes of the tree-replacement rules as well as the detention areas, which we simply can't avoid. Having said that, hopefully you understand our position on that.

I want to also talk about some of the stipulations and the requirements in the Public Works memo. I know Rick mentioned it earlier, but I want to make the point and emphasize it again that the third lane to the west being put in on 135th Street would be in a phase. The Public Works memo doesn't distinguish between commercial development on the east side versus the west side. Six months ago when this same issue came up, it was clear that we were talking about phasing 135th Street, the need for widening the road, and tying it to the development to the commercial areas on the east side. Also, I talked with the city attorney about trying to make a stipulation that matches up with Lashbrook so we do that at the same time that Missouri fixes their problem. There's only one other stipulation I want to comment about, and that's No. 38 and the requirement that there be a declaration or deed restriction that requires maintenance of the common areas. It speaks to requiring that the document make every owner of the property in here jointly and severally liable for the maintenance of the common areas. That's simply not done. It's not practical. We would ask that it be removed, or at least the "joint and several liability" part of it. I think either Fred Logan or Bob Regnier would like to say a few things.

Fred Logan, Logan, Logan, and Watson Attorneys, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Logan: I am the attorney for Bob Regnier. Mr. Regnier is here, and he has played a very important and active role throughout this process for many months now. I want to take you back to January 4, 2021, the Leawood City Council meeting. They had heard the prior Cameron's Court plan at that time. At the close, City Administrator Scott Lambers said, "This project has merit." That was the old plan. I think that's important. Five months of work have gone into the development of this plan. There have been many meetings with members of the city staff and Mr. Regnier. A lot of work has gone into this new plan. I think that's important when one considers the history here. Mr. Regnier has lived that history for 46 years because that's how long this property has been vacant. It was zoned B-4, which is very similar to the SD-O now, on February 3, 1975. It was zoned B-1, just like the present SD-O, on April 7, 1975. That has great legal significance. This is an outstanding plan from an outstanding developer. We are very hopeful that the city will take the history and those facts into consideration here. I think it's important, from a legal perspective, for me to note that the city says at the top of Page 11 that, "The rezoning would not detrimentally affect the surrounding neighborhoods." That issue is just removed. We would take it a step further and say that it would absolutely favorably impact the surrounding neighborhoods. Mr. Regnier believes that this is an extremely important opportunity, not just for him, but for the city. Does the city want to have piecemeal development? Does it want to have a quality comprehensive development by a developer with an outstanding record, or does it want to wait 20 years to see if something happens? This is a real plan. This is not just something that people can talk about that they would like to see. It is an outstanding plan, and it's real.

Let me address a couple legal matters. As a legal matter, I'm going to make the argument that I believe this plan is in compliance with the LDO. I believe you have to read the provisions of the LDO in conjunction with the 135th Street Community Plan provisions for this reason: the city has insisted on applying the standards of the 135th Street Community Plan. That takes on a legal significance. When, as Curt pointed out, there is no distinction in Section 16-4-7.3 between public and private streets, you shouldn't accept the way the city staff is interpreting it. Look at the facts here and interpret it reasonably, the way we proposed. If you interpret it that way, clearly, we have enough trees. We think it's important to review those and interpret those together. Then, there isn't a conflict. We're in compliance on the number of trees, and that's our legal position. We think the application should be approved. We think this is a superb opportunity for the city. There is no piecemeal development or no development as a likely alternative. This is a signature project by an outstanding developer. Mr. Regnier strongly supports it and urges the Planning Commission to approve it. I thank the Planning Commission.

Bob Regnier appeared before the Planning Commission and made the following comments:

Mr. Regnier: I have four points I want to make. A couple have already been made, but I just want to emphasize them. In the 46 years and actually the last 22-23 years I've been intimately involved in this since my father passed away, there's never been a developer who has been willing to take on this entire tract. I can't express to you how important it is to have a cohesive development. Every developer, every person who has approached me to buy a piece of this property has wanted to buy 20 acres or 30 acres and wants to put a project over here or a restaurant over there. This is a comprehensive development that will be a quality development, which is what Leawood wants. We all know that. Point number two, you've seen and I don't need to explain more. The culprit is the fact that we've got the LDO, which is law. We have to comply with it, but the 135th Street Plan is simply a conceptual idea. They took about 50-60% of the idea, but they never got to the detail. As a result, all of these conflicts between the LDO and the plan cause issues. Even the little nuances like the trees become an issue. There's no differentiation between oak trees, hedge trees, cottonwoods. We want to save the good trees. Some of the hedge trees have 8-10" thorns on them. They are noxious trees that anyone would require us to take out rather than penalize us for taking out. There's a lot of administrative obstructions that keep this from being something that meets all the individual rules. The other thing that has been mentioned a couple times is we did pay for a very intensive and detailed feasibility study. You don't want a development that isn't feasible. This is a feasible plan by a developer that has the capital to be able to do the work and get it done, starting immediately and not waiting for five years to get something started. Feasibility has to be addressed. One of my criticisms of Leawood's past planning is they've ignored that completely. Feasibility isn't part of the plan. They would love to have something because it's pretty, but if it's not feasible, it will never be built. My last point is that unfortunately, we've got all of these factors coming together and creating an environment where it will be impossible to develop this ground. I know that's not what the City of Leawood wants. Leawood wants a good quality development. With the rules, restrictions, and minor hurdles, you've created an environment where a normal person isn't able to meet all those obstacles and develop this piece of property into a quality development. I pay \$1,200 a year in taxes on these 115 acres. That's in contrast to the \$3-\$4 million that would be paid when it is fully developed. The City of Leawood has already lost a ton of money by impeding our ability to develop this property for the last 20+ years. Let's not allow that to continue. Thank you for the opportunity to make our presentation tonight.

Chairman Elkins: Thank you. We appreciate your comments.

Mr. Oddo: I'd like to wrap up real fast and then recommend that we take a break. I'll play the movie and then go to questions (*plays movie*). I want to thank you very much for listening to us. I think we have a plan and a community that all of Leawood is going to be very proud of. At this point, I open myself up for questions. We can take them now or take a five-minute break.

A motion to recess for five minutes was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Stevens, Hunter, Belzer, Peterson.

Five-minute recess

Chairman Elkins: We'll come back to order. We're at the portion of the proceedings for questions for the applicant.

Comm. Coleman: Welcome back. I have a couple questions. The previous plan had 54 single-family homes and was well received by this body and the Wilshire Place residents. If I recall correctly, they liked the buffer of single-family homes between their development and Cameron's Court. Can you explain why you eliminated the single-family homes and went to the villa concept?

Mr. Oddo: We still have a for-sale product. The twin villas will sell for anywhere from \$650,000-\$750,000 per side. Previously, we were able to carve off an area where it was a nice subdivision, similar to The Enclave, where you had both sides facing each other with a single-family subdivision. That's how it's supposed to be. When we went to a grid system, I couldn't do that, so I could only have a row down 133rd of homes. Typically, we wouldn't go from multifamily to single-family homes right there. We would typically transition from multifamily to the twin villas to single-family homes. We're keeping an appropriate buffer. We can't keep a private carved-off area, so it created that problem. We just went with a similar number of twin villas. From the back, along 133rd, you really won't be able to tell. They'll look just like single-family homes. They'll have a berm.

Comm. Coleman: You brought up another question. Regarding individual home sales versus rentals, can you go through what you think, at this current time, you're going to have for individual homeowners to be sold versus rentals?

Mr. Oddo: I think we went through that in one of our slides. In the first phase, we'll start off with the twin villas for sale. The second phase of twin villas will come after we see what happens with the first phase. The brownstones are intended to all be for sale, and they'll be closer to \$450,000-\$550,000. You just approved a new company moving into Leawood. They're going to need places like this to live. Some of them will buy the brownstones; some, the twin villas. We'll also have some condos in the live/work places on the east side of the church. We'll have some condos there, brownstones on the east side. We'll have eight buildings of brownstones that will be for sale, two buildings with condos in them, and then the twin villas. Of course, it will all be under an HOA so we'll do maintenance provided so we know it's done at a high level and will be maintained well.

Comm. Coleman: Out of the 944 dwelling units on this develop, what do you estimate will be owned?

Mr. Oddo: I don't think we should because I really don't know what that percentage is.

Comm. Coleman: I didn't know if you had a ballpark or not.

Mr. Oddo: In Park Place, there's no ownership there, and that seemed to be okay for everybody. Ownership isn't a requirement in MXD. We weren't trying to meet a quota or anything like that. We do have some because it's good for what we're trying to do.

Comm. Coleman: We've approved a bunch of apartments on State Line, obviously a different marketplace. I am concerned about an apartment glut in the Greater Kansas City area. You know I'm no expert in real estate; I just want to get your feedback about why to build apartments as opposed to something else.

Mr. Oddo: As we've mentioned before, we've done every component of this: office buildings, retail. About 20% is for sale. We are currently at 98.8% across our portfolio. The only vacancy we have is because some people are moving in, and we need time to turn to get ready for the next one. The high-quality products are all full, the ones that are well managed and well maintained. Citywide, it is 94.5% occupancy. There's a high need for more apartments, especially with the housing crunch. We've stabilized all of our projects within three months completion usually. These are filling up fast. I wouldn't be able to get financing if there wasn't a high need for them.

Comm. Coleman: On the mansion-style homes, can you explain what those are versus the other apartments you're offering?

Mr. Oddo: Sometimes it's called a big-home look. It is really identical to what we did at Villa Milano but with a different color and some more updated design elements.

Ms. Cox: The biggest difference is the manor-style homes have attached garages, so it brings a different product versus the mid-rise.

Mr. Oddo: On the manor-style homes, you pull into your garage and walk three feet to your kitchen. We'll call it direct access. Most of those homes have direct-access garages instead of parking structures and walking to a common corridor. There are no common corridors in there; they're all part of the home.

Comm. Coleman: I assume you can get higher rent for those as well.

Mr. Oddo: Believe it or not, you get similar rents. It's a difference in some people wanting a sedan and some wanting an SUV. They're different complementary products, and there is a demand for both. We build both.

Comm. Coleman: My final question is about the private versus public roads. Obviously, High Drive is public. Is Chadwick private or public?

Mr. Oddo: We couldn't put the median on it and parallel parking. You can't have a Main Street type street if it's a public street by the LDO. You'll find in most all MXD communities, all those streets are private streets.

Mr. Klover: The district where our office is located in City Center, Lenexa has all public streets, but they also have put into ordinance all of the suggestions that are in the 135th Street Community Plan. The property lines are within zero setbacks. They have 7-10' sidewalks, 5' amenity, 8' parking stalls, and narrow streets. It is codified here, and that's the reason it's a public street here and can't be there.

Mr. Oddo: In Leawood, we can do it, but it would have to be through a private street. We still build them to public standards. As you probably know, it's a stipulation to build to the public standard. You get a high-quality street; we just can't build them unless they're private and still maintain the high standard. Like I said, just like Lashbrook across the street, all of those are private streets. It's the only way to get these things built.

Comm. Hunter: My concern with this is there appears to be an acknowledgment by the applicant that they do not meet the LDO requirements. Initially, their presentation said they were in complete compliance with the LDO. I thought maybe they were agreeing to the stipulations in the Staff Report, but apparently, they're not. I guess this is a question for the applicant and for staff. Is the applicant willing to agree to the city's requirements, or is there going to be an amendment to the LDO? I don't know how we can vote to approve this in its current state?

Chairman Elkins: Other than to include the stipulation.

Mr. Holland: Our position is not as you just stated. We think we meet the LDO in terms of the tree requirement. We think staff is misapplying the ordinance, which we read to you. There's no distinction between a public and private street. If the city would characterize or allow the private streets or give them the same treatment as they do the public streets, the removal or replacement of the trees required by the street grid wouldn't be counted against us, and we do meet the code. Our position is, as Mr. Logan mentioned, that we understand that those two documents must be read together to be consistent with each other, meaning the LDO and the 135th Street Community Plan. Those two documents, if they're being applied by the city in the same manner as law, we would be able to meet the LDO requirement with regard to the trees. Our position is we do meet the LDO requirement as it relates to the trees. We don't believe city staff is interpreting the code correctly on that issue.

Comm. Hunter: Let's leave the 135th Street Plan aside. Are you saying the LDO is ambiguous?

Mr. Holland: There is no distinction in the LDO between a public and a private street. It was invented by staff in terms of how it's being applied. We don't believe that there is any ambiguity if you just read the plain language of the ordinance. It mentions nothing about a public or private street.

Chairman Elkins: I think that may be correct, Mr. Holland, but it is still based on a false premise, which is that it's permissible not to replace the trees on a public street. That's not what Section E says at all. Without distinction between the two, it says that all trees

larger than 12” caliper removed from the site shall be replaced on a 1:1 caliper-inch ratio. You’re trying to turn that on its head and find permission for public streets that you have yet to show me where that is permitted in the LDO.

Mr. Holland: With due respect, why don’t you direct that question to your staff?

Chairman Elkins: You’re making the argument. That’s why it’s addressed to you. You’re making an argument that doesn’t make any sense to me.

Mr. Holland: Again, with all due respect, that is staff’s interpretation of their code, and it doesn’t make any distinction between public and private streets, as you just noted. That is the way staff has been applying it to our case. I’d love to hear staff’s response to that.

Chairman Elkins: I’m sorry, Commissioner Hunter; please continue.

Comm. Hunter: That’s my big concern. I also have a question. On the layout of Phase 5 and 6 that has more of the Mixed-Use area, it seemed like there was a main thoroughfare to walk across to get to the market on the video. By way of example, is there another development like that in Kansas City that you can reference for me?

Mr. Oddo: It’s an internal drive. That’s how MXD is usually done.

Comm. Hunter: Normally, if you’re walking from Price Chopper or Hen House, you’re going directly from the parking lot to the front doors. I was just asking for an example so I can visualize what other development in Kansas City might be set up like this.

Mr. Oddo: All of them are basically this way because the Fire Department has to be able to pull up in front. Camelot Court has a drive that goes straight through. I can’t think of one that doesn’t do that.

Mr. Klover: We’ve got buildings on both sides of the drive lane in locations that are strategic.

Comm. Belzer: I have one follow-up question because Commissioner Coleman asked all my questions. Could you please explain the difference between the manor style and the brownstones? I’d like to also know how many units are in each of those structures.

Mr. Oddo: The mansion homes usually have 8-14 homes in each building, and parking is on the side and front. There are first-floor apartment homes, lower level sometimes. There are walkouts and people above. The brownstone matches the original streetscape of America with parking in the rear and individual units that are vertical. Basically, kitchen and living room are on the first floor, and upstairs are bedrooms. No one is above you. It’s like a two-story house, but they’re side by side by side by side. The Community Plan calls them row houses. We call them brownstones.

Comm. Belzer: So, it’s one family living in one brownstone with one garage.

Mr. Oddo: It might be a two-car garage, but it's in the rear of the building. That's why you don't see it from the streetscape. There are 10-16 units per brownstone.

Chairman Elkins: Pardon me for interrupting, but as a point of order, we're about to expire our time.

A motion to extend the meeting 30 minutes was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Stevens, Hunter, Belzer, Peterson.

Chairman Elkins: The meeting is extended to 9:30. Commissioner Belzer?

Comm. Belzer: So, there are 10-16 units per brownstone. There are 14 garages in every mansion-style structure?

Mr. Oddo: There is one per unit.

Mr. Klover: There are three different building types: two that have 12 units with 14 garages and another that has 14 units and 14 garages. That is the mansion style.

Comm. Belzer: You're showing the mansion style currently?

Mr. Oddo: Yes; they're just like Villa Milano, where the garages are on the sides or front and sides. They are made to look like large homes. Every unit has an attached garage. They're no more than two stories on the front. Some have walkouts like a house. There is one garage per unit, and there are 8-14 units per building.

Comm. Belzer: If you're living in a mansion-style situation, your home is either upstairs or downstairs; it's not a two-story home.

Mr. Oddo: Exactly, and then the row houses, you can see the separation. Each one is set up vertically with bedroom upstairs and living room on the first floor.

Comm. Hunter: And then all the garages are on the back.

Mr. Oddo: Right, just like the 135th Street Plan suggested.

Chairman Elkins: Thank you. I'm going to interrupt the flow just a bit. We've got public that's been sitting here for three hours, both in person and online. I'm going to interrupt and provide additional time for commissioners to ask questions once we've heard from the public and Mr. Oddo and his team have a chance to respond. I want to make sure that opportunity is afforded to everybody tonight. With that, I will open the Public Hearing. This is the first time in quite some time we've had the public present in person. I'm going to call on those in person first. We will permit five minutes for each member of the public to provide comments. I will not that the public has shown a great deal of interest in this

based on the volume of paper we've seen so far. I know that each commissioner has reviewed those. Certainly feel free to highlight some of the things that are in there, but please know that every commissioner has reviewed all the written comments that have come in. We'd ask for you not to duplicate those in too great a fashion.

Public Hearing

Joseph Galezi, Board Member, The Enclave at Cedar Point, appeared before the Planning Commission and made the following comments:

Mr. Galezi: My comments are highlights from a document you should have in your packet. The document describes our primary objectives. I think you've seen the two prior renditions of the plan. Upon review of the proposed Mixed-Use plan as presented on the Interact Meeting on May 27th, we see many improvements that address larger community needs unique to the Leawood lifestyle, but we do have a concern. Our major concern and request is the location of the C store. In this plan, it has been moved to the northeast corner of 133rd Street. If you're familiar with The Enclave, it's close to that area. In the news, we hear that, on the Missouri side, there will be a Quik Trip, and we're concerned about the consolidation of 24/7 operations with the lights, sounds, and traffic, and that it will disrupt the peaceful enjoyment of our homes on a continuing basis. We request that the C store be relocated between 134th and 135th and the right-only entrance across from The Village of Seville be restored. There's been a lot of discussion about tree preservation. We'll take every opportunity to continue to support the tree preservation across from the entrance to The Enclave and extend it up to The Village of Seville. We really appreciate the developers' support of that. In summary, our primary focus with the latest revision is the relocation of the C store and to once again emphasize the importance to us of tree preservation. Thank you for the opportunity to speak to you this evening.

Chairman Elkins: Thank you. Max Galloway?

Max Galloway, 12729 Overbrook Road, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Galloway: From a commercial standpoint, you look at The Village of Seville, Park Place, even the old HyVee that's turning to Barstow now, and they're not full. Why is there such a rush to add more? If density is so necessary for this, why can't that be pride in ownership, whether it's a condo, homes, whatever, so that the home values in this area do stay high? You can show me whatever study. We know what it is. You know what I mean? When I speak to others in my community, especially my neighborhood, it is unanimous that they don't want this development. They can go through studies. The people don't want it. That's just my opinion and a lot of the others around me. I lived in an apartment straight out of college over in Prairie Fire. It got overdeveloped, and 69 Highway was a disaster, as they're talking about expanding it now. 135th Street over by Overland Park is one we avoid on the weekends because it's become so populated. I'm afraid that's going to happen to 135th Street here. State Line Road can be busy as well around 5:00 p.m. when I come home to work. I think going to 435 is going to become a major problem. Last, just as an example, last December was a shooting that resulted in a

homicide at Leawood Park Plaza Apartments. Last month, there was breaking and entering. I think, when done right, it is not always something that follows, but crime does follow apartments more than it does single-family dwellings.

Chairman Elkins: Thank you. Brett Vaughn?

Brett Vaughn, Wilshire, appeared before the Planning Commission and made the following comments:

Mr. Vaughn: Pardon my casual attire. I was preparing for a depo, and my wife wanted me to come tonight. She said that if apartments move in across from us, we will be moving farther south, and that will waste more of my time. I live where the stream goes to Wilshire Place. We get foxes, deer, tons of wildlife in our back yard. Obviously, that's probably going to go away. Also, the traffic is what really concerns us with a new baby. I have a concern on the traffic study that was done and if it was valid because of the time of year it was done with COVID. Last time I saw the equipment out for the traffic study was when we were in a lockdown, when no businesses were open. I don't know if one has been done since then, but we obviously still have significantly decreased traffic due to COVID. My other big concern is one they tout as a benefit of having one developer do all of this. That also means we have to put a lot of trust into one developer, especially if they're going to have 80% of the stuff be rented. I don't think that Rick Oddo has necessarily been honest. He's been quite deceitful and manipulative when communicating with the community. An example was the very first meeting we had with him. When things were not going well, he threatened that if we did not approve it and get it rezoned, it would be considered a takings and we would end up with something even worse. I know Ms. Hunter is an attorney. The thought of that being a takings when it's zoned, and used as it's zoned, is laughable, but when I went to talk to my neighbors afterward, that was one of the arguments they found the most convincing. That's how this all started, and I just wanted that on the record. Thank you.

Chairman Elkins: Thank you. We'll now move to those who notified staff of the desire to speak prior to our meeting. Lance Hodges? We'll come back to him. Julie Sharif? How about Jeff Logan? Larry Gunja? Ryan Brunton?

Ryan Brunton, 3144 W. 132nd Terrace, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Brunton: I'm a resident of Wilshire Place subdivision, which is north of the western portion of this proposed development. I'd like to express my sincere gratitude for the opportunity to share my thoughts this evening. I recognize there are other Leawood residents who would like that same opportunity, so I will be brief. Quite simply, it is my belief that the Cameron's Court revised plan is incompatible with the surrounding areas and neighborhoods. I do want to harken back, as Mr. Logan did earlier, to January 4th to the Governing Body meeting, which rejected Mr. Oddo's previous development plan for this site and providing the following specific recommendations to Mr. Oddo in connection with any revised plan he may choose to propose: 1) create an appropriate

buffer of single-family homes as a transition and protection for the residential subdivisions to the north. 2) provide a variety of mixed uses on the western portion of the project so the development is not a “sea of apartment buildings.” Of course, these were major concerns of the surrounding neighborhoods. Residents expressed concerns to Mr. Oddo many times in a variety of meetings and conversations. The surrounding neighborhoods want multifamily dwellings located closest to 135th Street with an appropriate buffer of single-family housing along 133rd Street, and the surrounding neighborhoods want a better mix of uses in the western portion of the project to cut down on the proposed residential density in that area. At the conclusion of the January 4th meeting, Mr. Oddo indicated he appreciated the comments and would work to address them. Fast forward four months, and Mr. Oddo’s revised Cameron’s Court plans were revealed to the public. Upon review of the revised plan, it was clear that Mr. Oddo is either unwilling or unable to address the concerns of the surrounding neighborhoods. Based on feedback from many of the residents in surrounding neighborhoods, this revised plan is even more dissatisfying than the previous one. With respect to the buffer of single-family homes, Mr. Oddo’s plan takes one element that was universally liked and managed to turn it into a negative. He was asked to strengthen the buffer, and instead, he substantially weakened it. All along, the surrounding neighborhoods have asked Mr. Oddo to extend the two rows of single-family homes to the eastern boundary of the western portion of the project. Mr. Oddo regularly responded to neighbors with an indication that such an extension was infeasible. Mr. Oddo’s latest plan shows the extension clearly was feasible but limits the buffer to a single row of rentable duplexes. Mr. Oddo refers to them as for sale here, but they’re described in the plan as rentable, so we treat them as rentable. In Mr. Oddo’s new plan, residents residing to the north of the western portion of the project are, on the whole, closer to multifamily buildings now than ever before. As we know, the 135th Street plan and LDO both require Mr. Oddo to include retail and office in order for the western portion of the project to constitute Mixed-Use development. Although Mr. Oddo fought this requirement tooth and nail, the plan now includes the bare minimum of retail and office uses, which was generously described by the planning staff earlier this evening as light integration. A total of 1.5% of the western portion of the project is now designated for retail/office, with the remaining 98.5% devoted to multifamily dwellings. In exchange for this modicum of mixed use, Mr. Oddo significantly increased the residential density of the western portion of the project. His latest plan proposes 38 buildings of multifamily housing on the western portion of the project, totaling 834 multifamily units. This is the sea of apartment buildings the Governing Body told him was an issue and echoes the concerns of Leawood residents. When the rental duplexes are included in this calculation, the total number of non-RP units on the western portion now stands at 890. That number represents a 34% increase from the previous plan, where the 66-acre western portion of the project total units-per-acre calculation is 13.34. Mr. Oddo’s presentation counts the units-per-acre calculation of 8.6, which Mr. Oddo indicates is far below allowed density. The methodology for that calculation is flawed and misleading. Mr. Oddo used the acreage from the Cameron’s Court proposal located east of the Cornerstone Church in order to drive down the calculation. I respectfully remind this commission that Mr. Oddo could have easily disclosed his lack of site control with respect to the eastern portion. Mr. Oddo does not have the right to develop it. He has no intent to acquire those rights. He has no

commitment to develop that portion of the project. The issue of bifurcated development rights was highlighted again tonight with the request to eliminate the joint and several liability between the eastern and western portions of the development. From the outset, it was always clear that Mr. Oddo was a multifamily developer. His primary objective is to place a multifamily development on the western portion of the site. Mr. Oddo has failed to listen to the concerns of the surrounding neighborhoods, and in the face of local opposition to the previous plan, he threatened to propose a plan that included more residential density and less buffer for the surrounding neighborhoods. This revised plan is a manifestation of that threat. As we know, this site represents one of the last undeveloped parcels in the 135th Street Corridor. This site has the potential to be something very special, and I look forward to responsible development of this area. However, I do not believe Cameron's Court, a 50-acre commercial development and a 66-acre apartment complex is truly the type of project envisioned by our city and the residents in this location. The citizens of Leawood, particularly those residing in surrounding neighborhoods deserve better. For these reasons, I respectfully ask the Planning Commission to reject Mr. Oddo's revised plan. Thank you.

Chairman Elkins: Thank you for your comments. My apologies to Rachel Ruben, who is personally here.

Rachel Ruben, 3105 W. 132nd Street, Leawood, appeared before the Planning Commission and made the following comments:

Ms. Ruben: I live in the Waterford subdivision. I am asking this commission to respectfully oppose this plan. Some of the main issues I have are that he is using the eastern portion of this development to get Mixed-Use qualification, which would allow him to have more density of residential multifamily apartment units in the western portion. As was stated by the previous speaker, he doesn't have development rights for the eastern portion. What I find very convincing is the fact that Mr. Oddo has not submitted any financing commitment from a financial institution that would finance the retail and commercial development on the eastern portion of the property. Mr. Oddo was concerned and apparently wanted to get support of the Blue Valley School District, so he obtained a letter from Blue Valley School District, saying that this property will not increase density at Mission Trail and that Mission Trail can handle that. However, he is trying to get Mixed-Use qualification by the eastern portion, and he doesn't have any financing commitment. We all know that there's a glut of retail and commercial space in Leawood and also in south Kansas City right across State Line. It is honestly, at this point in time, after COVID and all the changes in demographics, not feasible to have as much retail and commercial space as he is purporting to have in the eastern portion. That eastern portion, he even says, is only going to occur at the very latest stage. At that point, once you have all these apartment buildings in the west that are already built, you get to Stage 5 or 6 and then all of a sudden, "I can't find 65% commitment." He has stated clearly that he has to have 65% commitment preleased or presold properties on that eastern portion. That is years down the road. In the meantime, he is using the Mixed-Use to get all these apartments. He had increased the number of units from 662 in the last proposal to 834. That may be off a little bit on those number, but it is the approximate

amount. Those 834 units are already going to be built. What are you going to do, make him tear it down? He's claiming that his density is so low on the residential, on the apartment buildings, but he is only getting to that number by combining the eastern portion with the western portion. There is a very good chance that the eastern portion may never come to fruition. I live in Waterford, and we all use the neighborhood park, Gezer Park. It's a beautiful park. This property is 115 acres, and there is no designated city park in that entire development. The developer hasn't offered to donate any land to the city to offer another nice park. Gezer is already full and crowded. We love it; it's beautiful, and we appreciate all that Leawood does for our parks, but when you add this number of people to an area and there is no city park within that development, they're going to come to Gezer, which is a pretty small park. We don't feel that the developer has acted in good faith on the public park space within Cameron's Court. Also, Mr. Oddo has really not been trustworthy or straightforward with the residents. There have been many, many letters written to the commission opposing this project by neighbors in the adjacent developments. He had an Interact Meeting a few weeks ago. In the meeting, they decided that the Zoom chat would be private so that the participants could not see the questions being asked. The developer answered the questions that he wanted to answer, and the rest of us couldn't see the questions being asked by each resident. We know that there were many questions that the developer chose not to answer, but we couldn't verify that because the chat was private. Only the developer saw the chat. That's just one example of that lack of good faith and trustworthiness that we think a developer needs to have who wants to build a quality development in Leawood. We want a developer that's going to come in and listen to the concerns about traffic, noise, park usage, density of apartments and actually make changes based on the neighborhood concerns. Finally, I want to mention something the developer said about the duplexes. He replaced single-family homes with these villas right on 133rd. He admitted that just the first phase may be saleable, may be owner occupied. After that, we don't know. Like the previous speaker said, on the plan, they are labeled as rentable. I'm an attorney, and I really appreciate the commitment that you have to the city and all the effort you've put into this. There are neighbors that have been involved in this for a long time. We just really appreciate the opportunity to speak to you, and hopefully, you'll listen to our concerns. Thank you, and I hope you'll oppose the plan.

Chairman Elkins: Thank you for your comments. Chris Nelson?

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

Mr. Nelson: I'm a resident of Wilshire Place. I live five doors down from the intersection of 133rd and High Drive. I'd like to thank the Planning Commission for the opportunity to speak regarding the proposed Cameron's Court project. I attended Mr. Oddo's Interact Meeting, held May 27th. At this Zoom meeting, the participants were required to submit typed questions that only the developer could see. This format allowed the developer to pick and choose questions he wished to address. I, for one, posed a question that was not answered. I feel this was intentional to limit discussion and to allow him to control the narrative. There was not much interaction at this meeting. It reminded me more of a

timeshare sales pitch. Although I have questioned the developer's candor when it comes to the impact on traffic, the number of cyclists who use 133rd, or the development's impact on the neighborhood, he was true to his word when he threatened residents with a worse plan if we did not accept his prior proposal. He has gotten rid of the single-family homes and is now using duplexes as a buffer between the existing neighborhoods and his proposed development. The number of living units has increased from 716 to 1,044 in this newest plan. I have noted that the apartments appear to be mostly along 135th Street, which is an improvement. I am still concerned regarding the traffic that will be generated by this plan. Although there are now more streets to distribute the traffic, 1,044 living units will greatly increase traffic to 133rd Street and ultimately High Drive as people cut through our neighborhoods to avoid traffic signals on State Line, 135th, and Mission Road. Personally, if I cannot get out of my neighborhood on 133rd, I will drive through Waterford to get to Mission or Greenbriar in Leawood South to get to State Line, which will increase traffic through those neighborhoods as well. I feel the design of the proposed apartments and duplexes does not fit with the aesthetic of the surrounding neighborhoods to the north. I cannot think of another apartment complex in Leawood that is this dense and located so close to single-family homes. I would like the developer to address what percentage of these duplexes will be rental units and what percentage will be resident owned. I believe there is a big difference between resident-owned duplexes and rented duplexes in their appearance and upkeep. Residents of Leawood deserve a more innovative, upscale development for one of the few remaining undeveloped parcels of land. Oddo's recent sales presentation highlighted several supposed benefits to existing neighbors, such as summer concerts, farmers' markets, a proposed high-end grocery store, restaurants, and a coffee shop. What guarantee do we have that these plans will come to fruition? Does he have any commitments from any businesses to be a part of this development? Additionally, how will traffic be handled for these events? When parking runs out in Cameron's Court, will they be parking along the streets in Wilshire Place? At the Governing Body meeting held in December, one City Council member commented that she had never seen such strong opposition to a proposed development during her tenure. The Mayor and City Council suggested that the developer should get with the residents of the surrounding neighborhoods to work toward a mutually acceptable plan. It seems as though he has gone in the opposite direction by adding more than 300 additional living units to his proposed development. Mr. Oddo made a Freudian slip by stating that this development looks right at home in Lenexa. I couldn't agree more. I ask that the Planning Commission, once again, deny this plan due to its density and expected negative impact on the surrounding community. Thank you for your time and your commitment to the City of Leawood.

Chairman Elkins: Thank you. We appreciate your comments. Chad Summers?

A motion to extend the meeting an additional 30 minutes, to end no later than 10:00, was made by Coleman; seconded by Belzer. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Stevens, Hunter, Belzer, Peterson.

Chairman Elkins: I'm back to Mr. Summers. Are you on the line?

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

Mr. Summers: I live in Greenbriar. I want to start off by thanking all of you, not only for being here tonight and giving us this opportunity, but more importantly, now that I've been through this process over the course of this past year, I want to thank you all for what must be the most thankless job in all of public service. This has got to feel like Groundhog Day for you, and you must have the patience of Job to even put up with it. I think there's been a lot of good discussion tonight. I really appreciated the questioning on the part of the commissioners. I really appreciated the comments from city staff. More than that, I think the comments from the residents have been really telling. Mr. Vaughn's comments about the deceitful nature of the approach that's been taken with us so far, Ms. Ruben's comments about, for lack of a better word, the bastardization of the calculations for Mixed Use to try to take this turd and paint it white and call it an egg. It's just good to see so many people getting involved and giving you all what you want to hear, which is what the community feels about the deal. I think it's interesting, all of the comparisons that the developer's staff made between this and Villa Milano, but there's one huge comparison that they left out. Villa Milano is a 290-unit development on 80 acres. These folks are talking about putting in nearly 900 units on 65 acres. Villa Milano's density is less than four units per acre; however, the density on this project is nearly 14 units per acre. This process has reminded me that, if there's enough money at stake, you can get somebody to say anything. They told us repeatedly that they were compliant, and yet, this is the third time around, and they've got a program that has 42 deficiencies according to city staff. Then, they double down and insult city staff and accuse them of inventing protocol, inventing stipulations, inventing regulations just to make it difficult for them to do this development. I've got to tell you; I've heard a lot of folks complain about how the system works against them in the course of the last 18 months. I just haven't heard that many people in the 1% complain that the system works against them. I appreciate the opportunity I had to laugh about that. Time and time again, they have told us one thing, but when you look at the plan, it's something else. How many times tonight did we hear them slip, like Mr. Nelson commented, and talk about this development like it should be in Lenexa? How does a plan that fits in Lenexa meet the Leawood city mission of being distinctively Leawood? How many times did we hear, "Well, I don't know," or "Might be," or "Maybe"? How many times did we hear the developer's staff correct him while he was pitching to us? At one point, he told us there would be one unit per brownstone, and his staff member told him it was more like 16. How is it that they don't know? I think it was Mr. Galloway who mentioned pride. It definitely resonated with me. I feel like we have to have more pride. I don't mean pride necessarily about what the buildings look like, although like Mr. Nelson, I'd like to see something innovative and upscale, but I mean pride in how we're going to allow ourselves to be treated, how we're going to allow our staff to be treated, how we're going to allow our commissioners to be treated. During the process last year, Planning Commission and City Council both suggested that the developer work with the local homeowners to come up with agreeable terms. Several of us tried that, and several of us were essentially slapped in the face. He made a threat. If we opposed him on the last plan, he'd come back and jam something worse down our throats. As far as I can tell, that's the truest statement he's made in this whole process.

This is insulting. I don't understand how it's even stomach-able on your parts to listen to somebody who has a total disregard for process, for what has made Leawood great so far, for what the neighbors want, for what the commissioners and council people have told him they want to see. I love that they quoted the councilmembers in their presentation but then conveniently left out the part where several councilmembers said, "Hey, stretch the homes the length of 133rd, and we might be able to make a deal." Then, they scrapped that altogether. At the end of the day, I think the question really comes down to not only is this the project for us, but more so, is this the partner for us? You can call it old-fashioned thinking, but they sued us once before. I'm just of the mindset that if you get divorced once, don't get remarried. Last time they sued us, the city racked up \$300,000 in legal fees. This project is considerably more ambitious. Is it going to cost us \$1 million? Interestingly enough, I talked to some of my neighbors, who said they'd gladly pay more in sales tax just to develop a fund to protect us from frivolous lawsuits from Mr. Oddo and his team if that's what we need to do so we can keep doing what we've always done: be strict, have high ideals, have high expectations, be demanding on the people that want to build here. When I moved to Leawood 14 years ago, I moved here for a reason. That's because I think it's better than every other city in the Kansas City Metropolitan area. I don't want to live anywhere else in Kansas City, and I don't want to live anywhere else in Kansas. This is it. Let's do what we've always done. Let's keep our high ideals. Let's take pride in being distinctively Leawood. In closing, I'd like to appeal to you to vote against this proposal. I'd also like to make an appeal to Mr. Regnier. Mr. Regnier, you are not alone. Every person that has spoken tonight is a landowner in Leawood in this vicinity just like you. We all believe in landowners' rights. Frankly, we all think that you have a right to be able to sell this land for a tidy profit. While it's on a fractional scale, I hope for the same thing someday for myself. As far as I can tell, we keep having Groundhog Day because the wrong people keep sitting down at the table to talk about what ought to be done. I want to make this offer to you: if you'd like to sit down and talk to your fellow landowners, the only other people in this conversation with something at stake right now about what we can live with and what you can live with, maybe we could find some common ground. Then, when we come to the Planning Commission, we could try to get rezoned together. Thank you very much.

Chairman Elkins: Thank you. Dan Goldberg?

Dan Goldberg, 3089 W. 132nd Place, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Goldberg: I live here with my wife and two children. We live within 200 feet of the proposed development. It abuts my back yard. I think there have been a lot of great speakers tonight. I don't want to duplicate their efforts and thoughts, although I share them. I will note that, of all the speakers tonight, we're unanimously opposed. There's no one here speaking tonight, so far, in support of this. I think that's for a reason. I just think that there's a total lack of creativity in the proposal. When you go to this parcel of property, which I encourage you to do, you'll see that it's a beautiful piece of property. There's so much opportunity. The last time the developer was here, the message from City Council was clear: get more creative. They just totally failed on that. They've gone

the wrong direction with more, more, more apartments and less of what we want to see: Mission Farms type stuff, Meadowbrook type stuff. This community is pro-development. We want a nuanced and creative development because we want to be a part of that. It would be exciting, and I think it would increase property values and increase tax revenues. Taxpayers in Leawood pay an enormous amount of taxes. We get great value and great service because of it, so thank you for that. Obviously, what we're saying tonight is we oppose this because it's taking the City of Leawood in the wrong direction, not in the direction that the City Council itself has instructed the developer as to where it wants them to go. Based on all these concerns, I'd just like to submit that this proposal should be denied. Thank you for your time.

Chairman Elkins: Thank you. Quinton Cole?

Quinton Cole, 3088 W. 132nd Place, Leawood, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Cole: I'm on the board at Wilshire Place subdivision. We've had quite a few great speakers tonight. I was ticking off the different comments I put in my speech. I was going to cover points on behalf of our residents, but they've already been covered by all the people here. To make this brief, the only thing I'm going to add at this point is that we did a survey after the Interact Meeting on May 27th, and we sent it out to all 172 of our homes. We had 68 homeowners respond, and of that, 84% said they are in opposition to this project for all the reasons we just heard from everyone else. I also thank you for all that you do and put up with, both the planning staff and Planning Commission. Thank you for your time tonight. Please vote this down, and maybe we can work on a better project.

Chairman Elkins: Thank you. Paul Berg? I'll go through those who did not respond earlier. Lance Hodges? Julie Sharif? Jeff Logan? Larry Gunja? Paul Berg? I think that's all I had on my list.

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

Mr. Gunja: I've got a prepared statement, and if I have time, I have a few questions I'd like to pose to Mr. Oddo himself. I live in Wishire Place subdivision. I strongly oppose the current Oddo plan for the following reason: the required documents I received via certified mail from Oddo Development were very difficult to read, as was the Interact Meeting presentation, leaving me with additional questions. At the required Interact Meeting, there was very little interacting. The developer pretty much conducted a sales pitch for his current plan. It seems odd that he conducted an online meeting when so many COVID restrictions were being eliminated. There was a chat option, but it was private, so no one but the developer and his team could see the questions being asked. Not all the questions were presented to the viewers, and there were several questions that were ignored entirely and not even addressed by the developer. After failing to get approval from the city several times on his previous development plans, it was suggested

by Governing Body that the developer reach out and work with surrounding neighbors to address their concerns: single-family homes as a buffer, density, aesthetics, the mix of uses, and the traffic just to name a few. The Interact Meeting would have been a perfect time to do that, but what the developer did was eliminate all single-family owned homes and replaced them with rental duplexes, which he calls villas. He added nearly 300 apartment units, which now total over 1,000. That creates greater traffic concerns for the surrounding neighborhoods from these 100+ apartments. The developer claims that his plan meets city requirements for Mixed Use, but that's not Mixed Use. Its two separate projects on two separate tracts of land. The property west of the Cornerstone Church is a massive apartment complex with a smattering of retail and office space sprinkled in. When asked the density of the massive apartment complex area west of the church only, the developer stated, "We don't figure it that way." As a homeowner, we should be made aware of what is going on in our back yards. Personally, I want to know that density. East of the church is mostly retail/office space with a smattering of living units. This area is the final stage of the developer's plan, and he stated he can't begin construction until he has 65% committed tenants. What guarantees do we have that he will ever want to develop that portion? He'll still have his massive apartment complex to manage. Is this development the first thing we want visitors coming to our city from the south and east to see, and is it the last memory we want them to have of our fine city as they leave? The developer must drop all the deceit and threats and honestly try to listen and work with the Leawood homeowners who live in the areas that surround his current development plan. Until this happens, please ask yourselves, "Is this someone I want to work with?" I respectfully urge you to reject this development plan as it currently stands. Thank you. Do I still have some time?

Chairman Elkins: Yes, Mr. Gunja. What I would suggest is you ask your questions, and then Mr. Oddo will have an opportunity to respond after we close the Public Hearing.

Mr. Gunja: That's fine. That's all I was hoping for. In his video, we see what he calls mansion homes or the big-style homes. He has not pointed those out and it wasn't shown in the video where those are going to be located. He mentioned five areas as green areas. They don't look like they're as big as the lots that the duplexes sit on. In the early part of his presentation at our Interact-Non-Interact Meeting, he stated, "Most duplexes will be sold." Then, later on, he said, "A portion of the duplexes will be sold." I'd like to know from the city who told Mr. Oddo that they wanted greater density than he is presenting now. He's made that claim several times. One final question is directed to the Planning Commission. High Drive: the cutout that is on 133rd Street just to the west of the existing High Drive; was that already there? Mr. Oddo claims he's taking credit for offsetting that, and he said that the city wanted it straight through. I don't think that's quite right. I just wanted clarification on that. Those are my only questions. I appreciate you giving me the extra time. Thank you.

Chairman Elkins: Thank you. One last time: Lance Hodges? Julie Sharif? Jeff Logan? Paul Berg? Those are all I have on my list. Is there anyone else in the audience who wishes to be heard? Is there a motion to close the meeting?

A motion to close the Public Hearing was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Stevens, Hunter, Belzer, Peterson.

Chairman Elkins: We have about ten minutes until we are statutorily required to end the meeting. Mark, what does our docket look like at our next scheduled meeting? Can we squeeze this in as Old Business? I'm concerned because we still have questions from commissioners, and questions that Mr. Oddo will have an opportunity to respond to, and certainly, City Council is going to be looking to whatever comments we have before we vote. I have grave doubts we'll get that done in the next nine minutes.

Mr. Klein: I would say that's true. As far as the agenda on the 22nd, it's not super heavy, but there are a number of cases. My only concern would be that this has taken quite a bit of time, and we still have discussion and the applicant's responses. I'm concerned it will take up another meeting.

Chairman Elkins: That's my view as well; although, they need the opportunity to respond to comments. Mr. Oddo, what is your preference?

Mr. Oddo: Because we have to stop at 10:00, I'd like to respond to some of these. You talk about lies and not being true; I want to respond to them. If I need to pick up later, I will. I want to get right into it if I can.

Chairman Elkins: We'll let you go until we get close, and if you permit me to interrupt you, we'll adjourn and continue this to the next possible time.

Mr. Oddo: Happy to do so. I'm going to take them in the order they came. First, let's talk about a Quik Trip going across the street. If it does, there won't be a convenience store on our side of the street. We just have a plan here. If it doesn't get built, we will have one. Don't forget, it takes a Special Use Permit and everyone can discuss it fully at that point. There were some really derogatory statements about the apartments. I really do take a little offense. Crime does not happen more in apartments. That has been proven over and over throughout Overland Park and Lenexa. You don't have any more crime in any other apartments. I want to remind people that any of our apartment communities, we get lease reports on people who move in. We get credit reports on these people. We have people that have gone through screening. You don't have that in a neighborhood where you sell a place. I took a lot of offense to people saying I was deceitful. I was honest with them. I told them if we go to a grid system, we would lose the single-family homes in that area, to be picked up by more apartments, and we will have more units. I want to make a couple statements on this one because it was brought up that Villa Milano has over 80 acres; it's on 27 acres. It's an 80-acre development including the first phase of single-family homes, a second phase of apartments on 27 acres with 11 units per acre. If you only look at the western portion of this property, we are at 11.44 units per acre, which is allowable under RP-4. I'm just stressing the point that we're not trying to do something through special counting. The statement at City Council was not about a single-family buffer; it was a buffer. Duplexes/twin villas were an acceptable buffer. The issue wasn't

that we needed two rows; that was never stated. They wanted a row of buffering on the east side of High Drive. We have that now. We have it all the way down to the church. We have twin villas as the buffer. My statement was that if we eliminate the RP-2 from the last plan, and I go to a grid system, the homes are going to have to go because there is no market for single family like that, but the twin villa will work, and its proper zoning. Common sense says to do that. There was another statement about High Drive. The curb cuts are already in place where High Drive would go straight through. We moved them over 150-180. You can call me a liar, but I'll let my staff correct me if I'm wrong, but regarding those linear footages; I just don't have every fact in the world at my knowledge under this type of stress. We moved it about 150-180 feet to the west to bend it and curve it, and you've seen that. We did a traffic study. Our staff did it; your planning department approved it. You sent it on to Olssen, and Olssen approved it and agreed that it was minor increases. There was a statement that I'm not going to care about the 5th and 6th phases. I stated very clearly in there that they will be simultaneously done from the beginning. The way it works for any type of complex like that is you get Preliminary Plans approved. Upon getting those approved, I'll go out to market. Then, I come back with Final. Once I get feedback, I might have to make minor adjustments. We are going to be working together with Mr. Regnier on the east product to co-develop one large cohesive community. I don't understand where the deceitful went. By the way, on the Interact Meeting, I spoke for about 40 minutes; I might be off by five minutes. Then, we had another 45-50 minutes or an hour of questions. We answered every question that came through. We avoided some of the really hateful statements that shouldn't be on a proper forum. We answered every single question that came through. It was recorded, and that recording is with staff. Again, if anybody has questions, they had to raise their hand with the button. They raised their hands and kept asking more and more and more and more. In the end, we asked if there were more questions. We still had no one, so we shut it off. We gave all the opportunities at the Interact for discussion. The city did not tell us to come up with something to meet what 600 homeowners want. Everybody has a different opinion. We tried to pull what was common. We have the buffer along 133rd. No one gets a financial commitment at this time. You do that when you're ready to build. I do have the ability to get it on a phone call.

Chairman Elkins: I'm going to go ahead and interrupt you there to allow us time to continue this. We'll certainly give you the opportunity to pick it up when we meet next. Mark, is it June 22?

Mr. Oddo: Can I just wrap up in 30 seconds? I just want to say thank you. I've never been deceitful to anybody. I live in the neighborhood. I have family within a mile of this. I am not going to do anything that's going to harm the city. This community is a wonderful, beautiful community that Leawood should be very proud of. With that, I'll turn it over to you. Thank you very much.

Mr. Klein: The next available meeting is June 22nd. We have about six cases right now. I think it will be right around two hours, which would leave an hour and a half or two hours. It's really tight; otherwise, it starts bumping. My question to the applicant would be if they would be willing to go to a July 13th meeting.

Mr. Oddo: I really hate to postpone it, but out of respect to everybody, I'd rather have your full attention. Hopefully, in the meantime, we can work some of these things out. We'll do it on the 13th of July.

Chairman Elkins: We appreciate that. Is there a motion to continue this to the July 13th meeting?

A motion to continue CASE 49-20 – CAMERON'S COURT – Request for approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to MXD (Mixed Use Development District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road – to the July 13, 2021 Planning Commission meeting – was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Stevens, Hunter, Belzer, Peterson.

Chairman Elkins: Is there any other business to come before the commission in the next 30 seconds? We'll stand in adjournment until June 22nd.

MEETING ADJOURNED