

**City of Leawood
Planning Commission Meeting
September 14, 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, Block, Stevens, Hoyt, Peterson, Elkins. Absent: Hunter, Belzer.

Chairman Elkins: Before we move on to the business of this evening, is there a motion to suspend certain rules of the Planning Commission to permit Commissioner Hoyt and Commissioner Peterson to participate via Zoom?

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

A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Hoyt, Coleman, Block, Stevens, Peterson.

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any changes?

Mr. Sanchez: We do not.

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

APPROVAL OF MINUTES: Approval of minutes from the August 24, 2021 Planning Commission work session.

Chairman Elkins: Are there any revisions to the August 24, 2021 draft minutes? Is there a motion?

Comm. McGurren: On Page 15, in the middle of the page under my comment, it says, "I may not be a parking expert, but my theory is there is parking available within and in front of American Century and T-Mobile. And if I counted correctly, there are 44 spots east of the greyed area." I don't think I've used that language. I would assume it would have said, "East of the proposed restaurant." If, for some reason, "greyed area" is better, I can live with it, but I was surprised by that phrasing.

Chairman Elkins: We'll accept your revision, unless someone objects.

Comm. Peterson: On Page 23, in the middle of the page, The motion should be to approve Case 83-21.

Mr. Klein: Yes, Case 83-21.

A motion to approve the revised minutes from the August 24, 2021 Planning Commission meeting was made by Coleman; seconded by Block. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Hoyt, Coleman, Block, Stevens, Peterson.

CONTINUED TO THE OCTOBER 5, 2021 PLANNING COMMISSION MEETING:

CASE 82-21 – COCHERL FAMILY SUBDIVISION LOT 1 – HEARTLAND ENTERPRISES – Request for approval of a Revised Preliminary Plan and Revised Final Plan, located north of 143rd Street and east of Kenneth Road. **PUBLIC HEARING**

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 COMMENT**

Chairman Elkins: I'd like to note that this, by my count, is the fourth time this application has come before the Planning Commission over a period of six different meetings. A substantial portion of each of those meetings was devoted to this plan. The Planning Commission is obviously well aware of the general nature of the application and its history. We would encourage the applicant to please focus on changes and revisions since the last time it was presented. The Planning Commission is well aware of the general outlines of the plan. We're particularly interested in the changes to the plan. I would note, for everyone's benefit, that it is absolutely my intent that we come to a conclusion as to a recommendation to Governing Body this evening. To get there, everybody is going to have to be mindful of time. It is my intent, if at all possible, to get to the Public Hearing, with a number of members of the public who wish to be heard, no later than 7:45. I would ask that staff and the applicant and the commissioners be aware of this time frame. Are there questions about that plan? If not, does staff have a presentation, again, focusing on the changes we're seeing this evening.

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 to MXD. On the dais, you'll see some additional comments made from the public since the packets were delivered to the Planning

Commission on Friday. These are the same comments you received yesterday and today in your emails. The commissioners that are participating by Zoom should also have these. The last time this project was before you on July 13, 2021, the Planning Commission had a recommendation of denial to the Governing Body. At the Governing Body meeting, the applicant requested to remand the project back to the Planning Commission again to make additional changes to the plan, which would then further the plans into compliance with the 135th Street Community Plan and the Leawood Development Ordinance (LDO). Since the latest Governing Body remand, the applicant has made a few changes. I'd like to show an example on the monitor (*displays example*). This application includes three major changes. Along 133rd street, there are 29 single-family homes instead of 38 townhouse units. Also on this plan within Tract 5, there was a convenience store/gas station on the northeast corner of the site that has now been changed to a drive-through restaurant. Another big change is the drive at Kenneth Road shifted to the east to now totally be within the project area of the property owner. Those are the three big changes since the last submittal of the plan.

In total, the project will consist of 953 dwelling units, a 100-unit assisted living facility, and approximately 412,000 square feet of commercial space on approximately 16 acres. The project is still broken up into five different phases starting with single-family homes along 133rd Street, and the commercial portion of the development along State Line Road would be completed as the last two phases. The applicant is also requesting deviations to the submittal for residential discount of 50% as well as a deviation to the setbacks for building along 135th Street, High Drive, and Pawnee Lane, to be reduced from 40 feet to 30 feet as allowed by the LDO, as long as open space is compensated at a rate of 1:1. As the plan has continued through the process, each stage has brought the project closer and closer into compliance with the LDO and the recommendations of the 135th Street Community Plan. Staff is recommending approval of Case 49-20 with the stipulations listed in the Staff Report. I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Sanchez? I have one question. There's a lot of discussion in the comment area, and I'm sure we'll have even more tonight, about the relationship between the eastern part, which appears to be primarily commercial development, and the western part of the application, which is almost completely residential. If we were to be considering this case just on the basis of the western portion, what would the density be? How would that compare to what is permitted in the LDO for density in that space?

Mr. Sanchez: As a whole, the entire development is around 8.41 dwelling units per acre. If it were broken up between west and east, the west side with mostly residential would be around 12 units per acre. On the east side, it would be around 2 units per acre. In total, it is approximately around 14 dwelling units per acre. Per the LDO for MXD, a maximum of 15 dwelling units per acre is allowed.

Chairman Elkins: So, the MXD zoning permits 15 units per acre, and if this were a combination of multifamily and single-family zoning in that space, what would the approximate density requirement be?

Mr. Sanchez: With the RP-4, it is 4,000 square feet per residential unit.

Mr. Klein: It is 10.89 dwelling units per acre.

Mr. Sanchez: It gets really difficult because the RP-4 district, the highest density, only allows 12 units in a combined building. These buildings have more than 12 units in any single building. If you were to go through an RP-4 zoning, a lot of this plan would change from what you see today.

Chairman Elkins: Thank you. Other questions?

Comm. Coleman: The single-family homes were part of a previous revision. Do you have the overlay for that so we can see what it originally looked like? I think it was the first one.

Mr. Sanchez: (*displays plan*) As you can see, this was the first rendition the Planning Commission saw. There was a double row of single-family homes between Pawnee and High Drive. The way it is shown now is a single row.

Comm. Coleman: How many lots are on that northern border?

Mr. Sanchez: 26-27.

Comm. Coleman: It was 26; now it is 29. What is the difference in the lots in square footage?

Mr. Sanchez: The lots got a little bit smaller with this rendition; however, they are all more than 12,000 square feet. That would meet the regulations of RP-3.

Comm. Coleman: To refresh my memory, can you go from the first to the second to the third to the fourth?

Mr. Sanchez: (*shows renditions*) The first one had the straight line of double-row, single-family homes. There was a secondary part along 135th Street, which had 12- and 14-unit apartment complexes. Then, on the east side of High Drive, there were larger complexes. It also had the commercial space along State Line Road.

Comm. Hoyt: How many total dwelling units were in that first plan?

Mr. Sanchez: On the first plan, we had 718 dwelling units. On the second rendition, the big changes show a curve where the single-family homes were. Also, the designs interior to the site really changed. We started seeing covered parking spaces and the commercial along State Line Road. That one had 716 dwelling units. The biggest change was from the second to the third one. That was when the applicant started integrating the gridded streets and integrating parts of the 135th Street Community Plan. That's when we started getting the duplexes along 133rd Street with the east-west connections. It has the larger apartment

buildings and the 12-14-unit buildings with the integration of townhouses as well as the commercial part of the development along State Line Road. This had 944 dwelling units.

Comm. Coleman: How many dwelling units are in the current proposal?

Mr. Sanchez: There are 935.

Comm. Coleman: So, we go from 718 to 716 to 944 to 935.

Mr. Sanchez: Yes, so the big jump was between the second and third, where they really changed the design of the application.

Comm. Coleman: On one of the overlays, could you put up C1.4, please? (*overlay displayed*) Can you point out the retail/office part of this? I can only find two toward the greenway.

Mr. Sanchez: Building A and Building F have integrated retail/office space (*demonstrates on plan*). There is a retail building toward the greenway as well as at the capstones of the buildings.

Comm. Coleman: And that's it for that west side?

Mr. Sanchez: Correct.

Comm. Coleman: Then, if you could go to C1.6, could you show the residential?

Mr. Sanchez: (*referring to plan*) Buildings AF and AB are live-work units. They have 20 units in each building. There is a large assisted living facility in Building AD. You also have townhome units.

Comm. Coleman: Can you explain the live-work buildings? Are those considered apartments?

Mr. Sanchez: The applicant will probably be able to explain what functions within the live-work units. I believe they're offices on one floor and apartments above.

Comm. Hoyt: In looking at the number of dwelling units, my rough calculations show that they have gone up by roughly 34-35% from the first to last versions. What is staff's position on the desirability of having 935 dwelling units versus 718 dwelling units? Is there any sort of formula on this sort of housing that would convert that into number of people that would be added to the census within that area?

Mr. Sanchez: I think we've heard from a number of neighbors that they believe the project is too dense. Unfortunately, we have to go through the LDO, which requires below 15 units per acre. We have heard from the neighbors; however, the applicant is meeting the standard

that the city has set. As far as figuring out the number of people, the census shows the average number of people per residential unit, which is something like 2.5 in Leawood.

Comm. Hoyt: This may not be a number you have access to, but this development is 116 acres. Do we have any other developments of roughly the same size that would be of this density in Leawood?

Mr. Klein: We don't have anything this size; this is by far the largest. However, we do have a number of developments around this density.

Comm. Hoyt: I guess I'm just thinking about the impact on the area around this development. You can have equal density with 15 people per acre on a 1-acre or 2-acre or even 10-acre development, and it wouldn't have a big impact on the surrounding community in terms of the profile of the neighborhoods. If we have 116 acres with this degree of density, it is a different phenomenon, I think.

Mr. Klein: The closest we have with the amount of acreage is Parkway Plaza, which is about 60 acres. Park Place is just under 30 acres. Mission Farms is under 30 acres as well. Those are the larger ones.

Comm. Hoyt: Parkway Plaza was how many?

Mr. Klein: Parkway Plaza is 60 acres.

Comm. Hoyt: This is basically twice the number of acres as the biggest development so far.

Mr. Klein: Correct.

Chairman Elkins: Just to clarify, which development is where?

Mr. Klein: Parkway Plaza is off 133rd and Briar. It has the Starbucks, Country Club Bank, and a main center. It is where Weber Carpet is being constructed now.

Chairman Elkins: That is the one that is 60 acres. In contrast, Park Place is what?

Mr. Klein: Park Place is just under 30 acres.

Comm. Hoyt: To clarify, Parkway Plaza would not have this amount of density.

Mr. Klein: No, it does not. It is lower.

Comm. Hoyt: Would that be true of the next largest development, also?

Mr. Klein: Park Place is pretty close to this density. I believe Mission Farms is as well, but I'd have to double check that.

Chairman Elkins: To follow up on the point of 15 dwelling units per acre, what section of the LDO is that found in?

Mr. Sanchez: I believe it is 16-2-6.4, which lists bulk regulations for MXD.

Comm. Block: How long has this area been designated MXD in the Comprehensive Plan?

Mr. Sanchez: I believe it's been like that for at least 20 years.

Mr. Klein: It's been at least 10 years and probably a little longer than that.

Comm. Block: Just remind me, on the Comprehensive Plan, it is looked at every year by this body and Governing Body?

Mr. Klein: That is correct. Prior to that, there were portions of this that were shown as residential on the Comprehensive Plan. I believe most of the rest of it was commercial. We've had a number of commercial projects that came in around 2008 or a little before then. That's when we really saw the most activity with Parkway Plaza, Villaggio, Cornerstone, and all the developments along there. There were a couple that were denied and a couple that were never built.

Comm. Block: So, about that time is when it was switched to MXD instead of Commercial?

Mr. Klein: I believe so.

Chairman Elkins: Are there any other questions for Mr. Sanchez? If not, we'll move on to invite Mr. Oddo to come forward and tell us more about the changes. Mr. Oddo, I trust that you heard my introduction?

Mr. Oddo: I did.

Applicant Presentation:

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

Mr. Oddo: I'd like to invite Bob Regnier and Fred Logan to speak first if you don't mind.

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

Mr. Regnier: I want to extend my appreciation to the staff with their work over many, many months. We've been working on this project for over two years, and we're grateful for their assistance in helping us get to where we are today. We're also grateful for the Planning Commission's careful consideration of this project. My family has a long history with this property of almost 50 years. It's been extremely difficult to develop. There has

been Commercial and MXD zoning for almost that entire time period that we've owned the property. It's been very difficult to get something. A number of projects have been proposed, but none have gotten to the point where they could be approved. We believe that this proposed development is a very special opportunity for the city. In my workings with Mr. Oddo, we have all been impressed by the commitment that he's made to this project and his willingness to continue to modify the project to meet the needs of the city and the neighbors. He's also demonstrated great respect for the city and its residents. The Cameron's Court plan has been through many iterations, and his staff has worked tirelessly with the staff of the city to try to get to this point. This is the city's opportunity to foster a high-quality development over a very large area. This is the first proposal to the city that takes a comprehensive approach to the entire development parcel. I want to emphasize that. Every other transaction that has been considered by the city at this point in time has always been for a small portion of it. What we've got here is an approach that takes a comprehensive plan to develop the entire site. I go back and look at the Oddo Development. He's an open book. He has a number of developments in the greater metropolitan area. They're all extremely high quality. He gets awards all the time for the quality of the development and for the designs that he has within his development. In conclusion, I would like for you to recommend to City Council to approve this project. Now, I'll introduce my counsel, Fred Logan, for his comments.

Fred Logan, Logan, Logan, and Watson, Prairie Village, appeared before the Planning Commission and made the following comments:

Mr. Logan: Thank you Mr. Chairman and members of the Planning Commission. I am counsel to Mr. Regnier on this project. I want to begin by joining with him in expressing admiration for the Oddo Development team. The commitment they have demonstrated through the various iterations of these plans is the best possible indicator of how they will perform in the coming years. This has a legal ramification. We view this as a "once in every 20 years" opportunity for the city. This land has remained vacant since the mid-1970s with essentially similar zoning. It was Commercial zoning and then MXD zoning for 20 years. This is an extraordinary opportunity for the city to be able to work with a quality developer with a proven track record of success in high-quality developments throughout the area. That's the opportunity you will have with the Oddo team. We also think it's extremely important to note the various iterations of this plan. Mr. Oddo has really stayed in the game on this and has, at considerable expense, fostered a number of different plans. The important result is the recommendation of your professional staff. Staff recommends approval of the application, as the project meets the requirements of the Leawood Development Ordinance and now incorporates more elements of the Comprehensive Plan and the 135th Street Community Plan for Mixed Use Development. It is extremely important that the recommendation has been made. That puts us in a different position than when I stood before you last time and staff recommendation was in the negative. Staff recommends this plan. This is a historic opportunity for the city to have one developer that it can work with over a very substantial piece of ground. It meets all the requirements of the LDO and is consistent with all of the policy guidelines in the 135th Street Community Plan. I would simply close by noting that you and the city have proof of Mr. Oddo's demonstrated commitment to the city. He's worked with his team over many, many months

on various iterations of these plans at great expense. He has demonstrated a commitment to the city. We urge you to recommend to City Council that they approve this project. I thank the members of the Planning Commission.

Mr. Oddo: Before I go any further, I'd like to have my attorney speak.

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

Mr. Holland: I appreciate you hearing our application again tonight. I know it's been many meetings. I think you mentioned this is our 6th meeting. I'm going to briefly discuss the stipulations. I want to get those out of the way before we made our presentation and follow the same order we did last time. I'm happy to say that we don't have as many objections to the stipulations as we had last time. I really only want to focus your attention on two of the stipulations. The first is No. 11D. This relates to the stipulation to widen 135th Street as part of our project. I know it's not required until the eastern half or the commercial area is developed and that's needed. I know the traffic impact study also mentioned that it would be needed by that time. I wanted to suggest that, as it relates to the 135th Street Corridor Impact Fee, there is an interrelation between those two items in our opinion. One is that the city is requiring, per ordinance, that we make this payment to the city because we are within the 135th Street Corridor. We're not necessarily objecting to the making of that payment. It is by code. We are wanting to visit a bit about the requirement to widen 135th Street because it is an extra requirement that is not necessarily a code requirement. It is something that Public Works is recommending. Our only request is that we believe we ought to be given a credit for the cost of the widening of the road against the 135th Street Corridor Impact Fee to make it fair. Most communities, you either make improvements, or you pay a fee and the city makes the improvements. Here, we're having to do both. That's very unusual. We don't necessarily believe its all fair, and we don't necessarily believe that all of the traffic that is going to travel up and down 135th Street can be pinpointed onto this particular development. We're not saying we're not going to contribute to any of that, but we're certainly saying that we shouldn't have to pay for 100% of the road improvement while also paying this pretty steep Impact Fee. The other stipulation I'd like to turn your attention to is No. 37. This is one that will be familiar. It has to do with the joint and several liability requirement with respect to maintenance of the common areas. Last time, we went over what it meant. We're not opposed to having joint liability among the property owners for those maintenance improvements. What we are objecting to is the term "several," making each owner joint and severally liable. The point to that is that the city, if wanted to, could go after any one individual unit owner to make all of those improvements. We don't think that is a good way to ensure that the maintenance is done. I think we'll have a pretty solid declaration with obligations spelled out in it and indication that all the property owners have some joint responsibility and obligation for the maintenance. We object to the term "several" for the reason I mentioned. We don't think it's fair to allow for the city to go after one particular individual property owner, like one with the deepest pockets. I know we talked about that extensively last time. That's our one objection to that stipulation. We're in agreement with all the other stipulations. Unless you have questions, I would defer to Mr. Oddo.

Chairman Elkins: Thank you Mr. Holland. Mr. Oddo, would you prefer we ask questions of Mr. Holland now or at the conclusion of your presentation?

Mr. Oddo: You can ask them now.

Chairman Elkins: Thank you. Are there questions about the stipulations he's concerned about?

Comm. Block: On the first one, can you remind me where the other part is?

Mr. Holland: It falls back under the Public Works recommendation, so you have to go to the other set of stipulations. I don't know if staff could help me locate it.

Comm. Block: Is it D(vi)?

Mr. Holland: That's it: 2D(vi) is where that's found.

Comm. Hoyt: In 2D(vi), there is a cryptic parenthetical, "This work is anticipated to be performed by others." What does that mean?

Mr. Holland: I think that's related to the widening of 135th Street on the south side of the road. We're responsible for the widening to a third lane on the north side of 135th Street. I think that specifically references what is called the Lashbrook Project, which is immediately to the south.

Comm. Hoyt: You're saying that 2D(vi) indicates your responsibility?

Mr. Holland: The first part of it does: "The westbound lane shall be widened to three lanes from State Line to Pawnee."

Comm. Hoyt: Really, the second sentence doesn't relate to you at all is what you're saying.

Mr. Holland: That is correct. We don't like that sentence, but the Public Works folks left it in there. They did clarify it by adding the parenthetical, "To be performed by others" to make that clear.

Chairman Elkins: Other questions to Mr. Holland?

Comm. Peterson: With respect to the Impact Fee in 11D, unfortunately, there is not a summary in this packet that indicates a summary of what the Impact Fees are for this whole project. At the last meeting on July 13th, based upon the data provided in the packet, it appeared to me that the total impact fees by type, including Park, Art, Street, 135th Corridor, come to about \$2.2 million. With what you're talking about, changing 11D, how approximately does that affect the total Impact Fees?

Mr. Holland: So, what I'm talking specifically about is the additional cost of the widening adding another \$1 million or more in addition to the couple million dollars you just referenced. It is really \$3-\$4 million to pay all these Impact Fees and widen 135th Street. It is an additional cost. We're indicating that if we have to pay a 135th Street Corridor Impact Fee, along with all these other fees, we should be given credit for the cost we are incurring to widen 135th Street.

Chairman Elkins: You're saying that widening 135th Street for the west side only is \$1 million.

Mr. Holland: Probably more.

Mr. Oddo: I believe our engineer told us it would be closer to \$1.8 million for one mile of a third lane and deceleration lanes on just the west side. We're just asking that we get a credit toward whatever we spend on improvements of 135th Street so we don't get double hit for what I see is one service.

Comm. Peterson: Just so I'm clear on one thing, again, prior to the July 13th meeting, I took all the data from the estimated Impact Fees and banged them up against the numbers in the documents. Now, since that time, the number of units have reduced. According to my estimates, which I did share with Mr. Klein and Chairman Elkins, at that time, the total Impact Fees I estimated was approximately \$2.277 million. You're indicating this will increase the Impact Fees by an additional \$1 million?

Mr. Holland: To clarify, I'm not saying it will increase the Impact Fees. It's an increase to the cost of the project. Those fees that you just mentioned, which I don't doubt are at least that much, will have an additional \$1.8 factored in because we would incur that amount by constructing this extra third lane on 135th Street. I think it's fair to say you can add that cost to those other Impact Fees that you're mentioning as a cost to do business in the City of Leawood. We're not necessarily saying we shouldn't have some contribution to 135th Street in ways because we are going to add some traffic to that area, but I'm not sure it's fair to require the developer to pay both the full Impact Fee and then actually put in the road. I think it's arguable that the payment of the Corridor Fee was intended to pay for improvements like 135th Street. We see that as a bit of a double dip.

Chairman Elkins: Thank you. Other questions for Mr. Holland? Thank you. Mr. Oddo?

Mr. Oddo: Thank you very much. Just to clarify, we're more than willing to pay the greater of the two fees: either the improvements on 135th Street or the Impact Fees, whichever is greater. I believe our improvements are going to be greater than the Impact Fee is. That's why I was asking for a credit toward that.

I will try to keep to your 7:45 deadline, and I do not see a problem with that. I would like to get through this even more than you all would. I can't thank you enough to hear this out. We have made some changes. We have made some improvements. We have worked diligently with staff. I'm going to get into some of those details a bit later. This site, being a mile long and sitting as empty for as long as it has been, is ready to be developed with

the right plan. We do have mixed use on both east and west side. Remember, in your own guidelines, it says that the retail and commercial where needed and not just a percentage. I can't stress that enough. That's what we feel like we've done. I promise as we get toward Final Plan, if I see that we can do more retail and office, I'm happy to do so. As we've stated before, retail is definitely a lot more profitable than apartments, so I'd rather do retail. If it's empty, it serves no purpose. Before you go on with anything, I would like to replay a revised video of Cameron's Court with the single-family homes and some of the other improvements. (*shows video*). As you can see, we have a lot of green space, luxury apartments, single family across 133rd. Chadwick Park is going to be amazing. We'll have single family and twin villas as a buffer between the north and south. We've got the mansion-style homes, which are pretty much 12-unit buildings. We've got brownstone units that will be available for sale. We have retail and office buildings on the west side. You can see the office and retail along Pawnee. The parking garage is not visible from 135th or 133rd. We hide them well, and we make amazing amenity decks for our residents. On top, next to the ponds, you can see the private areas for the residents with Bocce Ball, fire pits, and other things. We hope to have juice bars and restaurants available to everybody. Chadwick Park has brownstones on the east and west sides. It turns into a one-way street. There is a kiosk and restaurants at the end of each of the two brownstone buildings. Chadwick Park is over 90 feet wide and 400 feet long. It will be able to have a lot of things: car shows, food trucks, theater in the park, jazz bands, and movie nights. It will be very family oriented. Of course, we'll have retail shops on both east and west sides. Art fairs will be popular for everybody to enjoy throughout Leawood. It's not just for our residents. At the end of Chadwick, there are single-family homes. Coming in to 134th Street off State Line is a Main Street feel on the left and right sides. It just keeps on going with dining facilities and shops. There will be work-live places. There will be retail on the first floor and office on the second floor. This will be Leawood's premier community. Thank you for viewing our video. I would think that this is something that everybody would want to have. It will be a community for all of Leawood to enjoy.

Once again, thank you very much. Sorry if I'm a little nervous. This is a big deal for me. This is going to be the second-largest development in all of Leawood, next to Town Center. It will bring a lot of people to shops and office spaces. You really need to bring it in the right order. Retail and office won't come unless we have the residential component first, which is what we plan on doing. You know the area. This has been zoned since 1975 as Office/Commercial. This is a one-mile-long community. It was originally designed to be four or five different communities. No one envisioned it to be one big one. It doesn't matter if the math is four or five big ones or four or five small ones or one big one as long as we don't exceed the allowable density. We haven't done that. This has always been considered a dense corridor. It was originally designed to be something like College Boulevard with high, tall buildings. Six to nine story buildings is what was originally envisioned. We don't have anywhere near that type of density, so we feel like it's a much better plan than people were expecting when they bought into homes to the north. It has always been a high-density corridor. We feel that we're going to bring something with less density that is still high impact to the value of Leawood. It came up before how many units are allowed. The allowable units are 1,742 on this site. We have 935 units. My math came to 8.05, which is still about 45-47% less density than what is allowed. When I came in to work with staff from the first and second revisions that were pretty close to the major

changes, they told us that they recommended more residential on the east side. We have the senior living, plus about 100 units. In addition, to be able to put in a large park like we had to, we had to do a few things to increase the density. When you're running 47% of density, it should be rewarded. It doesn't really matter if it's more or less than what we had before; it's still about half of what's allowed by code. When we came in to start talking, the first thing they said was not to worry about the density as long as we weren't close to the 15, which we were far below. We just wanted to meet the 135th Street Corridor Plan. It needed to have the grid streets, the Main Street feel, and a litany of other things to meet. We did that and tried to keep the density as low as possible. Now, we've got very diverse types of housing and very affordable housing from single family, twin villas, and mansion-style homes. We added 4-story buildings that are called out and wanted in the 135th Street Plan. We've taken the 135th Street Plan and embraced it with super low density. The super low density allows us to have a lot of green space that no one was expecting us to have. I'm going to get into some of that later. The minimum office space allowed by the LDO is 285,000. We have the minimum amount. There is no need to put in more if it's not needed. We have to have a minimum of 5% retail, and we have 6.9%. We could have 300,000-400,000 square feet of retail and still have all the apartments. We could have 600,000 square feet of office and still have all the apartments and still be within code. We don't have that. Our density could not be lower. The residential community we're showing is at 8.05%. If I'm wrong, I'm not trying to lie to anybody. It's not off by a lot. Its 807 units below the allowable density. We agree on that number.

The most important major change we've made is adding 29 single-family homes across 133rd. We still kept the twin villas. We needed a diversity of homes. We need a diversity of price points for the different homes. I'll get more into that later. We moved our senior living 72 feet to the east. When we did that, we created 4 ½ additional acres of trees, so it's a natural habitat area, which I think is phenomenal. We now have over 17.4 acres of parks and natural space. It's not just green space; we've got almost 39 ½ acres of green space. This is just parks and wooded areas that everybody will be able to enjoy. It's far larger than Gezer Park down the street. The end will be for everybody to enjoy. Green space is 35% of the 116 acres and is above the requirements of the LDO. We removed the deferred parking. We eliminated all the future parking and now meet the required parking. We meet the 135th Street Corridor Plan and the LDO for sidewalks. We don't have our setbacks too far, which was an issue before. We're also in agreement with the Main Street community. As I said before, we've got a Main Street feel coming in off 134th Street and then again on Chadwick. That was the thing they asked us to do. We put those in, along with another type of housing that wasn't there before. These are the things that added a little bit more units. These brownstones are all for sale. The condos over the office space on the east side will be for sale. We've got a lot of different products that will be for sale.

Staff originally wanted Kenneth to be a public street. We're all in agreement that we don't need a public street. That was one of the requests that neighbors from the north had. They wanted the streets offset so they didn't line up with High Drive and other streets. The people to the north didn't want Kenneth to go straight through. Traffic didn't deem it. Public Works agreed, so now we can make it a private street. Once it became a private street, we had to move it 25 feet to the east from the property line. You can see how it lines up with the detention pond to the north. The neighbors are worried lights might shine into the neighborhood. Even though the ground goes uphill to the north, I'm still volunteering,

upon approval with City Council, to donate money or put in additional trees and shrubs to screen the area for their protection. We can start now so we get additional growth for when we have development over there. As you know, Quik Trip is going in across the street. We had a C store on the corner. We don't need to have two across the street from each other, so we downgraded the usage to a restaurant. It will most likely be a quick serve, which means a drive-through. Per the traffic report you've already seen, this should reduce traffic between 17-25%. The natural habitat stops about halfway down to the restaurant. We are going to continue the forestation all the way down as far as we can not to block views but so we can continue to block as much view from Enclave. Even though most of the view is blocked by the pub and retail center that is already there, we're still going to do what we can to add additional protection to block the view. We're trying to do what we can to be good neighbors. I do want to stress, along 133rd, screening will probably be exactly the same plantings. We have to put a couple thousand trees there, and I'm happy to do that. I'd rather it be along 133rd as much as possible. We'll also do a lot along 135th Street. We're going to do the best we can to screen north and south sides of the community.

As I said before, Cameron's Court is designed to be a cohesive, walkable, bikeable community. We've got dedicated bike trails and a lot of natural habitats. The bike trail loops all the way around the church. That will be a nice feature for all Leawood to enjoy. We also have lots of natural habitats and parks for all. We now meet the street network. That was one of the issues we had before. We have all types of streets: destination, activity, and neighborhood. We have widths that are necessary for setbacks. We have the Main Street feel that was requested off 134th Street and with Chadwick. I can't stress enough how much we worked with staff to come up with these ideas. They would suggest something, and we tried to incorporate it into our plan. This is one of the reasons we now meet the 135th Street Corridor Plan, why we meet the LDO, and why we should be approved. I agree with them.

I am going to go over the transect and transition because this seems to be one of the bones of contention that people have had. You know how the Corridor Plan called out for T4, T5, T6 zoning or planning. T3 is the single families to the north. T4 is supposed to be a buffer between single families to the north and the apartments that we have in T5. T6 is supposed to be the high-density area. Technically, everything we have in the whole community falls within the T5 allowable designation, but we didn't push all of our heavy retail along State Line and down 135th Street in the L. We put the highest density in the T6 region of the east side of the community. We have light density retail. We still have retail and office, east to west. We need twin villas for the price point for the development. We can't have all \$800,000 homes. We've transitioned much better than other communities that you've approved for MXD. Just across the street is Park Place with 6-story buildings right across from single family. Our single family and twin villas ought to be more than adequate as a buffer if they can have 6-story buildings across the street. Over at Mission Farms, there are 4-story buildings separated by a parking lot to multi-million-dollar homes. Once again, I feel like our zoning and transitioning from single family to single family to apartments is far better than any of the transitioning you've approved in Leawood. Your discussion in the 135th Street Corridor Plan is 2- and 3-story apartments. We're single family and twin villas. I think we're far superior to what was ever envisioned to be for transition. I hope it's appreciated by our neighbors. We were trying to be very respectful of that.

Once again, Chadwick Park is our centerpiece. Because of our super low density, we're able to have a very large park right in the center of Leawood, where we're going to be able to have all sorts of cultural events from farmer's markets to food trucks to theater in the park to art festivals to music in the park to car shows to cultural events. One of the things that came up is where the parking is going to be. We have enough street parking that we can house hundreds of cars for events if they're really that popular. Also, I really want to stress these are family-oriented events that we expect to close down around 10:00-ish. We will meet all ordinances so we don't offend anybody with noise. They're probably going to be mostly Thursday, Friday, and Saturday and maybe Sunday for the farmer's market and stuff like that. I truly believe this is a community for all of Leawood.

I'm going to read a quick excerpt from the 135th Street Community Plan. "Given the aging and relatively affluent population present in Johnson County, the 135th Street area is a likely candidate for additional residential development, including townhomes and apartments to serve the empty-nester demographic," which is who our number one demographic is. "The area, given its appeal, could attract empty-nester buyers from throughout Johnson County and beyond the Kansas City metro area." I could not agree more with that statement. "Currently, the demand exists for multifamily homes geared toward young professionals." Once again, I agree with that. "Therefore, the most likely product to move forward in this study area include row homes, townhomes, villa homes, and apartments." We are following your guideline to the T of what's expected. There are also excerpts that state that the office and retail needs have already been met for the most part, so there is no need for a lot of additional retail in addition to all the apartments. One half of our demographic at Villa Milano is a very similar product: 10-12 units per building, the same type we're talking about. Half the people there are over 50; 1/3 are over 65. Half of the people over 50 have homes or apartments down south: Florida, Texas, and Arizona. They have a really nice home here, and they want a place to go back and forth. I love this type of resident. There are 1/3 of the people between 35 and 55 that are divorcees who want to be within two miles of the family. I don't blame them. I wouldn't want to have to live far away from my family if I was divorced. I'd still want to be by my friends and my family. These are the people who live here. The smallest demographic of about 15-20% are the young professionals who want to see what it's like living in Leawood. They like the neighborhood; they like the schools. They don't have kids, and they want to see what it's like before they buy a house. These people usually buy something within 3-4 miles. We lose the most people out of our apartments to people buying homes within 3-4 miles of Villa Milano. I don't know why you wouldn't want those types of residents in Leawood. I'm going to read a short email I received that is so typical of our demographic. It reverberates exactly what Commissioner Peterson said at the last meeting we had as to what's going on. "My husband and I recently moved to Villa Milano after being homeowners our entire lives. We sold our home in Prairie Village and started looking for a desirable place to live, comparable to what we've been used to. After looking at many properties and not being happy with what we found, we looked at Villa Milano in Leawood. We immediately felt like we could call this community our home. The property itself is beautiful to look at and is maintained to the highest of standards. Our apartment feels so cozy and comfortable. It really does not feel like apartment living. We feel like we have our own home again, just a smaller space. The amenities are amazing, also. The option of

having a luxury place to lease was exactly what we were looking for.” These are the people we want to bring to Cameron’s Court, to our high-end community.

I’m going to go into some of the housing types we have. We have nine different types of housing. We have single family, twin villas, mansion-style homes, brownstones, luxury apartment homes with penthouses that I’ll get into in a little bit, work-live, senior living. We have a variety of homes, and a lot of them will be for sale: single family, condos, twin villas, brownstones. We have the for-sale product not all concentrated in one area but scattered throughout. We really immerse and mix the people, not that there’s anything different about any of them, but it’s a diversity of different living styles, all in this community. At the heart of it is going to be Cameron’s Court, where they can meet for coffee, for little restaurants. I think it’s going to be really neat to have some neat, local restaurants right there. Our single family will be 3,200-3,800 square feet, probably closer to 3,200-3,600 square feet. We expect them to be at least \$800,000 with 3-car garages. There’s another version with a 2-car garage that will be a bit smaller at 2,800-3,200 square feet. We’ve got our twin villas that will be 1,800-2,400 square feet per side, ranging around \$600,000-\$650,000. Our twin villas have 8-14 units per building. If we needed to, we could meet the 12-unit code, but that’s not really asked for. These are just like the apartments we have at Villa Milano. These are the ones that people feel like are homes because they pull into the garage and walk right into the kitchen or to a private entry, going up or down to the apartment home. They don’t have a public hallway or the public areas that a lot of apartments have; that’s why they call them homes. Most people think this is all product for sale because it’s so well maintained like condos, but these are high-end apartment homes. You can see different textures and different colors in the brownstones. Once again, we have a lot of different variations in colors and textures with a lot of similarities carried through. Henry could probably say it better than I can, but to make a one-mile-long community feel like a sense of place with similarities carried through is really hard. We’re trying to do this with having little communities within communities that have a little bit of difference but are still a very blended product. Within that, we have several different colors of stucco, several different types of stone, and several different colors of brick. I also want to stress these brownstones all have balconies and patios out front. This is really cool for people to have an own and watch what happens in Chadwick Park. We have high-end mid-rise apartments that are L-shaped. They have retail and commercial on the first floor. We feel like we can bring a nice restaurant in, similar to Rye, we’re hoping. They’ll have outside seating. We think it will be a really nice restaurant for everybody to enjoy with a patio and fireplace. This is one of the coolest concepts, I think: an amenity court for these. From 135th Street, the parking garage is camouflaged the best we can. Then, we put a courtyard deck on top of it. I was at a boutique hotel in California and saw this. I thought it was exactly what I wanted to do for my community in Leawood. We’ve taken this and put it in from a hotel to an apartment. I think it’s cool as can be. We’ve got fire pits on it. We’ve got gazebos and Bocce Ball. We’ve got all sorts of meeting places for our residents. They are going to love this. Then, on the corner, we’ll have penthouses. These will be 2,200-2,400 square feet with 11- and 12-foot ceilings. We’ve got similar apartments in another community. We’re getting over \$3,500 a month for these penthouses. These will be nicer with a lot more amenities. We expect a minimum of \$4,000 for our penthouses. Our cheapest one-bedrooms are starting at \$1,700-\$1,800. This is a high-end apartment community, but it also has retail, commercial, homes, twin villas; it has it all.

If we have someone rent all three stories for the office, great; if not, we'll have retail on the first floor and office on the second and third floors. We'll have a grocery store with a lot of movement and a lot of different products. There is green space in the middle of the Main Street. Turning on the Kenneth loop are 2- and 3-story office buildings with retail on the first floor and office above it. The grocery store has the fire lane out in front of the store as required by the LDO. We have parking for handicap and pickup, which is really big for the grocery stores now.

I want to discuss the phasing a little bit. Phase 1 is the single family. Phase 2 is our apartments and twin villas, similar to Villa Milano. Phase 3 is the brownstones. Phase 4 is our luxury mid-rise apartments. Phases 5 and 6 are the east side of the community. Both phases have a portion of living units. Phase 6 has the senior living and work-live. Every phase has a little bit of everything. Don't think that we're going to go in order 1, 2, 3, 4 and then 5 and 6. Our goal is to get 1 and 2 going as soon as possible. As soon as we get final approval, we will start marketing 5 and 6. As soon as we start getting enough traction so we can have enough to break ground on 5 and 6, we're happy to build out 5 and 6 as needed at the same time we're doing 1, 2, 3, and 4. We don't want you to think it's going to go in this exact order.

Yes, we've had some neighborhood concerns. You have already brought it up. I'm going to talk about some of the facts. I know that people are always afraid of the unknown. It's always the case. "I'm worried about what's coming. I don't know. I don't believe it will be as nice as he says it is." I can tell you some facts. The property values are not hurt in any way, shape, or form. Johnson County Appraiser's office has stated over and over that there is zero impact on homes next to high-end apartment communities. Park Place has proved that out across the street. Their homes continue to go up. At Mission Farms across from them, multi-multi-million-dollar homes continue to sky rise. There are 4-story buildings right across from them. It didn't affect them the least bit. Villa Milano backs up to million-dollar homes. It didn't affect theirs. Their values continue to skyrocket as fast as every other part of Leawood. Property values aren't an issue. Regarding density, like I said before when we came in, I was told as long as I was under the 15 units per acre, I shouldn't have any problem. Keep in mind that there are now parts of Leawood with 17 and 19 units per acre. Lashbrook is almost 10.6 units to the acre. Our density is well within the allowable codes. We are 807 units below the 1,742 units allowed. Schools love us because we're going to give them \$5-6 million per year in property taxes. Per their own notes, they are 75-80% at capacity, and they only expect 12-20 kids. Now that we've added some more single-family homes, it might go up a little bit more because single-family homes are what create kids in schools. We still see it more as empty nesters. Regarding traffic, we'll have more traffic than there is now. That goes without being said. When you originally designed the planning of the Master Plan, you always figured this was going to be an area with a lot of density and a lot of traffic. You designed your streets, your schools, and the parks around a much higher density. Now that we're half the density, traffic shouldn't be an issue. As a matter of fact, the Traffic Report proves that the levels of service will not change. It can handle twice the amount of density. We gave the traffic report to your Public Works department. They agree with what we said. They passed it on to their outside consultants: Olssen and Associates. They also confirmed the findings that the levels of service with the traffic will not change because of Cameron's Court. All I can do is just present the facts of what we expect to happen.

In summary, the team has worked very hard with staff over multiple meetings panning months, if not over a year and a half, to design a plan that differs significantly from what was brought before you. I want to stress that it was always intended to be four or five different communities. Like you saw from other developers that were bringing product before you in the past, each would have had it maxed out with their one product. Now, you have 3-5 products all maxed out. It's far better to have one at 50% density than 4-5 communities that are fully maxed out. Cameron's Court has a sense of community, has a sense of place. We have a development that everybody will want to work, live, and play at. We are in compliance with the LDO and the intent of the 135th Street Corridor Plan, as staff has stated. We now have the grid street system. We have brought office and retail to the west side of the community and Chadwick Park. We've added residential components to the eastern side, which is why our number of units went up for the most part. We have brownstones, condos over office space, live-work environments. We've added urban streetscapes to the site, creating improved walkability and an urban fabric, as requested by the 135th Street Plan. We've created a marketable, desirable Main-Street feel. We've utilized the three different types of streets: neighborhood, active, destination. We've done this with the bare minimum density as I stated before. Oddo Development has designed a unique plan that we believe not only meets the intent of the city's Master Plan for 135th Street Corridor but will also bring a much-needed housing option. I can't stress how much a need there is for this product. At all of our communities, we're running wait lists for our high-end properties. You can't even get in unless you put your name on a wait list for November-December right now. That's how full we are for a high-end product of this nature. This is going to be higher end than anything else I have in the city. It will be higher than anything else anywhere in this city. Not only is it a needed community, the additional property taxes for the city will be greatly appreciated. As I stated before, it was designed with less density by ordinance. The levels of traffic do not change. It's got lots of dedicated natural zone with the required grid streets, which was difficult to do. The plan creates over \$10 million in property taxes for the school and the city. After 20 years of development around the 135th Street Corridor, this proposed plan is viable, and we can begin development immediately, beginning with an approval tonight. This plan meets the LDO requirements. You have said before that you didn't feel it did. Now that it does meet the LDO requirements and the 135th Street Corridor Plan, I really ask you for your support in a positive vote tonight in favor of Cameron's Court. I open myself up for questions or any other type of abuse.

Chairman Elkins: Thank you, Mr. Oddo. We appreciate your presentation. Our standard process would be to give questions to the applicant. One potential approach, depending on the pleasure of the commission, is to take a break now, have the opportunity for the Public Hearing, and then have Mr. Oddo have an opportunity to respond, and then have questions to him after we've heard from both the public and from Mr. Oddo. That's a departure from our normal process, so if any of the commissioners would prefer to go through our standard process, we can certainly do that.

Ms. Knight: As a point of clarification, you referred to a Public Hearing. There is no Public Hearing; it is Public Comment.

Chairman Elkins: I'm sorry, but that's not what I'm talking about now, so let's not distract from what I'm wanting to do now. In terms of process, what is the commission's pleasure as to how to proceed? Commissioner McGurren is giving a thumbs up. Commissioner Coleman has a little question, so I'm curious to get his thought. Commissioner Block?

Comm. Block: I think its fine to move the process along.

Chairman Elkins: We have a tendency sometimes to get bogged down in the questions. I want to make sure we give the public opportunity to speak.

Comm. Block: I agree.

Chairman Elkins: Mr. Oddo, do you have objection to that?

Mr. Oddo: I will do whatever pleases you all.

Chairman Elkins: To clarify the point that Ms. Knight was trying to make, I did misspeak in talking about a Public Hearing. It is a matter of Public Comment. There are legal significances to whatever we call it. This is a significant enough issue for the city and for the Planning Commission that we determined that it is appropriate to have an opportunity for Public Comment. That's what we'll ask for next. Any other questions, or would this be a good time for us to take a break? We'll stand in adjournment for five minutes. In my list, the first to speak in terms of Public Comment would be Rachel Ruben.

Recess

Chairman Elkins: We're going to go into a period for Public Comment. We'll follow much the same procedure that we typically do when the public speaks. We'll be permitting four minutes for each member of the public who wishes to be heard. When we get to the four minutes, I'll try to give some sort of sign and ask you to bring yourself to a conclusion. We have a little bit of technology working here, and we'll do our best. With that, I'll welcome Rachel Ruben.

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

Ms. Ruben: I live down the street from the proposed Cameron's Court. It's also known as High Drive. I'm in the Waterford subdivision. I first of all want to thank you for your time. You asked really good questions at the beginning of this meeting. Going to the revisions in this plan versus the previous iterations, there were three changes made from the last iteration. I wanted to remind the commission that it voted on July 13th to deny or to not recommend this proposal with a vote of 4-1. Since July 13th, Mr. Oddo has made three changes to the proposal, and that's it. The changes were adding back in 29 houses, so he shifted those from rental to ownership. He enhanced some landscaping, and there was a Kenneth Road adjustment. Those are the three changes listed in the notice that went out to homeowners within 200 feet. Those were the formal changes made. There are so many

factors that were not updated or changed in this version. There was no change in parking. There was no change in the Main Street feel. I know at the last meeting, Mr. Klein put up a really nice video of what the Main Street feel would look like, and it was something I think all of us could be really proud of in Leawood to have something like that in that location. The applicant has not changed anything in that regard. It is the exact same design as what he presented July 13th. The Staff Report states that there are opportunities for a Main Street feel in Phase 5. Phase 5, again, we don't know when will happen. At a previous interact meeting, the developer said he would need 50% sign-on from tenants before he could even consider Phase 5. There has been no feasibility study for Phase 5. That is the only portion of this development that is truly mixed use – Phase 5 and now what I think is called Phase 6. That is the only part that is really mixed use. He is proposing a grocery store in Phase 5. We have Price Chopper right down the street in Leawood not even a mile away. Then, we have Target and Walmart on the Missouri side. There really isn't a need for a grocery store. We don't want a fast-food location at 133rd and State Line. Going back to the density, the developer has stated many times that he is well within the density limits and requirements of the LDO. What he's doing is taking the Mixed-Use regulations, and he's applying it to this entire development, when the western portion is 98% residential. The only mixed use is in the eastern portion of the development by State Line Road. If he had to comply with the RP-4 regulations in the LDO, which is Section 16-2-5.7, the density would be 9.18 dwelling units per acre. That is what the developer would have to comply with in the western portion of this development in Cameron's Court. It would have to be 9.18. Staff has said it is approximately 12 dwelling units per acre in just the western portion. Taking the whole thing together, assuming it all happens, and assuming the eastern portion happens, then the density goes down. We have no guarantee that Phases 5 and 6 will ever happen. There is great concern because of the economy, changes in work habits. We don't need as much commercial space. We have a lot of retail space that's empty in Leawood. I don't think that Phase 5 is actually feasible, and we have no feasibility study to say that it is feasible. I wanted to comment on Market Square, which is the Price Chopper shopping center. There were comments in the Staff Report that seemed to use Market Square as saying that it is part of the mixed use. The western portion of the development is 98% residential, but we have Market Square across the street, which is retail. You can't combine the two. Market Square, Price Chopper, and that whole development are not the applicant. They are not applying for rezoning. You can't say you're going to use that portion and apply it to Cameron's Court. That is not allowed. I think I have to say that I'm surprised that the developer is coming forward and asking for tax breaks and asking for you to discount the cost of improving 135th Street. I really think that takes a lot of chutzpah to come in and ask for that. This development is very dense. It is the densest development in Leawood as far as square footage and acreage. I just request that you recommend denial or that you deny the application. Thank you.

Chairman Elkins: We appreciate your comments. Next on my speaker's list is Steve Durr.

Steve Durr, 2211 W. 132nd Street, Enclave at Cedar Point, appeared before the Planning Commission and made the following comments:

Mr. Doerr: Kansas City cyclists flock to 133rd Street. It's like a giant funnel that brings everyone to Leawood South bike loop, Gezer Park for beautiful streets, and access to other bike routes. Tonight, you are considering a development plan that will eliminate 82% of the current bike lane between Pawnee and High Drive. This is part of the Leawood South bike loop, and we're losing a lot of bike lane there. Last December, I spoke to City Council in support of Public Works Cameron's Court stipulation to widen 133rd to provide for both safe turn lanes and extend the bike lanes by approximately ½ mile. I discussed several studies that showed bike lanes made the streets safer for cars, bikes, and pedestrians. The most comprehensive study was done by the University of Colorado, Denver. They took 13 years of data from 12 cities, including Kansas City, Missouri. Their conclusion, bike infrastructure is one of the biggest factors in road safety for everyone. After building bike lanes, many cities reduced fatal accidents by 40-50%. Portland reduced fatalities by 75%. Here we are in Leawood, considering removing a bike lane from our own bike loop, while increasing traffic. According to Leawood Planning, we will lose 1,000 feet of bike lane when the street is restriped for Cameron's Court's turn lane. This is 82% of the current bike lane between Pawnee and High Drive gone. The remaining 220 feet will be in two short segments, squeezed between turn lanes. The many turn lanes, bike lanes, and offset intersections are creating a very cluttered street. This is just another distraction for both drivers and bikers. 58% of all bike fatalities occur at non-intersections, being sideswiped or run over by a distracted driver. This street layout is a tragic accident waiting to happen. When bikes and cars try to share the same space at the same time, the outcome is very ugly. The bikers are here to stay. We're not going anywhere. Elite Cycling at Mission Farms told us their sales are up 40% this past year. To top it off, the demographics that Mr. Oddo says he is targeting is the same demographic that biking appeals to. If this project is approved, we will see even more bikes on the road. The first Cameron's Court traffic study said that the C Mart would generate 5,167 trips each day. Moving 70 feet to the east should not reduce that number to zero, as their new amended study says. Quik Trip has twice the market share of its closest competitor. It has a very successful point's promotion with Price Chopper. When you exit Quik Trip, you will already be on 133rd, so anyone westbound is likely to stay on 133rd. Cameron's Court will only increase the traffic. I know you read your emails. People are taking their time to tell you that traffic is already a problem. Let's not turn your backs on these people. Sometimes we need to step away from the engineers' graphs and tables and listen to the residents who actually live on the street. We know traffic will increase when the Quik Trip opens in January. We know a lot of bikers' use 133rd. You have the information that bike lanes dramatically increase safety for everyone. Please do not approve a project the size of Cameron's Court without first providing for the safety and the welfare of the citizens of Leawood. That would just be wrong. Lastly, we know this land is going to be developed, but we only get one chance to get it right. We don't want a development that just checks the boxes; we want a development we can all be proud to call our neighbor. In its current form, I don't believe Cameron's Court does that. I know Mr. Oddo and Mr. Klover can do a lot better. Leawood deserves a lot better, and Kansas City bikers deserve better. Thank you. I do have one question. I might need someone to help me get home tonight. It seems that, according to the traffic plan, nobody goes east on 133rd Street, and that's where I live. If anybody can help me get there, I would appreciate that.

Chairman Elkins: Thank you, Mr. Durr; we'll look into that. The next speaker is Terri Durr. Is Terri Durr in the audience tonight? We'll move on to Marc Casey.

Marc Casey, 2204 Condolea Terrace appeared before the Planning Commission and made the following comments:

Mr. Casey: My wife and I have lived at that address for almost three years. We could have moved anywhere we wanted to. We chose the townhomes in Leawood South. They gave us everything we wanted. We moved from the Tomahawk Creek Condominiums, which would be somewhat like some of what is in this addition. It was too crowded. We just didn't like the situation. We wanted something with more room. We have observed this vacant land which is the subject of this hearing for probably 15 years. Our daughter lived in Wilshire Place, so we were in and out all the time. We've had countless hours with our granddaughter in Gezer Park. We're very familiar with what is going on. We knew this land would be developed; there is no question about that. We thought it would be developed in a way that would be consistent with the neighborhood rather than this terribly dense plan that has been put before you. There are many, many issues, obviously, and I've come to the party late. After Mr. Sanchez alerted me to the package, I read almost all 1,000 pages through yesterday and today to get caught up with what you've been doing. You've done a great job. You've had a lot to consider. There's been a lot of issues that have been addressed over the past year from what I can tell from the reading. I think it's really more basic than that. The purpose of the Leawood Development Ordinance is clearly set out in 16-1-2.1, stating in part that, "This ordinance has been established with the purpose of promoting the health, safety, and general welfare of the community and maintaining a high-quality living environment. It's also developed to lessen congestion in the streets, prevent the overcrowding of land, and to avoid undue concentration of population." I think this plan that is proposed in front of you violates every one of those precepts, and that's what this ordinance is for. Also, with regard to some of the things that Mr. Oddo was addressing, I read the RCLCO plan that was in the packet, especially on the Executive Summary, where they indicate that, based on their assessment, the 135th Street Corridor Plan, which was developed back in 2008, was overly optimistic both then and in the current market environment in 2019 and is based more on wishful thinking than any realistic assessment of what the market can bear at the present time. I think what we're seeing, and as the young lady prior to me stated, it is smoke and mirrors. They're trying to pull in this, "Maybe we'll do some development. We'll have retail and commercial, but that lets us bring in this dense apartment complex and all these other things." I suspect that, in 5-10 years, we will see very little that has developed in either retail or commercial in the area. I drive State Line numerous times every day, and I see all the empty storefronts. I just don't see how this is going to be economically feasible and have a lot of new either commercial, retail, or office space. That just is not going to happen, but that is the vehicle that's being used to try to get this plan through. I think the other problem is the traffic. I've looked at the traffic study. It says that both 135th Street and State Line are already stressed. As one who travels those all the time, they are clearly stressed. You now are going to stress 133rd and Mission because the people that live in here won't take long to figure out if they turn north and go on 133rd, they can get out a lot quicker than going to 135th and having to deal with State Line Road. I'm three units off Sagamore Road, and I can already see where they will come on 133rd.

They'll turn on Pembroke, go right on Sagamore to 128th Street, and that's how they'll start accessing State Line Road. There's a lot of issues here that they're not addressing. I would respectfully request that you deny their application. I know it's a difficult job that you're given on this. I just want to state one more thing. I come as a retired attorney of 45 years. I was a city attorney for 40 years in a town of 4,000. It's the only town of 4,000 in the country that has a Major League baseball diamond: Dyersville, Iowa, Field of Dreams. We went through all these planning and zoning issues. I was a city attorney through that. We got sued and ended up in the Supreme Court. We won. We followed everything. We did it how it was supposed to be done. I think you can consider all these points I've made. I think they're all very valid to consider to say, "Yes, this is an impact that it's going to have on all these different areas of people's lives." I would ask that you give that serious consideration. Thank you.

Chairman Elkins: Thank you for your comments, Mr. Casey. Larry Gunja?

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

Mr. Gunja: For the record, I strongly oppose the developer's current plan for the development that he refers to as Cameron's Court. You'll likely hear a lot of opposition to this plan in regard to density, traffic, mixed use, as well as other issues. I'll leave that to some other of my concerned neighbors and friends. I'd like to comment about the disconnect between the developer and his team and the homeowners, whose concern about how the density of his plan will affect their home values, the safety of their children regarding additional traffic, and the aesthetics of the surrounding area. I'd like to share some comments made by the developer and his team during the neighborhood interact meetings, Planning Commission meetings, and City Council meetings. I'll respond to those comments with my opinion, as well as with undisputable hard facts, and I would propose some questions to the developer regarding these statements. In regard to homeowners' concern about high density and increased traffic, Mr. Curt Holland, an attorney representing Oddo Development, stated, "I'm not sure the residents fully appreciate what the alternative would be if we did follow a pure mixed use." How condescending, Mr. Holland. Are you and the Oddo team really that much smarter than us? Mr. Holland went on to say, "We're trying to work with the city." Well, how about working with the concerned homeowners? And finally, Mr. Holland stated, "I didn't really hear from the residents what the alternative would be, other than they just didn't want this plan." Well, what I heard and what I believe everyone else heard was that they want lower density, less traffic, and real mixed use. Mr. Oddo has stated, "We had a lot of neighborhood interact meetings, as you know." Well, I know that the neighborhood interact meetings I attended amounted to what I refer to as The Oddo Show, where the developer attempts to tell us what we want. Mr. Oddo has also stated most neighbors did not want to have retail between Kenneth Road and Pawnee; they want it at Mission and State Line because they didn't want traffic along 133rd Street. What the neighbors actually said they wanted is single-family homes, lower density, and less traffic throughout our residential streets. They want a Main Street feel, walkability, with a blend of mixed retail, like restaurants, patios, coffee shops, bakery, deli, craft brewery. There are so many possibilities. Mr. Oddo has stated, "We're

adding 15 acres of parks; 9.4 will be open to the community.” Well, paving a path within an already established natural habitat and claiming it as additional parkland and placing a couple of park benches in some unusable corners and calling those parks is not adding acres of parks. Mr. Oddo, on two separate occasions, referred to Gezer Park as “a hair over 10 acres with 1/3 parking and 1/3 pond.” Go ahead and Google “aerial view of Gezer Park in Leawood, Kansas,” and you decide if the parking lot and pond make up 2/3 of Gezer Park. It’s laughable. He also stated, “We’re providing 17 ½ acres of park space, compared to Gezer Park’s 4 ½ acres. On Leawood.org, the city’s website, it clearly states that Gezer Park is 10 acres, as the developer stated at a prior meeting. Mr. Oddo said, “We’re adding park space for everybody, and we also have 35% green space, which exceeds the minimum 30%.” You actually are not adding park/green space, Mr. Oddo. A huge part of your 35% green space is natural habitat that already exists. Other than the proposed Chadwick Park, that I would like to add right now is less than 1 acre, what amenities do your parks provide for the community? Is there a playground, shelter house, picnic tables, and bar-be-que grills? At Gezer Park, there is a playground, two shelter houses, a stream flowing into a pond, restrooms, a garden, public art. On the large green space, you can play all kinds of lawn games. You can even fly a kite. High schoolers flock to Gezer Park to take homecoming and prom pictures. Will your so-called parks provide amenities similar to any of these? Mr. Oddo has stated, “We’re at 1/5 the density allowed by the LDO.” Well, everyone, it seems, except your team, can plainly see you’re at 1/5 the density allowed only if you count the east side of your plan along State Line, which isn’t actually real mixed use. At the June 8, 2020 Planning Commission meeting, after hearing criticism from concerned homeowners regarding his many misrepresentations and omission of facts, Mr. Oddo clearly and publicly stated, “I’d like to respond to some of these. You talk about lies and not being true. I want to respond to them.” I assume he’s referring to the homeowners’ criticism of his plan. That’s right, everyone: he called us - concerned Leawood homeowners - liars. The developer has not reached out to homeowners, at least not in Wilshire Place, about what they really want and don’t want, as he claims. His revised plans have always been in the hands of the Planning Commission before he goes through the motions of conducting an interact meeting with surrounding homeowners. His comments and actions toward concerned Leawood citizens is why his integrity, or rather the lack thereof, is being questioned. I hope you can now understand why so many homeowners oppose this plan. All other quotes that I have attributed to the Oddo development team can be verified in the minutes of the Leawood Planning Commission meetings and the Leawood City Council meetings. I urge all of you on the Planning Commission to decline the developer’s zoning change request on this parcel of land for all of the above reasons. I thank you for your time that you have provided me to share our concerns.

Chairman Elkins: Thank you, Mr. Gunja. Max Galloway?

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

Mr. Galloway: I’m not going to regurgitate what everyone else has said because it’s pretty much unanimous. I’d be shocked if anyone else tonight is actually in favor of this from the community. The process kind of has an amazing amount of similarities to Bill Murray’s

movie Groundhog Day to me. We, the taxpayers, continue to virtually say the same thing and get the same proposal, except when they added more apartments. The only difference I share with Bill Murray's perspective is that everybody we talk to has the same opinion. The death of brick and mortar is well known across the country. That's been brought up from other people. Mission Farms is a good example, and even adjacent to the property that the proposed space is going. We do not want more traffic. We do not want more apartments. Mr. Oddo has passed the requirements of the LDO. What he has not done is passed the desires of the current community, and I don't think he cares to. That's all I've got to say. Thank you.

Chairman Elkins: Thank you Mr. Galloway for your comments. Dan Goldberg?

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

Mr. Goldberg: I live with my wife and two children. We live within 200 feet of this proposed development. I think there are two primary reasons this proposal should be denied. I think you've heard these themes. I'm going to echo them because I think they're the important ones. First is the density. This is an astonishing amount of apartments within Pawnee Street and High Drive: over 900 apartments. You just have to sit there and think about that number. It's astonishing in so many regards. Earlier this year, the City of Overland Park faced a proposal at Ranch Mart: should they allow 190 apartments, a fraction? They said, "No," and it wasn't even close. Ranch Mart is a very dense area already. Here, we have pristine area that we are going to just mega-crowd with nothing but apartments. They're called different names, and there's a shtick to it, but you can't call it what it clearly is: just a lot of apartments. Second is the mixed use. Again, this is just a sham. We've been talking about this for years now. At least in the beginning, they would call it horizontal mixed use. They've just dropped that. Again, it's all in one area. In my neighborhood, Wilshire Place, we have less than 200 units. Now, we're going to be faced with something that is just massive and unfitting for the community. We want Mission Farms. We want something like that. We keep on saying that. No one listens, and it's hard to feel empathy for the developer, and it's hard to feel empathy for the landowner when this can be developed, I think, economically viable in a way that everyone can make a lot of money and make it fit for the community. For all these reasons, I think the city just needs to keep on sending the same points: work with the community, make it better, and make it fit with what Leawood is about. Thank you for your time.

Chairman Elkins: Thank you, Mr. Goldberg. Rick Robinson?

Rick Robinson, 2216 W. 131st Street, Enclave, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Robinson: I live in the Enclave subdivision, which is a small community of 24 wonderful households that are good neighbors and, more importantly, friends. I'm speaking as a citizen and not as a representative of the HOA; although, my wife and I endorse the statement that our HOA submitted, reiterating our previous concerns and

objections and are now objecting to the changes to the Cameron's Court plan, which includes a move of the Kenneth Road entrance to the east and the drive-through fast-food restaurant at the corner of 133rd and State Line. I would like to try to create a visual for you, if I could, of 133rd Street and State Line intersection. This is an intersection that is about 300 yards east of the only in-and-out entry/exit from our subdivision, which is Overbrook Road. The only way to get into that drive-through restaurant that's being proposed from State Line, which is where people will be when they spot it, is by the entry off State Line and 134th Street or by the entry from 133rd Street and Kenneth Road. You have a fast-food restaurant that people see but may not know how to get to, and they start looking around and trying to figure out how they can get to their cheeseburger. The entrance at 133rd and Kenneth that they have to use is only 200 feet west of Overbrook, our only entrance and exit. Those cars are going to be lining up on 133rd Street to make a left turn into the Kenneth Road entrance, and we will be severely limited with our ability to enter and exit our subdivision. Moving Kenneth Road to the east in this plan exacerbated the problem. I'd like to use a visual as an analogy. How many of you have taken your kids or grandkids to Chic-Fil-A at 135th and Metcalf? Cars are snaked around all over the place. It is a mess during the lunch and dinner hours. I would think that the OP Planning Commission and City Council would probably like to have that one back. Now, directly across State Line from this proposed fast-food restaurant is a Quik Trip that is currently being built. We all know how great QTs are: cheap gas, cheap food, which means lots of traffic and hardworking people, and their trucks are everywhere. We don't have any control over what Missouri does across the state line, but we certainly need to understand the impact that it has on our community. I want to say very emphatically that you do not need to be a traffic engineer to figure out that 133rd and State Line intersection would turn into a total safety disaster under this plan. I checked with the Leawood Police Department to find out how many accidents have occurred at 133rd and State Line. They reported that, since January 1, 2018, there have been 38 accidents at that intersection. That is almost one a month. That is only the southbound lane of State Line. Kansas City, MO responds to the northbound lane accidents, and I do not have any of their information. You add Quik Trip on one side and a fast-food restaurant on the other that people cannot easily figure out how to get to; that's going to be a problem. The developer has created a moving target with the commercial section of this project. As others have pointed out, he has said publicly many times that he personally will not be involved in the commercial end of the development. The plan includes this so he can meet all the mixed-use criteria outlined in the LDO and the 135th Street Corridor Plan. I understand that. He said that the drive-through restaurant was required to meet city plans. However, Mr. Klein, the city Planning Director, has told us that the city is not requiring that. That leaves a lot of questions for us in The Enclave as to what is really going to happen on that end of the development. We have been told that many of the unusual provisions included in the plan, like a drive-through restaurant or the convenience store in the previous plan, would require Special Use Permits, which would require other Public Hearings, which is all well and good, but if you approve this as it is, I ask you, how would you feel as a Leawood resident who lived close to a project that the city had approved, but you aren't sure what exactly has been approved or what is really going to happen? It's uncomfortable at best. One last thought: as we look across State Line from our neighborhood, we see a highly commercial, somewhat unattractive business area. Okay, that is that side of the state line. We live in Leawood, a community that we are all

proud of because it's nice, safe, appealing to the eye, and has so much to offer its residents. When I drive across State Line from 150 Highway to Missouri heading west, and then it turns into 135th Street in Kansas, it feels different and good. The same is true if I come from Lowe's across 133rd Street. It feels good to come into this community. These are gateways to our city. Do you want the first thing that someone coming into our beautiful community to see is a fast-food restaurant? I would hope not. Please demand better of any development and ensure that, when people cross the state line into Leawood, they see that this is different; this is nice. I want to compliment you all on the Planning Commission for what you do, serving our city. It's a thankless job that shows your commitment to keeping our city the great city that it is. Thank you for your service and dedication. You are special citizens. Thank you very much.

Chairman Elkins: Thank you for your perspective, Mr. Robinson. Next is Ryan Brunton.

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

Mr. Brunton: I am a resident of the Wilshire Place subdivision, which is north of the apartment complex in this proposed development. I recognize there are other Leawood citizens who would appreciate the opportunity to speak, so I'll keep my comments brief. Quite simply, it is my belief that Cameron's Court plan continues to be incompatible with the surrounding areas and neighborhoods. This commission agreed with that position two months ago. Mr. Oddo's currently plan has not materially different than the version you denied. As a result, I respectfully ask for your denial of this latest plan. Throughout this 16-month process, the surrounding neighbors have asked Mr. Oddo to consider and address several areas of concern. Among the chief concerns are the unnecessarily dense nature of the western portion of the project and the lack of an adequate buffer between the neighborhoods to the north and the high-density apartment complexes within the western portion. In return, Mr. Oddo has ignored the reasonable request of surrounding neighborhoods, refusing to make any change to his plan unless the Planning Commission or Governing Body specifically rejects this proposal. Mr. Oddo has been instructed by members of this commission and by members of the Governing Body to work with the surrounding neighborhoods to find a creative and cooperative approach to the development of these parcels. To-date, Mr. Oddo has failed to follow those instructions. Let's focus on specific issues. In 2020, Mr. Oddo presented two versions of his Cameron's Court plan, which included a 34-building, 662-multifamily-unit project on the western portion of the property. At each Public Hearing in 2020, planning commissioners and/or Governing Body members remarked that his original project was too dense. At one of the Governing Body meetings, Governing Body members remarked that the project was nothing more than, "a sea of apartment buildings." Instead of 34 apartment buildings and 662 multifamily units, Mr. Oddo's current plan now proposes 37 apartment buildings and 834 multifamily units. Those numbers represent a 30% increase in residential density from his 2020 plan. As was noted earlier tonight, the density of this project at its size is nothing like what Leawood has experienced to-date. In essence, this plan would develop the density of 2-3 Park Places right on the doorstep of the neighboring residential subdivisions. We continue to ask the following: how does this revised plan address the concerns of the Planning Commission

and Governing Body, and how does this revision address the concerns of the surrounding neighborhoods? The answer is simple: it does not address any of those concerns. Mr. Oddo has stubbornly committed to pushing as much residential density as he can possibly put on the western portion of the project. With respect to the adequate buffer, we all recall that Mr. Oddo's 2020 plans included a two-row buffer of single-family homes in the northwest corner of his project. That buffer was well received by all, and everyone asked him to extend the RP-2 buffer all the way to the Cornerstone Church. In fact, in a Governing Body meeting, he was specifically requested to, "Extend the RP-2" to "provide more buffer and transition." Fast forward to 2021, and Mr. Oddo's plan eliminated all of the RP-2 buffer, replacing it with a single row of duplexes. Of course, everyone, including this commission, noted great disappointment with that decision. Recognizing his follies, Mr. Oddo now offers some limited RP-2 in the northwest corner of the project. I would like to again remind this commission that the single row of single-family homes is basically half of the buffer that Mr. Oddo proposed in 2020. In total, Mr. Oddo took the one portion of his plan that was universally liked and turned it into a negative. His latest changes to the project don't even return the buffer to what was offered in his 2020 plans. If Mr. Oddo feels he needs duplexes at a different price point, he can certainly place those duplexes between the RP-2 homes and large apartment homes, but of course, he won't do that. Lastly, the 135th Street Corridor Plan and Leawood Development Ordinance both require Mr. Oddo to include retail and office uses in order for his western portion project to be eligible for MXD. Mr. Oddo continues to fight this tooth and nail, and his latest plan makes no changes to retail and office uses at 1.45% with 98.55% residential use on this project. In exchange for his moniker of mixed use, Mr. Oddo packs 12 residential units per acre onto this portion of the project and, as has been noted tonight, the density of his plan is greater than what would be allowed if this was purely a multifamily project. Mr. Oddo continues to use the eastern portion of the project and all of its calculations to say his density could not be lower, which is misleading and an inaccurate depiction of the true density that is surrounding the neighborhoods. At the end of the day, Mr. Oddo is disguising a multifamily project under the cover of MXD. In doing so, he attempts to circumvent Leawood's zoning requirements. While I recognize the developer and its consultants may believe this to be the case, this dense multifamily project is not the highest and best use of this land. This land represents one of the last parcels of undeveloped land remaining in Leawood. I do not believe Cameron's Court, which is essentially an 850-apartment complex is truly the type of project envisioned by our city and its residents for one of the last undeveloped pieces of land in the 135th Street Corridor. The citizens of Leawood, particularly those residing in the surrounding neighborhoods deserve better. For these reasons, I respectfully ask the Planning Commission to deny this application. Thank you.

Chairman Elkins: Thank you for your thoughts Mr. Brunton. Chad Summers?

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

Mr. Summers: Thank you all for giving me the opportunity to speak tonight. I have to tell you, this has been kind of a roller coaster of a meeting for me because I showed up with some prepared comments, and after listening to an hour and a half of the developer, I took

three pages of notes furiously. I was about to pitch those comments and address the notes. Then, a dozen of my neighbors were really thoughtful and planned what they were going to say and came in with cohesive arguments, reminding the body of how you voted in the past. It really put me in a position to just hit a couple key points that are really gnawing at me and are kind of stuck in my craw. Chairman Elkins, I want to start by thanking you and the other commissioners for some of the questions you asked of city staff right off the bat. That, right there, has led me to believe a little bit that maybe we're all wondering the same thing. I was a little concerned about the difficulty in identifying with city staff exactly what the number of allowable units would be if this were appropriately submitted as a residential zoning project as opposed to what Mr. Brunton so eloquently called it a multifamily development in disguise as MXD. I think we need an answer to that. I think that Mrs. Ruben suggested that the RP-4 would be considerably less. I think we need to verify that. I have to admit I was a little frustrated this morning when I dug into the Staff Report and saw that staff had capitulated and was now recommending that you approve this proposal. I started asking myself, "How could this possibly be?" Then I thought about it for a second and realized it's not that hard to understand. Mr. Klein, the new city planner, shows up in his very first Planning Commission meeting, hears a developer in town, threatened to sick HUD on him, issue veiled threats about litigation, claimed that they're being treated unfairly by city staff, and then proceeds to get worn out over months and months and months. These are city servants. I don't blame them for not wanting to fight with Mr. Oddo anymore. I'm asking you to stick to your guns. I'm asking you to keep in mind the threats that have been made, maybe most importantly, the threat to the homeowners who opposed him on the first iteration. He point-blank said, "You either go along with this proposal, or I'm going to jam one down your throats that's got hundreds more apartments." At least he was a man of his word on that item. If you drive west on 435, if you drive north on I-35, take a look around. These buildings that are being proposed are not uniquely Leawood. They are not adding to the distinction of our community. You can literally see them decorating the freeway on I-435. How does that help us continue to grow with distinction? I'm asking you to help us, the residents, maintain our pride. This developer has bullied us, has bullied staff, has threatened us and delivered on those threats. We are trying to protect ourselves, protect our families, and protect the city. Help us find dignity in this process because up until now, it definitely seems like the process is stacked in the developer's favor. I could go on and on, but I won't because I know other people have something to say. I think it's interesting to consider a comment that was made by Mr. Logan, actually, Mr. Regnier's lawyer. He commented about the developer's history in the community. I have to agree with him. I think the developer's history makes a difference, and it counts. In fact, history is the best predictor of future outcome. Mr. Oddo's history in this city, when he gets the green light to develop something, is to sue us. Don't let history repeat itself. Help us maintain our pride. Show us some dignity in this process. Please vote to deny this application. Thank you very much.

Chairman Elkins: Thank you for your comments, Mr. Summers. Next is Kyle Becker.

Kyle Becker, 2649 W. 132nd Terrace, Wilshire Place, appeared before the Planning Commission via Zoom and made the following comments:

Mr. Becker: I live just north of 133rd and the proposed development. I agree with my neighbors and fellow citizens that this will be developed. I also agree with them that at over 100 acres, we should do it right. My big concern is pedestrian usage of 133rd. As a walker, runner, and cyclist, I use that road quite a bit. It's already a major safety issue. There is not a single crosswalk between State Line and Mission Road, which is 1.3 miles. In addition, the sidewalk doesn't continue on both sides of the street, so you have to cross it at least twice. If Mr. Oddo puts this in with his staggered entrance and exits, not only is it going to be impossible for cars to make left turns safely onto 133rd, it will be impossible for pedestrians to do so as well. Just the other day, my wife and I were trying to cross with our dog and our daughter in her stroller, and traffic doesn't stop. In fact, somebody sped up and honked at us. Here we are trying to put close to 1,000 homes in with complete disregard for pedestrian traffic flow across 133rd, which is already quite busy. I would urge you to decline this so you can guarantee or at least consider pedestrians and cyclists. I would also echo what my fellow citizens have said about this being a bit of lipstick on a pig. In full transparency, this is the first time I've had a detailed look at this. I know you have been looking at this for over a year and a half. It's pretty clear that Mr. Oddo is going to shove a bunch of apartments in here and not build the retail, and we're going to be stuck with a dud. There's already empty stores to the west that he said they can't fill. The church is moving in on the rest. When all that retail sits empty but we're dealing with the traffic, that's not going to be a great outcome. I know it's a tough job, and having to come back again maybe isn't a ton of fun, but I do urge you to decline this request.

Chairman Elkins: Thank you Mr. Becker, we appreciate your perspective. Chris Nelson.

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

Mr. Nelson: I've spoken at the last four Planning Commission meetings. I have attended all interact meetings and have submitted written comments to all Planning Commission meetings. My objections remain the same. The Planning Commission, along with the Governing Body, has urged the developer to get input from surrounding residents. There has been no meaningful dialogue between the residents and Mr. Oddo. These interact meetings are primarily run by timeshare sales presentations. The Q&A at each meeting results in a fact-checking exercise where residents correct the record on Mr. Oddo's misrepresentation. I have yet to see any meaningful changes made to this project as a result of neighborhood input. This development is too dense. Most significant change in the current plan, compared to the original plan, has been to increase the number of living units by 44%. This will result in a virtual sea of apartments. There are several 4-story buildings that will dwarf the surrounding single-family homes. Traffic and congestion go along with these new residents and will overwhelm our neighborhood streets, particularly High Drive, which is a heavily traveled shortcut between 133rd and Mission Road. Cameron's Court is nearly identical to Mr. Oddo's recent development in Lenexa: Sonoma Point. In fact, the only real difference is that the Lenexa development has actual mixed use and is only 670 living units. This development is bordered by 435 on the west, commercial properties along 87th Street to the north, and duplexes to the south and east. I ask the commissioners: how does taking Lenexa's leftovers fit with Leawood's motto of growing with distinction? Over

the past 25 years, I have lived in Lenexa, Overland Park, Prairie Village, and for the past 15 years, Leawood. With each move, I felt like I was improving my quality of life. I understood living in Leawood meant I would pay higher taxes, but I would also benefit from Leawood's many amenities and possible city planning in return. Cameron's Court takes full advantage of Leawood's infrastructure of parks, schools, streets, public art, and surrounding neighborhoods and gives nothing back in return. I ask the Planning Commission to reject this application for the good of the city and its residents. Thank you.

Chairman Elkins: Thank you for sharing your perspective. I'll go back to Terri Durr. Is she here or on the phone? Are there any other residents who wish to be heard? If not, I will express my appreciation for the residents who did speak. We very much appreciate your input. Looks like we have someone coming in.

Mike Perry, 3210 W. 138th Street, Tuscan Reserve, appeared before the Planning Commission and made the following comments:

Mr. Perry: I came tonight not really prepared to speak, but after hearing what I've heard, I felt I had to. My wife and I just learned about this a week or so ago. We were shocked to hear something of this magnitude and size going in where it is proposed. I virtually agree with almost everything everyone else has said here, but I want to bring up a couple points. Prairie Fire to the west had Phase 1 opening in 2014. Phase 2 is finally starting seven years later. Clearly, there must have been some sort of demand issue or some ability to fill that land in that time frame in a timely manner. We're talking about an extremely larger project than Prairie Fire with this one. Again, how long is it going to take to complete this if it were to be approved? I'm opposed to it being approved; let me state that. It doesn't fit Leawood. It doesn't fit the level of lifestyle here. You bring in apartments, and just the amount of traffic alone is going to be phenomenal. My wife and I travel 133rd Street regularly, going to a gym where we work out on State Line. That is already fairly heavy in the mornings early. We sometimes go that way to avoid 135th because it is so busy in the mornings when we go and also at rush hour in the mornings and in the evenings. Adding another 1,000 residents in a one-mile section would be ridiculous to deal with on a daily basis, not to mention the safety of residents and more accidents and everything. I don't see where widening 135th from State Line just to Pawnee does anything. I would assume the city would have to pay for extending it the rest of the way down; otherwise, you would get a bottleneck. Again, you're creating more traffic issues with that design in my opinion. I don't have a bunch of fancy stats or anything to back this up. I live in the area. We travel it daily. I don't know why they can't just build more single-family homes there of the level that are surrounding it. You've got \$500,000 to well over \$1 million homes on the north and south sides of 135th Street bordering this property. It's insanity to me to do this. I just hope that you guys will consider that. I don't know if any of you live in that area, but you should come over there and spend a couple of days. There's just no way that kind of density is going to fly. It just won't be good for the neighbors or anybody that lives there. I hope you guys agree and will not approve this. I'd like to throw out a couple ideas. I happen to be in the real estate business. I market new homes out south in Overland Park. We're selling homes in the \$600,000 - \$1.5 million range. I don't know why this couldn't be nicer villas or single-family homes or a mix thereof west of the church. That little project that Jim

Lambie did – the Enclave, I think it is – sold like hotcakes. I think it would develop faster. We would have more quality housing there that fits Leawood and fits what we all currently live in and would expect to see around us. I just would think that would be the place for single family, and then apartments and commercial on the west side of the church. That's an ideal spot on the corner in my opinion, but what do I know? I've only been selling real estate for 36 years. We were stunned, and I hope you deny this project or at least require some revisions along the lines of what I have suggested or something similar. Thank you.

Chairman Elkins: Thank you for your comments, Mr. Perry. With that, I would invite Mr. Oddo and his team to return and to offer any comments and rebuttal to what we've heard from the public and then stand for questions from the commission.

Mr. Holland: Thank you for the opportunity to make a few comments. I do appreciate some of the comments that were made by the residents. By and large, they were respectful; some, I'm not so sure about. I know it's an emotional issue for them, so I understand that part of it. I think it is a little unfair to say we haven't made any changes. In fact, over the year or more that we've been at this, we have made changes. We've made many, many changes, and we've talked about some of those tonight. I'll just mention a few of them. We've removed the private gates or the gates that staff didn't like. We've preserved more trees. We've created more natural green areas by moving buildings. Removing Kenneth Road, for example, helped. We changed Chadwick from a public through street that would have destroyed a lot of trees to a park setting. We've enhanced the buffer along 133rd Street. I know there is some disagreement about what that should look like, but it's very challenging to fit this property to match and to bring it into conformance with the 135th Street Community Plan where we're being told to put in grid streets. We can't put in grid streets and also have the same single-family development buffering that was suggested earlier. We tried to put in some very nice twin villa buildings as a different living opportunity. We heard from the folks and from you about the single family, so we did put them back in. Every discussion and change we've made has been in response to either what the residents have said or what the Planning Commission, City Council, or staff have said. We've made a bunch of changes. We've added retail to the west side of the project. It's a little strange to hear that we're not adding enough retail and then also adding that there are empty retail stores, so we shouldn't add retail here. In large part, it's because this is what the city decided would be appropriate for 135th Street. The 135th Street Community Plan is what dictates the development and what the city wanted to see here and envisioned to be developed along this corridor. It's not just, "Let's go build some more single-family homes here along this corridor." Could we do that? Yeah, but that's not what the city's vision was. We're trying to match what the 135th Street Community Plan requires, strongly suggests, and has been really strongly suggested by staff and the Planning Commission and by, frankly, a lot of the residents. Now, we are following the plan. They may not like it. We're here at our sixth meeting, and we actually have a staff recommendation for approval, which I think is very important for you all to consider. We were in front of you, and there was some hesitation about whether to support it or not in earlier meetings because we didn't meet the LDO or we didn't meet the 135th Street Community Plan, and now we do. In our opinion, we've done a lot to improve the plan. It's not exactly what the neighbors want.

We understand that, but it is following your LDO, your planning guidelines, and your 135th Street Community Plan. That's what is shown there, and that's what we were told to do.

I want to talk a little bit about density. We've been hammered with the density question or issue. We can't really pick and choose what part of the 135th Street Community Plan we're supposed to follow and what part we're not or the LDO requirements. There have been some statements that aren't exactly accurate with regard to the density or what it would be for an RP-4 development. An RP-4 development would allow for 10.89 dwelling units per acre. It's what it says in your LDO. We're less than that in our plan. We're playing exactly by the rules that are set out in the LDO and in the 135th Street Community Plan. The density here is literally half of what it could be. Some people like to focus on the west side versus the east side. It's a full, entire plan. We followed all the rules when we submitted the plan, and we've worked very diligently with your staff to comply with the rules, and we do now. That's why staff is making a recommendation for approval now after many, many months of making changes to the plan. I attended every meeting, I think, except maybe not all the HOA meetings. There was no bullying or threatening going on in any of those discussions. I found those comments a little bit unfair to make because that's not Mr. Oddo's style, and that's not what was said. There weren't any threats. I guess it's an emotional issue for the residents, and I get that and understand it. I think you, as a body, need to stick to the facts of what this is. We aren't removing bike lanes; in fact, we're adding bike paths to the development. A lot of this stuff, I'm not sure where it comes from. Again, it's an emotional issue, so we're hearing some of that come through, and sometimes, it's fair to say that it's not always accurate, what's being thrown at us in that regard. Again, I understand it, and I appreciate those concerns. We, I think, did the best we could in terms of trying to answer your concerns and staff's concerns. We think we've come back with a plan that's beautiful. I don't know how you could watch that video and find this thing to be so objectionable, frankly. It's a beautiful project. It can't all be built at once. We have to phase it. It's going to take a little time, but it's got pedestrian walkways, connectivity, open spaces, park spaces, and different living options. There is retail. There are office components here. There is a Main Street. We can't go and negotiate how we're going to develop this with a bunch of residents that live within the area. There's not really any unanimity within them about how it should be developed. We heard a bunch of different versions about what they would all prefer, but we did meet with them. We did talk with them, and we did take their concerns into consideration as best we could. With that, I want to repeat that I want you to really sort through some of this and look through the facts of the case and try the best you can to set aside the emotion. Your job and role is to evaluate the plan and the rezoning request in accordance with your guidelines and regulations as well as the golden factors, which staff did a great job on. Again, we hope that you recommend approval to City Council.

Chairman Elkins: As a point of order, we're reaching the 9:00 hour. Is there a motion to extend our meeting by 30 minutes?

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

Chairman Elkins: The meeting will be extended until 9:30. Mr. Oddo, comments, and then hopefully, you'll stand for some questions.

Mr. Oddo: I feel comfortable with what we've said before, so I'm just here to answer questions.

Chairman Elkins: Thank you, Mr. Oddo. I appreciate that. We'll start tonight with our commissioners on the phone. Commissioner Hoyt or Commissioner Peterson?

Comm. Hoyt: I have a couple questions for Mr. Oddo. Then, after we're done with questioning him, I'll have further questions for staff. I have a question about Chadwick Park. Is that part of Phase 2?

Mr. Oddo: Yes, Phase 2 or 3 or 4, whichever goes in first. However, I say that, and in the last revision, did Public Works require that to go in with any phase over there?

Mr. Klein: I'd have to defer to Public Works. I think they wanted it to go in first.

Mr. Oddo: If so, I'm not going to argue with staff on that at all. If they want it in the beginning, I'm happy to do so. We're probably going to do 1 and 2 at the same time anyway.

Comm. Hoyt: Who will actually own and operate that?

Mr. Oddo: It will be owned by the association of Cameron's Court, which will be made up of all the homeowners, commercial owners, and property owners within the area.

Comm. Hoyt: In spite of the fact that Chadwick Park would be constructed as part of Phase 2 theoretically, does there have to be a certain critical mass that occurs in terms of people being in that association of Cameron's Court before it's viable to program that?

Mr. Oddo: I think that's a very fair question. We haven't really gotten that far. I don't know if I'll have the critical mass at Phase 1 and 2. It's certain when we put in 3 and 4, we would be able to. I would like to be able to do so, especially if I could build the kiosk with 2 possibly. I really think Chadwick is going to be something that everybody is going to want. I do have to make sure I have enough of the streets built out so that we have street parking there before I would open up Chadwick. If I open up Chadwick as a community event center, I think it's going to be so successful that I definitely will need the street parking in place before I do that. That is something I will work closely with staff on what they want me to do. I'll open it up as soon as I physically can because I think once I open that up, I'll be able to fill up the rest of the things even faster. My goal is to get that opened as soon as possible.

Comm. Hoyt: It's definitely a nice amenity. I just go from having some experience with facilities like that myself. They're actually more complicated to run than you might think

they are. I think it's a great thing to do, but it's going to take some resources to really do the programming on that.

Mr. Oddo: We'll have to have a full-time person assigned to the programming and running that and getting events and sponsors and everything for that. It's being done by other communities similarly. We'll do the same. I've been going to a lot of the other places during their events and taking notes and seeing who's there.

Comm. Hoyt: Phases 5 and 6, you said would be marketed as soon as Phase 2 gets underway. Are you going to be the person who markets it?

Mr. Oddo: I will be working with Mr. Regnier and his real estate team that markets retail and office. I'll be working with that team to help act as the developer on that as well. The idea of it being all by itself was dropped early on. We've been working very closely on everything. Mr. Regnier has been a great partner, and I want to continue that partnership with him and will continue it. I think I corrected myself. As I said, sometimes, I make slip-ups. We all do when we're up here, nervous, talking to people. I believe I recanted it and restated it as we'll start marketing 5 and 6 as soon as I get approval from City Council so that I can start marketing this. We will break ground, as stated before. Because it's such a large area, I don't think it will sell out on day one. No one can get loans for it until at least 60% is presold, preleased. Yes, we've done the market studies. Yes, we've already talked to a few retailers that are interested over here, so I think it could work. No one wants to get serious about conversations until I have an actual plan. Why waste time with the big retailers until you have something in hand that is feasible that they can start putting LOIs on and leases in place? I've done this multiple times before, so I know how to do this. I love the retail as much as I love the residential component. I've done subdivisions, apartment communities, retail, and office. I do a lot of warehouses, but obviously, we're not doing warehouses here.

Comm. Hoyt: Maybe this is something the city will have to get more involved in, but we have a lot of letters from the public on a lot of different subtopics here. There certainly was a collection of them that dealt with the loss of the south loop bike lane. I'd like to get clarification on that. What about this is going to lead to the loss of the south loop bike lane? You showed a bike trail going through Cameron's Court as proposed tonight. Will that bike trail connect to the south loop bike trail? Parks and Recreation spent a lot of effort to map out that whole north and south loop bike trail. I would hate to see something jeopardize that.

Mr. Oddo: I heard that comment tonight. I have no idea where it came from. I think there are a few comments similar to that, where they're stated as fact. We have no idea what's going on. I'll even defer that to Mr. Klein. We've talked. I said I would work with him on any bike loops, street crossings that need to be done. We're not removing any of the bike trail. As a matter of fact, there is no bike trail in front of the church. Don't quote me on this, but we're looking at about 1,600-1,800 additional lineal feet of bike trail. Now, you'll be able to go all the way through Cameron's Court and pick back up at 133rd with a continuous bike trail. Is that true, Mr. Klein?

Mr. Klein: The developer is actually increasing the width of 133rd Street. We have talked with Public Works about it. As a result, some bike lanes will be removed with this project to allow the through traffic; however, Public Works has a project in the future to put in bike lanes that would go all the way from Pawnee to State Line Road. Public Works is proposing to install those bike lanes in the future, probably around 5-7 years.

Comm. Hoyt: So, you're saying there will be a disconnect on the current south bike loop?

Mr. Klein: There are some current breaks in it right now as well.

Mr. Oddo: There are current breaks, but the only breaks we're going to have are crossing Chadwick and crossing High Drive. We've got to have an exit out onto 133rd. The only removal of "bike lane" is those entrance/exits.

Mr. Klein: It is due to the turning movements.

Mr. Oddo: And we're giving easements so that future growth can happen for those bike lanes.

Mr. Klein: In the future, Public Works has stated that they will be provided when Public Works widens 133rd Street.

Comm. Hoyt: Has Brian Anderson been involved in these discussions?

Mr. Klein: Yes, he has. Unfortunately, Brian couldn't be here tonight. Kerry Kanatzar is here instead.

Comm. Hoyt: If this project moves forward, I go back to my point before, and that is that we were shown a bike trail that goes through Cameron's Court. I would say that definitely ought to connect with the south loop bike trail and that all this hard work that Brian Anderson and his effort over the last several years has involved in really thinking about the safest way to do these north and south loops would be imbedded as part of this implementation sooner rather than later. I'll sign off on my questions, and I have another question or two for the city later.

Mr. Oddo: I do want to stress that I've talked to staff and told them we will work with them on the bike trails. That is our intent. What you're saying is what we're planning on doing. In addition to the low-traffic streets internally that people can cycle on, we'll have sidewalks as well. Mr. Klein and staff and I have been working closely on trying to do the bike trail so we are maintaining the safety of the bike system.

Comm. Peterson: Commissioner Hoyt asked a lot of the questions I wanted to ask. The only additional thing I would like to add on is that you've gone from the single-family homes, then to the duplexes, then back to the single-family homes along 133rd Street. You

also have the brownstones. What I'm a little uncertain of is if the brownstones are going to be available for purchase, rent, or both, and the same question for single-family homes.

Mr. Oddo: Single-family homes will definitely be for sale. We plan on doing the brownstones for sale as well. That's our intent. I think there's a good market there for both of those. I think there's a real market for 2- and 3-bedroom brownstones that are between 1,800 and 2,000 square feet that will be around \$400,000-\$500,000. I don't know if they'll hit the \$500,000, but they'll probably be in that range. That's what our intentions are.

Comm. Peterson: I really do like those brownstones. They're an interesting concept. On the first floor, you've got the retail on a couple of the buildings. Given that there are 935 potential residential units in that area, what type of retail would be attracted to that area? I would think there would be a sheer demand for a beautiful boutique wine store. I think it would be a big seller right there.

Mr. Oddo: I would love to have a wine store. I know there's a liquor store already by Price Chopper. I really think a small brewery would be good. I've already talked to a few local people who have places out in Shawnee. You're not getting their leftovers. They have very nice places out there. I think I'd love to see another restaurant out here. I also have in mind a sushi house. It's one of my favorites in town, and I'd love to see them have an additional restaurant down here. I've got a lot of restaurant contacts that I would like to see have either an additional location or a new look for a new restaurant. I think there will be a huge need. The only thing that's going to drive more retail is more residential. That's what it's going to take. We've got the right mix of residential and office. One of the things that we've had a problem with is a "whack a mole" situation. No matter what we did, if we remove something, it creates a problem somewhere else. We're the first community that will be able to come through without hitting the whack-a-mole because we truly have such a low density that it allows us to have the room to do the stuff that we need to do. I'm glad we were able to overcome that.

Comm. Peterson: It gives you the flexibility because of the lower density. This is the sixth time we've met on this issue, and Governing Body has met four times and will go on a fifth. The difference between the very first time you presented your case and today is a much better Main Street feel in this proposal tonight. There was an awful lot of work that went into it, and I appreciate that. Thank you.

Comm. Coleman: Can you please go through the drive-through restaurant with entrances on the northeast corner where State Line and 133rd intersect? Is there access to State Line, or is the restaurant access on 133rd?

Mr. Oddo: We have a right-in and a right-out through there that lines up with the shopping center to the north. We are allowed only one entrance that is a true in and out on this street from State Line. It should have probably lined up with Enclave across the street, but they've asked us not to do that, so we had to move it to the Kenneth loop. This is where I'm getting into the whack-a-mole situation with the residents. They say they don't want it to line up with their street across from their community, so we moved it down to Kenneth. Now, a

few people don't like it because they don't like that location, either. We have to have one location to enter in on the east side. We only have three entrances from 133rd: the Kenneth loop, High Drive, and Chadwick. The traffic coming from State Line would go west, enter on the loop, and then come back in to the drive-through. Then they would do a right-out back to State Line. People learn to do this real quickly. Once again, either way they're going to have to come past it because we can't have a left turn within so many hundred feet of State Line because of the stacking of the stoplight from State Line. All we're doing is meeting code.

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

Mr. Klover: I wanted to explain something. Everyone sees a drive-through, and they think its fast food. I am a national architect doing national work for companies all over the country. One of the requirements nowadays is, even with nice restaurants, they want the ability for people to order and pick up. We're putting nice restaurants in that will have orders and pickup. This is basically a queue to pick up food that's already paid for. That's very, very common. It's not our expectation that it will be a traditional Wendy's or Popeye's or that sort of thing. It's the hope that we can market this to the better restaurant qualities called QSRs that will have the ability to have food picked up after it is ordered. That's the whole purpose. It's going to be a special use, so you're going to see it. It was never our intent to put a McDonald's on the corner.

Comm. McGurren: Just as a show of your good faith over time, as the developer, will you maintain and fund the shortfalls of the HOA and not transition it to the homeowners until all the phases are completed?

Mr. Oddo: That is a great question. The way I've set up my associations in the past is everybody starts paying their dues from the beginning based upon their percentage. I always cover all the unsold, vacant lots so that no one pays more than their share. I always fund that. That's very typical with what most developers do.

Comm. McGurren: Until the completion of all the phases?

Mr. Oddo: Yes, and I can tell you all the commercial properties put it in their leases just that way so that they're not paying an exorbitant amount the first few years. I would, of course, do the same thing for the for-sale products.

Comm. McGurren: I haven't heard you say it yet. Through the completion of all phases?

Mr. Oddo: Yes, always.

Comm. McGurren: So, there's not a chance that the homes association would transition to the homeowners at a point in time, say, for example, that 5 and 6 never get developed because you would continue to pay their portion from that point on.

Mr. Oddo: Yes, we would always work together, and that's exactly what I've done in other communities.

Chairman Elkins: Other questions?

Comm. Coleman: I have questions for staff when it's time.

Chairman Elkins: Mr. Oddo, you may have already answered this, but I want to put a fine point on it. If we go back to the very beginning of this process, the first thing that your team brought to the table was the land use study that Mr. Regnier had done to describe some of the challenges out there over the 50 years that he and his family have owned the property. I may be misquoting it, and if so, I apologize, but the sense I took away from that was that the idea of either retail or office or other commercial was very difficult, if not impossible. There was some pretty strongly worded language in that report as I understood it. Is that a generally fair characterization?

Mr. Oddo: Are you trying to use my words against me? Correct me if I'm wrong, but originally, this was required to be 20% office, 20% retail. I said that wasn't feasible, and you agreed that it was too much and there's not a need for that much. Now, obviously, we have the ability to put it in if we can get it. You reduced it to 5%, but I think I can get 6.9%. The 15% is going to be a push on the office, but I will join hands with you guys and make a commitment to get it there. I know how development works. You've got to bring in the residential component first, and then the retailers and office will come. Office doesn't want to be the first one out there because they don't have anywhere to go for lunches or something like that. You have to start bringing in residential, retail, and then the office component. That's generally how it works.

Chairman Elkins: That's exactly where I was going with the question. You've talked repeatedly and very eloquently about the way in which you and your team have dealt with the density requirements. You've touted the fact that you're way below on the density, but the lynchpin of that is your designation of your development as MXD.

Mr. Oddo: I disagree with that thought or where I think you're going with it. I believe it is mixed use, and to the question of how many units I have on the east side versus the west side, everyone knows I'm well below the number of residential units on the east side. On the west side, my math came to 11.2 or 11.3 units per acre, and if it was an RP4, I'm allowed 10.89. What I have a problem with is picking and choosing what parts of the LDO are used. Mr. Sanchez said that earlier. It's not really fair. I'm following the rules I was told to follow, including the 135th Street Corridor Plan and the grid system and offsetting the streets and all the things that people have been asking me to do, the high-level stuff that neighbors have asked for.

Chairman Elkins: But at the end of the day, all those things are triggered by the designation of the zoning as mixed use. You talk about the LDO, but everything you've been asked to comply with is a function of the zoning of this property as mixed use. Isn't that correct? I understand its part of the Comprehensive Plan, but you've regaled us with the challenges

of whack-a-mole and the LDO versus the plan, but at the end of the day, you're triggering this whole thing based on the zoning of MXD. If you didn't have MXD, you couldn't rely on the 15 units per acre. You'd be left with much less than that.

Mr. Oddo: Okay, that's where I thought you were going with that. Now you're breaking it down to 11.2 versus 10.9. I'm so close that it's really not a difference in anything you would see in reality. People tried saying I was way off, but we're really right there, and 10.89 versus 11.2 is not something anyone could say is enough to make a difference. If you're talking about the lynchpin, I wouldn't say that at all.

Chairman Elkins: At the end of the day, though, what I'm hearing is that this is truly a case, when we're talking about the commercial development on the east side, of "If you build it, they will come." If you build the residential on the west side, you just told me that it's what is necessary in order to have a successful commercial development on the east side.

Mr. Oddo: If I build the residential, they'll come because there is demand for it. Every study says that. I'm at 100% occupancy. The good products are 100%. Park Place, Prairie Fire – they're all at 100% occupancy. There is a need for the residential units, for the single family, twin villas, and brownstones. There's a need for all that. Once that is in place or on its way, coming and seeing dirt moving, retail will want to follow that. The lynchpin is residential, but it has nothing to do with MXD; it's the lynchpin of residential coming, followed by retail, followed by office.

Chairman Elkins: I wasn't being critical. I was just wanting to establish the fact that we're banking on building the residential and the commercial will follow, and that is the play.

Mr. Oddo: Yes, that is the play, and it's been that since the beginning. Thank you. Sorry for jumping in.

Chairman Elkins: As a final point of order, is there a motion to extend the meeting one more time?

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

Chairman Elkins: We're extended to the maximum time of 10:00. I think you've answered almost all the questions I had written down.

Mr. Oddo: I want to follow up on that last question. We are absolutely not using any type of shenanigans, as suggested by others, to get extra density because of MXD. I think our ratios prove that.

Chairman Elkins: Again, this is a clarifying question that seems to come up fairly regularly in the public comments that we received, both by email and in person. You are, in fact, the developer for the commercial aspects of this as well as for the residential, correct?

Mr. Oddo: Yes.

Chairman Elkins: And you have the development rights, along with, in some sort of relationship with, Mr. Regnier.

Mr. Oddo: In some sort of relationship yes, we are co-developing.

Chairman Elkins: Those are all my questions. Does anyone have additional questions for Mr. Oddo before we ask questions of staff? Commissioner Hoyt, you had a question or two for staff?

Comm. Hoyt: Yes, thank you. My question relates to the stipulation objections for 11D and 37. I wonder if you would comment and respond to the applicant's objections.

Mr. Klein: Staff talked with the applicant. Staff is not agreeable with their proposal. With regard to the "several" language, it has always been used within the city. It's something that has served the city well. Legal was part of the original drafting of that. With regard to the double-dipping, Mr. Curtis Holland indicated that is an ordinance we've had. It's always been collected that way. Other developments that have gone along 135th Street have constructed the third lane as well as paying the 135th Street Impact Fee.

Comm. Hoyt: Just to make sure I didn't mishear you, you are not amenable to the changes that the applicant wanted. You're sticking by your guns for 11D and 37?

Mr. Klein: Correct, and if I may, I know you had a question with regard to Chadwick construction. There was a comment about Public Works. I believe the last plan in your packet and on the overhead is a plan. On the first phase is single family. Public Works required that Chadwick be constructed at least down to the first east-west street just below 133rd Street to provide access so that the homes could access that street. In the second phase, the rest of the infrastructure would be constructed at that point. As far as the brownstones, they are currently shown as Phase 3.

Chairman Elkins: With respect to the question about joint and several liability, was that provision in the ordinance by which we approved Park Place?

Mr. Klein: I believe it was. I remember going back to see how far back we've been using it, and it's been quite some time. I can't say that with absolute certainty, but it was close to that period of time back in 2003 and 2005.

Chairman Elkins: In Park Place, we didn't have any single-family residences as part of it, did we?

Mr. Klein: No, it was always apartments.

Chairman Elkins: I can never remember the name of the development at 135th and Roe on the northwest corner. Is it Parkway Plaza? Was that provision included?

Mr. Klein: I believe it was. That was actually in about 2006, I think.

Comm. Coleman: The last version, staff did not recommend; this version, staff did recommend. Can you go a little more into that? What is the difference-maker between the last version and this version that caused you to go from recommending denial to recommending approval?

Mr. Sanchez: During the first two plans, staff recommended denial. It wasn't until the second to the third plan, when they started putting in grid streets. At the last meeting, staff didn't choose to recommend either denial or approval. We left that up to the Planning Commission and Governing Body. With the shifting of the entry on Tract 5, the addition of the single-family homes, and the shifting of buildings to keep existing natural areas built up to a plan that staff was then able to recommend.

Comm. Coleman: My memory must not be accurate. I thought you recommended denial on the last one, but I'll defer to you on that. On one of the slides Mr. Oddo put up, it showed percentage of the development. I'm going to round his numbers, but he said 7% retail, 15% office, 78% residential. Is that accurate?

Mr. Sanchez: I believe right now, our numbers show that the total development is approximately 77% residential, 15.5% office, and 7% retail.

Comm. Coleman: If we split this between the east and west, do you have percentages?

Mr. Sanchez: We do. If we split west, it is around .8% retail, .7% office, and around 98.5% residential.

Comm. Coleman: How about the east side?

Mr. Sanchez: That is much more mixed use, so it has around 20% retail, 50% office, and 30% residential.

Chairman Elkins: That 30% residential includes the 100-unit assisted living as residential, correct?

Mr. Sanchez: I believe so.

Chairman Elkins: For density purposes, we're not including the assisted living as residential, correct?

Mr. Klein: Correct. Basically, assisted living doesn't meet the definition for a dwelling unit in the LDO. It needs a kitchen and a bathroom. Also, typically, assisted living doesn't have the same impact as, for instance, apartment complexes would. People generally aren't driving as much, so you wouldn't have to have the same kind of parking requirements. You just generally don't have the same number of trips that would be generated by a typical apartment complex.

Chairman Elkins: Again, not being critical, but for some purposes, we're counting it as residential; for other purposes, we're not counting it.

Mr. Klein: Correct; it is listed in the LDO under the residential portion of the Table of Uses. It has different parking requirements and requires a Special Use Permit.

Comm. Coleman: Could I get one other clarification? Is the assisted living included in the 935 dwellings?

Mr. Klein: No, it is not included. The 935 is the live-work units, the brownstones, 2-story and 4-story apartments, single-family homes, and duplexes.

Chairman Elkins: Other questions for staff or Mr. Oddo? We've brought ourselves to the point of discussion. I'll look to the Zoom call for comment. As part of the comments, I would invite commentary on the two stipulations as well. I'm not sure how to handle that and whether we should take them up separately or include them in the consideration of the plan. I'll make that determination based on what I hear from all of you.

Comm. Hoyt: First of all, it's been a long haul. I want to commend the residents for their really intense attention they've paid to this and not just for a short period of time but for the long haul. It's hard to sustain that, I know. I think this is a much different plan, from my analysis, than the first plan that came to us. One of the things that I really appreciate is the attempt to create a sense of place. That was something that was pretty much entirely missing in the first iteration of this plan. I really want to thank staff for all their efforts. Just for the record, Mark Klein is so experienced in this. He is maybe, in name, the new Planning Director, but he's been at this and particularly serving the City of Leawood for a long time, and I really appreciate his leadership and all the hard work that staff has done in this regard. One thing that really troubles me is the huge disconnect that continues to exist between the applicant and the residents. I know that it's common to think that residents, when they get involved in a situation like this, are only reacting out of basic fear of change or inability to change, but I think there have been a lot of very thoughtful comments offered. I've tried to process that, along with everything else we've received. I have to say I think this would dramatically change the nature of this section of Leawood and not for the better, in my opinion, in terms of the impact that it would have on the neighborhoods. This is not just one or two households or one or two neighborhoods. It's a whole community of neighborhoods, really, that I think might be dwarfed by this. I'm just doing the math. You've got 935 dwelling units, plus the additional 100 rooms as part of the assisted living. According to the city's formula, that would probably be over 2,300 people in this relatively small space. I know it technically meets the density requirements, but I think you have to

factor the scope of this in terms of the sheer volume of people, compared to the volume and nature of the surrounding areas. These are the things I'm wrestling with, basically. I wasn't part of these interact or HOA meetings, so I wasn't there to see the dynamic. I've tried to read the accounts of the meetings, and there didn't always seem to be a lot of detail provided in those accounts. I would certainly have loved to have seen some really meaningful coalition, maybe a steering committee or something, which would be composed of people who are key in the surrounding communities, along with the applicant. I know Governing Body had suggested continued input from the residents. I'm just not so sure that the technically required interact meetings ended up being the best vehicle for that to happen. Those are some of the things I'm thinking.

Comm. Peterson: Like Commissioner Hoyt, from the first presentation until today's, I see a significant difference, which I absolutely appreciate. I'm not as much concerned about the addition of 935 additional residential units in that area. It's a very large area. But the way it's laid out, given the topography of that property, it's an awkward property to deal with. Looking to the south, what has been approved to go in, I don't see much of a difference between Cameron's Court versus the 135 Complex, including the retirement home living on the south side of 135th Street. That, to me, has less of a sense of space and purpose that Cameron's Court does. I see much more of a purpose to it and much more of a community to what the Cameron's Court complex represents. It has some retail that is dispersed here and there, but it appears to me to give a better feel for a community of retail, residential, and office within a space, frankly, than it does at Park Place to me. The brownstone concept, I personally like very much. I can see where those would be very saleable, if anything. My personal feeling is I appreciate the staff's recommendation. I do think the stipulations, as written, should stand. I really do think we should approve this.

Chairman Elkins: Thank you. Just as a time check, we're at 9:45. Commissioner McGurren?

Comm. McGurren: I'll try to go fast so we make sure to get our vote in. In my opinion, tonight's update does not change the following facts: 1. This is not the mixed-use development the city requested or needs. 2. Meeting the minimum required standards is not good enough. 3. Almost all of the neighbors involved are opposed, which is a key consideration. For these reasons, I will vote for denial.

Comm. Stevens: Also related to the past, especially I'm still of the opinion that the past July submission made significant improvements to the plan and that this even current resubmission further adds to it by the various 3-4 adjustments that have been spoken about. There is a reduction in the overall density and a reduction in the total square feet of building development. There is reduction in the residential dwelling units, as has been noted. The expanded diversity of the options given for housing, I think, is a great thing. Then, also, there's been an increase in the amount of green space area as well. Maybe most importantly, the application, as noted tonight by others and the Staff Report, now meets all the requirements of the LDO and meets more elements of the Comprehensive Plan and the 135th Street Community Plan. Again, it's a main factor in the stated recommendations. With that, I would be in support of recommendation for approving the plan.

Comm. Block: I, too, am glad to see the proposed development now comply with the LDO and more closely with the 135th Street Community Plan. Those are both important for my consideration of any project in this space. However, I do continue to dislike that the development is bifurcated with residential basically on one side and mostly commercial on the other to meet the mixed-use threshold. I don't like that there's a lot of opposition from the community, either. However, I don't think that adding more commercial to the residential side will lessen the main concerns of homeowners to the north, which is traffic. Arguably, more commercial in that space would only create more traffic and make it less desirable, if that's possible. Another concern that we heard is the proposal is too dense; however, the Comprehensive Plan has shown mixed use, as we've heard tonight, for over ten years. That's appropriate for this part of the city, and the density is one of the key components of the mixed-use development. When considered together as the west side and east side, the project complies with the LDO as far as density is concerned. While I, too, have had my doubts about the completion of the commercial portion to the east, I am encouraged to hear that Oddo and Regnier were teamed up on that eastern side. I'm encouraged that there is joint effort on that side. I like the cohesiveness of the western portion of the project and, now, as we saw tonight, more so on the eastern side. I think if this were to not be developed under this proposal, we risk what's happened in past years on the south side of 135th Street with developments that have started and stopped. I think having one developer develop it all cohesively makes the most sense. Therefore, I would move to advance the proposal if there is a motion. I think Governing Body should sort out whether they're double-dipping or what on the fees. I think if Lashbrook was required, we advanced that proposal and Governing body did. If that's how they were treated, this should be treated the same. I think the "several" language should stay as well.

Comm. Coleman: I'd first like to thank the public for their input, for all their emails and their in-person comments. I personally read them. I'm sure everyone else is reading all the emails we get from everyone each round. I know Commissioner Hoyt was talking about the number of people that this project would bring forth. Mr. Sanchez's calculation of 2.5 people per unit gives us 2,338 individuals, give or take. My biggest issue is with the neighbors. Every successful project I've seen come through has neighbors and the developer hand in hand, almost singing Kumbaya. There have been a couple with a few people in the neighborhood with some issues, but I've never seen so much opposition to a project since I've been on the Planning Commission. I want a win-win situation where the neighbors come with the developer to all agree on going the right way. We don't have that. We have a win-lose situation instead of a win-win. That's very concerning to me. In my mind, we have two different developments: a west side with 99% residential and an east side that is true mixed development. Just on the offshoot of apartments being built, I have a concern about that as well. It's been an issue in the Overland Park mayoral campaign recently about building too many apartments. The City of Shawnee recently rejected an apartment complex with neighbor opposition and opposition from City Council. The developer came back with townhomes, which ultimately passed, trying to meet the needs of everyone. With that, I still have big concerns about this project coming in.

Chairman Elkins: Thank you. For my part, I'm fairly well torn here. This discussion over the last several months has been sometimes frustrating but very helpful. I thank all the work that staff has done, all the work the applicant has done. I thank all the committed time the residents have made because it really has had an impact, even to me tonight, as I flipped from one side to the other as I heard all the arguments. I will say, at a personal level, this feels like it is too dense for what we need or what we should want for this space. Having said that, the thing that has come across to me after the questions and good, precise answers from staff and the applicant, which I'm grateful for, I'm still not convinced that this is true mixed use as it was contemplated by Governing Body, the Comprehensive Plan, or the 135th Street Corridor Plan. I will say that I have concluded that, if this was to be true mixed use and it was put before us in that fashion, we would be looking at even greater density than we're looking at here. The extent to which I'm concerned about the density that is proposed here, I'd be more concerned if another developer came in with a more traditional mixed-use approach and made use of the 15 units per acre. I guess I'm concerned about being careful about what I ask for because the next one could have much higher density and still be in compliance with the LDO. For that reason, at the end of the day, I think I land reluctantly in favor of this plan as it's been put to us. With about five minutes left, do I hear a motion?

A motion to recommend approval of 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 – including Stipulation Nos. 1-41 - was made by Peterson; seconded by Block. Motion carried with a roll-call vote of 4-3. For: Block, Stevens, Peterson, and Elkins. Opposed: McGurren, Coleman, and Hoyt.

Chairman Elkins: Again, my thanks to everyone who was involved in the process tonight. It now falls to Governing Body to see how we proceed. Is there any other business to come before the commission tonight? Thank you.

MEETING ADJOURNED