

**City of Leawood
Planning Commission Meeting
October 11, 2022
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, Hunter, Belzer, Peterson, Elkins. Absent: Hoyt.

APPROVAL OF THE AGENDA

Chairman Elkins: There is a quorum present. Does staff have any revisions to the agenda?

Mr. Sanchez: We do not.

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

CONTINUED TO NOVEMBER 22, 2022:

CASE 63-22 – LUXURY TWIN VILLAS – Request for approval of a preliminary plan, preliminary plat, final plan and final plat located south of 137th Street and west of Mission Road. **PUBLIC HEARING**

Mr. Klein: Just behind Ms. Knight is John Westbrook. He is an engineer with the Public Works Department and will represent them tonight.

Chairman Elkins: Because Case 85-22 is a Final Plan, Final Plat, and Design Guidelines, our rules of procedure here do not call for a Public Hearing. This evening's conversation will be strictly with the applicant, his team, staff, and the commission.

NEW BUSINESS:

CASE 85-22 – EAST VILLAGE (FORMERLY CAMERON'S COURT) – Request for approval of a final plat, final plan, and design guidelines, located north of 135th Street and west of State Line Road.

Staff Presentation:

City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: Before we get started, your dais has additional attachments that were not included in the packets, including public comments and a memo from staff that makes a change to the language of Stipulation No. 4 in the Staff Report regarding the letter of credit.

This is Case 85-22 – East Village (formerly Cameron’s Court) – request for approval of a Final Plat, Final Plan, and Design Guidelines, located north of 135th Street and west of State Line Road. The Preliminary and Rezoning for the project were approved on January 3, 2022. This application will cover the first two phases of the overall development, including three option areas, which were provided by the applicant. The first phase includes single-family houses along 133rd Street, twin villas along 133rd Street, 133rd Street connection to High Drive, and the aforementioned option area. The option area was discussed at the time of Preliminary Plan consideration, where it was stated the applicant would bring back the option area for discussion and approval. The three options include nine single-family houses (option one), six twin villa buildings built as twelve units or two brownstones with ten units in each structure, totaling twenty units. The applicant spoke to neighborhood stakeholders, and they shared that it was a unanimous vote for the single-family option. In tonight’s stipulation, you’ll see the first stipulation with three options that will need to be voted on. They show the different square footage and unit differences.

The second phase includes the continuation of High Drive through 135th Street, the 12-14-unit apartments, 9-unit and 12-unit brownstones, clubhouse, and maintenance building. Since the time of Preliminary Plan, few changes have been made to the approved plan, all of which are defined as minor per the Leawood Development Ordinance (LDO). For this reason, the project did not have to come back through the preliminary process. Some of the changes include architecture for the 12-14-unit apartments from a more traditional look to a more modern look. At the time of preliminary, applicants are not required to provide elevations; it is more a time of a presentation of what the buildings may look like. Other changes include an overall reduction in the total number of dwelling units in the two phases, addition of a 25-ft. wide landscape easement on the northern common property line. The elimination of Chadwick Park and Chadwick Street entrance from 135th Street was taken out of the second phase. The current plan shows 5-ft. and 6-ft. sidewalk labels in some areas. Staff has received a number of comments from surrounding residents who voiced opinion, making mentions of concerns, including a \$200,000 letter of credit for street calming within the Waterford or Wilshire neighborhood, the construction of Chadwick Park, berms along 133rd Street, and architecture of the 12- and 14-unit apartments. It is staff’s position that many of the residents’ concerns can be solved by a number of the stipulations in the Staff Report. Staff is recommending approval of Case 85-22 with the stipulations listed in the Staff Report. I’m happy to answer any questions.

Chairman Elkins: Thank you. Questions for Mr. Sanchez?

Comm. Coleman: Can you put on what we approved at preliminary, point out design changes, and also show us the proposed Final Plan?

Mr. Sanchez: I don’t have a copy of what we originally approved, but I can show you a copy of what we have now and what has changed.

Chairman Elkins: Can you point out where the option area is?

Mr. Sanchez: The option area is south of Lot 7 through Lot 16. The option area was discussed by Governing Body. The applicant gave three options, and the Governing body

chose to move forward with the single-family option. The applicant still brought all options to Planning Commission for consideration. (*Refers to display*) Some of the bigger changes came from the BMP area that had to shift west. Much of the area stayed as natural green space. The BMP area shifted, which made the buildings shift as well. Some of the traffic circulation and drives shifted. The applicant lost some units, including a duplex unit. Some of the shape and design of the buildings had to change. Overall, the changes were not enough to require a Preliminary Plan review again. A 25-ft. landscape easement was provided along 133rd Street to create a buffer that will be maintained by the development team. Overall design and layout of the project didn't really change.

Comm. Block: The berm is only going to be 3 feet, and some of the neighbors want it to be bigger. That height makes sense to block headlights, according to the LDO, correct?

Mr. Sanchez: The LDO reads that a 3-ft. berm is used to screen parking lots. This is a berm the applicant has provided just to screen the back yards of houses to the back yards of other houses across 133rd Street. There isn't a technical regulation for this in the LDO; it is something the applicant has provided.

Comm. Block: It wasn't required in the Preliminary Plan?

Mr. Sanchez: It was discussed, and this is what the applicant has provided as a result of those discussions.

Comm. Block: Would a 25-ft. space allow for a higher berm?

Mr. Sanchez: More space allows for a higher berm. The 25-ft. landscape easement is to protect the landscaping that is required by the LDO. The landscape easement doesn't have much to do with the berm itself. The applicant will probably be able to talk about why they can't create a higher berm.

Comm. Block: On the north side, the berm of the neighborhood directly to the north is probably 6 feet. The park is not part of this. I believe staff would like to see it happen.

Mr. Sanchez: Yes, staff provided a stipulation that we would like a park and the drive entry onto 133rd Street as part of Phase 2.

Comm. Block: So, the park is not the area to the left with the retaining pond?

Mr. Sanchez: Yes, the detention pond is in another area. The park we are requesting is a longer roundabout.

Comm. Block: I think some of the neighbors are concerned about completion of Chadwick from Pawnee to that park area, which is not part of this as well.

Mr. Sanchez: Chadwick is going to be part of this application. They are also going to construct High Drive. In Phase One, they will do the entry onto 133rd Street. Phase Two completes the rest of the “S” for High Drive.

Comm. Block: That’s what the neighbors were concerned about to take some of the pressure off 133rd?

Mr. Sanchez: Correct.

Comm. Block: I think staff is looking for the proposed change from mansion-style to modern-style to go back to what they were?

Mr. Sanchez: Yes, at the time of Preliminary Plan, those were the types of elevations we had seen. We were expecting to see that at the time of Final Plan. Staff sees it as a drastic change in architecture from what was originally proposed. The other architecture with the sloped roofs and the traditional style would create a sense of place in the development, and it would connect to the other neighborhoods, especially the one to the north.

Comm. Block: I thought some of the issues with the first go-around was that the mansion-style presented issues with the enclosed gutters. Does this version have enclosed gutters?

Mr. Sanchez: Staff has included stipulations that the gutters would need to be internalized, regardless of design.

Comm Block: I’m not sure exactly what we’re considering with the three options.

Mr. Sanchez: At the time of Preliminary Plan, this was shown to Governing Body as single-family houses, twin villas, or brownstones. The applicant wanted to get a feel for what Governing Body and the residents would like to see. Governing Body requested that it be brought back for Planning Commission consideration of the three options and to give residents a chance to give input as well. Option A is the single-family homes; Option B is twin villas; Option C is the brownstones.

Comm. Block: And Option A is the preferred based on input?

Mr. Sanchez: Correct.

Comm. Belzer: Can you go back to the “S” street? Did you say it’s going to cut through to 135th Street or not?

Mr. Sanchez: With the construction of the single family and the twin villas, only one part of the street would be constructed. It would break through onto 133rd Street and give access to these new houses or twin villas. With the second phase of apartments and brownstones, they would finish the construction of High Drive and connect it to 135th Street.

Comm. McGurren: Are there timing requirements for the phases?

Mr. Sanchez: They are separate, so they would come in with separate building plans. Public Works may be able to talk to this more, but the infrastructure for Phase One would go in, and they may have to provide BMPs (Best Management Practice) within other areas. As Phase 2 comes in, they would construct the infrastructure for that. There is no timing mechanism imposed by the city.

Comm. McGurren: In theory, we could approve this, and it could never happen or they could do part of it and nothing else. There's no requirement from the city that gets into the timing of the approval that we get into tonight?

Mr. Sanchez: Construction-wise, we have nothing. There is a time limitation of ten years on Final Plans. As long as there is major construction happening with any of the phases, that limitation is imposed. If there is no construction, the Final Plan could expire in ten years.

Comm. Coleman: Do you have an idea of the split between ownership and rental?

Mr. Sanchez: I believe the single-family houses and twin villas will be for sale. Maybe the brownstones would be for sale, too. I believe all the apartments will be for rent.

Chairman Elkins: Do you have renderings available from the architecture shown in the Preliminary Plan that was approved?

Mr. Sanchez: (*shows visuals of Preliminary Plan*) What is being proposed tonight is flat-roofed buildings with two tower elements. This is more of a modern look.

Chairman Elkins: With what is being proposed tonight, the street coming off the park area will not be completed in Phase 1 or Phase 2?

Mr. Sanchez: From what the applicant currently has on the plans, this would not be part of these phases.

Chairman Elkins: But the High Drive would be included. The stipulation we have that says all the construction traffic has to come off 135th Street and not off 133rd means that all construction traffic would come onto High Drive, correct?

Mr. Sanchez: It could come off Pawnee where the entrance would be for the single-family houses. I know there is a curb cut that could be used. They could use other access points to access other areas.

Chairman Elkins: The key point is that 133rd could not be used as an access point for the construction traffic.

Mr. Sanchez: That is correct. All the construction traffic would have to go through 135th Street.

Chairman Elkins: Can you walk us through the funding mechanism for the traffic calming devices. I'm particularly concerned because at least one citizen expressed concern that the use of the \$200,000 letter of credit was being proposed as an offset for other fees owed that were not previously agreed to by the city. Can you address that?

Mr. Sanchez: I'll read the new stipulation from the memo into the minutes. The current Stipulation No. 4 will read, "Applicant represented to city staff prior to decision on the Preliminary Plan and Rezoning that it would assist with neighborhood traffic issues. City staff advised the Governing Body of this information. Applicant acknowledges that the neighbors are concerned with traffic in the area and the potential increases in traffic due to this development. Funding of the traffic calming improvements for the 132nd and High Drive shall be determined by the Governing Body after consultation with the applicant. Such measures will be taken into accordance with the city's traffic calming policy, provided that the neighbors comply with the policy by submitting petition and that the city proceed to evaluate the petition in accordance with this policy. This would include traffic studies and public meetings with the Public Works Committee and the temporary placement of calming measures at the city's expense with the recommendation for specific traffic calming measures to the Governing Body. Applicant may be required to post a letter of credit or other surety to secure this obligation."

Chairman Elkins: Can you explain the thinking behind the change? It seems a little vaguer than before because we had the specific provision for \$200,000 in the original proposed stipulation. In addition, I have a vague recollection that the stipulation in the Preliminary Plan around the traffic calming was somewhat different as well.

Mr. Klein: At the time of Preliminary Plan, there was a memo from me to Governing Body, indicating that the developer would provide \$200,000 letter of credit. The city would look at traffic calming, and they would put in temporary traffic calming devices on the city's dime. However, if it was determined by the residents that they liked those traffic calming devices and wanted them to be permanent, the letter of credit would be used to help pay for that. The current stipulation is vaguer because this originated at Governing Body. We are trying to take it before them to allow them to decide the exact terms associated with that.

Chairman Elkins: Your expectation would be that Governing Body would establish a "not to exceed" number as part of their deliberative process.

Mr. Klein: Yes, Governing Body would then discuss it and come up with terms.

Chairman Elkins: You mentioned this was a conditional approach with the idea that the city would put in a temporary solution for traffic calming, and if that was acceptable to the neighbors, it would become permanent. That would be drawn off whatever surety the developer was required to put forward.

Mr. Klein: Yes.

Chairman Elkins: Is there a process for figuring out whether those traffic calming devices are satisfactory to the community?

Mr. Klein: I know there is procedure that Public Works has, including a petition. The residents have filed a petition for that, and I believe 75% approval by the public is required as a threshold. They have met that and have started that process. When the temporary devices are put in, there is another petition available to determine if they want to keep them. Public Works would then put in permanent ones.

Chairman Elkins: I have a couple of details to discuss before the applicant comes up. The first is a discussion we've had many times, and I have a hard time getting it straight in my head. There is a mention to cast stone and manufactured stone. I continue to struggle to understand the difference, and there is a long history with how the manufacturing process has evolved. Is it correct for me to believe that, from the way the report was written, there is a difference between cast stone and manufactured stone? If so, what is it, and what are the proposed applications for each type of stone?

Mr. Klein: I believe they have different standards to meet. Cast stone is a manufactured, artificial stone; however, the ones I've seen have more a look of fine-grain limestone. The seals around City Hall have cast stone. Manufactured stone has smaller, stacked components. Staff prefers natural, thin-set stone. However, it was determined that manufactured stone would be allowed as well as it meets specifications laid out in the LDO with regard to ASTM standards and International Code Council Standards as well. I think they have to have an ES report associated with it to have a minimum standard for compression and for water to be able to be absorbed into the stone. This factors into how long it will last.

Chairman Elkins: To make sure I'm tracking, cast stone is a subset of manufactured stone?

Mr. Klein: That's the way I understand it.

Chairman Elkins: Looking at No. 19, it says that all downspouts should be enclosed on all buildings. On its face, that would seem to include the single-family residences. Was that the meaning? I don't know that I've seen them on single-family homes in the past.

Mr. Klein: The intent would not be the single-family residences. There was a work session with regard to downspouts, and the Planning Commission expressed a desire to internalize the downspouts on commercial buildings and would maybe be more willing to allow downspouts on residential buildings. They wanted staff to leave the stipulation in so they could look at the architecture and determine if they felt they would be allowed on the outside or internalized. You're correct that we could automatically rule out single-family and make it clear in the stipulation.

Chairman Elkins: We can have that discussion when we move to that portion with the other commissioners. Is there any other place we have required internalized downspouts on residential homes?

Mr. Klein: No.

Chairman Elkins: On No. 37, it might be typographical, but it refers to single family and leaves out the word “residences.”

Mr. Klein: We can add that.

Chairman Elkins: I keep throwing grammar at you, but in No. 38, it states, “No construction shall be allowed between the hours of 9:00 p.m. – 7:00 a.m. and not on Sundays. The “not” before Sundays should be taken out. We’ve talked about Chadwick Park. The current intent is that the park will be available to the public, correct?”

Mr. Klein: Correct. There was a lot of discussion about that. Originally, Chadwick connected to 133rd Street, and the connection was replaced with pedestrian access into the park. There should also be a crossing that is a hot crossing to aid people who want to go from the northern subdivisions down to the park.

Chairman Elkins: Can you comment on staff’s perspective as to the difference between 5-ft. and 6-ft. sidewalks? What does that mean in terms of planning and what had been contemplated with the 135th Street Corridor Plan?

Mr. Klein: The plan required several different street types: destination, active pedestrian, and neighborhood. Neighborhood streets are what you’re primarily seeing in this application, and it required a 6-ft. sidewalk to make pedestrian travel easier. It is very easy for two people walking side-by-side to be on a 6-ft. sidewalk. The intent was to accentuate walkability and connectivity throughout the corridor.

Chairman Elkins: When we look at what’s proposed for the option area as well as some of the other changes that have been made in the layout, there is a very modest but still a reduction in the number of residential units and thus a reduction in density for the development. Is that right?

Mr. Klein: Yes, this first phase has fewer units than originally proposed.

Chairman Elkins: This may be for the applicant, but to date, have you had indication from the applicant that they will make up those residential units in other phases of the plan?

Mr. Klein: They have not indicated that. Again, it’s a fairly small reduction. They proposed nine single-family homes as an option. We also tried to reach out to surrounding neighborhoods to see what they preferred, which was the single-family homes.

Chairman Elkins: I know it's modest, but there was a great deal of discussion in the preliminary process around population density. They're certainly within the regulation for population density, but to know that there is a little bit of relief in this updated proposal.

Mr. Klein: Yes, there is.

Comm. Belzer: As there were changes in architecture to the apartment buildings, were there also changes in architecture from the twin villas as well?

Mr. Klein: The twin villas were proposed with the contemporary architecture. At the time of Preliminary Plan, the single-family homes were going to be custom built, so they would have a more traditional look to them. In the plan, the brownstones and twin villas were contemporary. The 12-14-unit apartments were shown to be "big house" with the sloped roofs. They looked like the Milano apartments down 137th Street; however, they would be a different color scheme.

Applicant Presentation:

Rick Oddo, President of Oddo Development, 15200 W. 105th Terrace, Lenexa, appeared before the Planning Commission and made the following comments:

Mr. Oddo: I don't know what you've been given as far as the renderings, but I'll show some pictures. I would hope this meeting will be a very easy one to get through because we meet everything in the LDO. We believe we meet everything in the 135th Street Corridor Plan, and we have 14 fewer units than we proposed last time. The reason we lost those units was grading issues. The flood zone was bigger than we thought. We had to get bigger detention ponds. We lost a building and had to slide some stuff around. They asked us to move High Drive, so it changed the "S" shape a little bit. As you had asked before, the unit count went down by 14 units.

I'm showing the homes we proposed. City Council asked for more lower-priced homes, such as brownstones or twin villas. We had the proposal, but it was also up to us to get with the neighbors to see what they wanted. We had a meeting with 14 people, and all 14 wanted single-family homes. We did as well, so we'd like to stick with that and have fewer units.

In the original submittal, we did not have Chadwick Park being built and Chadwick coming through to 135th street. He asked me to do it and thought it would ease traffic for construction. The neighbors want to see it built. Because that, I said I'll build the streets and put in the treescape. The rest of the amenities, we would look at what's appropriate as it builds out. We'll put in the park, trees, and streets. There's a cut-through that is not for traffic because the street was removed. It will be a park area, trees, benches, and a place for people to walk from 133rd Street to Chadwick. It's open for the public. We're putting in a total of nine parks between Phases 1 and 2.

Literally nothing changed along 133rd; it was only where the "S" shape is, which I explained before. People have asked about the unit count. It is 7.15 units per acre in Phases 1 and 2. People have asked about the mansion-style apartments and brownstone. If we add in the mansion-style apartments, it is 8.9 units per acre, which is far below the 12 units you allow in a normal apartment community. The density can't get lower and still work. It's

why it takes up so much space. The nine parks we'll build with Phase 2 include the bike trail on the east side of the property and the west side of the church. We have pocket parks all over the place. We'll put in an additional park when we do Phase 4.

With this plan, we have over 45% green space. We have all the 3-ft. requested berms or embankments. You asked about the height of the berms. The higher the berm gets, the more damage it does to the back yards. The depth is 30-40 feet shorter than the homes across the street. It creates a deep valley, and it pushes water to the back yard. Our landscaping plan is very extensive. It has both high and low blocking. We have deciduous and evergreen trees to provide great coverage to block the views from 133rd, just as they have across the street. I believe our landscaping is twice as extensive as across the street. We don't have a headlight issue where the berms are.

I have some cross-sections that show the berming. There is not much of a back yard, so to take it up any higher would cause issues. Staff and I agreed to a 3:1 ratio on the 133rd side and 4:1 between the landscaping berm and the homes so they can use their back yard better.

Henry Klover, Klover Architects, 8813 Penrose Lane, Suite 400, Lenexa, appeared before the Planning Commission and made the following comments:

Mr. Klover: Regarding the berms, one of the sections had 5 feet on the street side and 3 feet on the back side. It will vary because there are contours and topography to deal with. We have tried hard to keep the slope along the road more manageable. To show the building massing and the transition, the building shown shows the mansion-style homes originally contemplated; the one on the left shows the new style. It is between 9 and 5 feet lower in mass. It is a function of the city's criteria. These are residential buildings, but the city has requirements that they are built of heavy and expensive roof materials, which is a very costly item. It was discussed all the way through the meeting that, if the city would change those rules, we would consider.

Mr. Oddo: I don't want to go there. What I want to show on this plan is the height. With the updated look, the mass of the building is a 9-ft. lower elevation than what we had before. In my opinion, it is more beneficial to people to have a shorter building. The other thing I really want to push is Regents Park and One Thirty-Five, right across the street, have the same modern look that we're trying to match. Our style blends in. The building plans and style are not approved at Preliminary. We put in placeholders to show possible sizes, shapes, and footprint so we can develop the plan. It was told to us multiple times that the old-style looking buildings weren't compatible and cohesive. We said we would update the look. This is a cohesive plan that blends in with the 135th Street Corridor Plan. We spent a lot of time and thought on this architecture. The previous homes were a placeholder for size and shape. We have materials that are not allowed under your LDO, and I'm not going to present a building that doesn't meet it. The previous style could only be built with exposed gutters. It needs a flat roof.

The new look of the mansion-style apartment buildings has a low profile that we thought would be more desirable to the neighborhood because it's not as visible from 133rd. It makes no sense to me for staff to recommend a building that we were previously told wasn't cohesive. Staff is supporting the idea of a design of a modern twin villa along 133rd,

which is consistent with our design plans and consistent with our mansion-style buildings. We feel that the twin villas, mansion-style, and the brownstones must be cohesive because they blended right in there. It needs to look like a well-thought-out community. The Tudor-style building is an old, tired look. I've never heard of a new community built to match an old community; it needs to match across the street. If I'm being asked to spend tens and tens of millions of dollars and invest this in a community, my heart should be in on the design. This is very cohesive.

I'd like to discuss the 6-ft. sidewalks. This is loaded with double sidewalks on both sides of the street. These apartment buildings sit 10 feet off the curb and have a 5-ft. sidewalk. It needs the extra green space. The lots are much shorter, so the homes are closer to the sidewalks. We don't think the additional sidewalk width is appropriate.

Jeff Robinson, JS Robinson Fine Homes, 8325 Monticello, Shawnee, appeared before the Planning Commission and made the following comments:

Mr. Robinson: There are a couple of adages: bigger is better, and more is better than less. When it comes to how we use concrete, less is more. I'm the person at our company who has met thousands of families for 30 years. Residential development is different. People buy because of how they feel, including landscape design. Every little thing like extra concrete makes a difference. Most people would prefer less concrete in the design. I'll share a little story. Often, in a homebuying meeting, the owners will ask if there is a sidewalk. Sidewalks used to be 3 feet, then 4 feet, then 5 feet. If we told them there was a sidewalk, they would say that they prefer it on the other side of the street. I know sidewalks are on all sides here, but we feel that less is more.

Mr. Oddo: Across the street at One Thirty-Five, the apartment community was approved for 5-ft. sidewalks everywhere. I would think we would be able to be treated the same way. The 135th Street Community Plan was written by someone on the east coast who anticipated far more people that we would have. We want more green space. On High Drive, we see 6-ft. sidewalks as appropriate, but the residential streets in front of all the residential homes and apartments, we don't need double-sided 6-ft. sidewalks. We ask for 5-ft. sidewalks like you have in the rest of Leawood.

Mr. Klover: The only other thing I'd like to add about the design and having it blend with the residential is that we're purposely separating ourselves from the residential. We're berming it; we have a street between them. It didn't make a lot of sense to design with something we're trying to shield from. The environs we're dealing with are contemporary; it's not a traditional look. The image in front of you is the 12-unit walkout, which is used for the grade changes. They go primarily from west to east as the site goes down. You'll see a lot more on the east side. The taller ones are on the east as it goes down the grade. They are designed to be very simple and well proportioned. They have been very well received by the communities that have built things similar to this. You're seeing the stone bases. The cast stone will be where we have walls, steps, or caps. We purposely put a strong base in the middle with the caps on them. This allows roofs with internal roof drains and complies with the ordinance as well. The next unit is the 12-unit slab-on-grade. The entrance to the garage is on the side. We accented the vertical elements. These units go

directly from the garage to the unit. They're very nicely received. They have balconies, canopies, and covers. A very similar one is the 14-unit, which is slightly bigger but articulates and goes up in height. We will have different textures and materials. We have two different color palettes that we'll use throughout the project. The brownstone is similar to the image you saw in the original rendering. It's intended to be a street presence and street activity. These are along the curve. The deviation we requested was to get them closer and tighter, so they're 30 feet instead of 40 feet back. The whole idea is to have front porches, balconies, and activity on the street. My office is in City Center, and I love seeing people walk around with their dogs. This blends community and safety. The garages are on the rear. The clubhouse is strong with two massing elements on either side of the tall glass entry. It will contain the leasing office and maintenance, but it will also have the mail room, fitness room, yoga, movie theater, meeting rooms, kitchen, and club. On the back side of that will be a luxury pool with the infinity wall. There will be covered arbors, grills, and activity areas for people to attend. The fitness will look over the pool area as well. Those are the designs. Rick talked about the sidewalk width. We showed the massive quantities of sidewalk, which is extensive. The pathways are 10 feet, and there are wider areas for the pathways, particularly along the back of the additional single-family and the church area.

Chadwick Park will be installed. We won't do all the amenities and sidewalks internal. We'll get the curbs and the trees installed, but it will go with the activities that get built around it because it's the commercial hub.

Mr. Oddo: Our 12-14-unit home has the same footprint that we showed before, but it has a new face. We have them in two different color schemes. One has the brick; the other has the white stone. They have big balconies overhanging, which allows us to put 12-ft. ceilings in the second floor and penthouses. This is loved by our residents. I don't see that as overly modern or offensive. In our twin villas, we have one garage facing forward and one to the side. The back side will be visible from 133rd, but it will be well landscaped. The 2-story version has the brick look instead.

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

Mr. Holland: My focus tonight isn't on the issues you've heard already but on the stipulations that relate to some of those items. We've only got four we'd like to discuss. They have already been touched on with the exception of one. First, I'd like to talk about No. 4, which is the provision that deals with traffic calming. I don't know that anyone has mentioned what it is and what it will look like. It's speed tables. I'm not a big fan, but it's for you to decide. I understand what is being discussed in that we would put in six or so on the stretch of the windy road with a speed limit of 25 miles per hour. With the bumps, it goes down to 10-15 miles per hour. I'm not sure the residents will like it. We'll put temporary bumps and see if they like it. It was an issue that came up with the City Council. It wasn't presented here when you heard the application. We had many hearing on this item. Actually, this item came up at the very last meeting of the Governing Body. I don't want to belabor the point, but to talk about the \$200,000 letter of credit, I was here and talked to City Council. There was a bit of a misunderstanding between what was agreed to

between the developer and staff in terms of the discussions. I don't want to get into all that because it will later be decided by City Council. I do like the way it was redrafted and given to me earlier tonight. This will be a Governing Body decision.

The next item is the 5-ft. versus 6-ft. sidewalks in No. 5. I'm not going to talk about it, though. I'm the guy on the side of the street with the sidewalk in my subdivision, and it's 4 feet. My wife and I walk a lot in our neighborhood and don't have any trouble maneuvering. A 6-ft. sidewalk, I wouldn't want in my front yard. I probably wouldn't buy a house with one unless it had a very long front yard.

With regard to the architectural discussion about the mansions and whether or not we want cohesiveness in our community, the pictures clearly indicate cohesiveness with the style Mr. Oddo would like to use. If he's spending hundreds of millions of dollars on the project, hopefully, he would get some deference to the developer about the style. He has an excellent architectural team. I would ask you to defer to the professionals. That is No. 6.

I loved when you talked about No. 19 because I asked our team about it before the meeting started. It has always bothered me. It's with regard to the downspouts being enclosed on all the buildings. Putting enclosed downspouts on single-family homes wouldn't work, and I appreciate the clarification. I'm hearing from staff that the intent is not to include it on the single-family homes.

Finally, No. 35 is one that we've had lengthy discussion about. It is with regard to the maintenance provisions to take care of the common areas. We showed a picture that has nine parks in the first couple phases, including Chadwick. The way this reads, it indicates that the owners of the property will have joint responsibility for the maintenance of common areas. In this stipulation, all the owners would have joint and several liability. The term "several" means that the city could decide that any one owner of any one property could be financial liable for the maintenance of these common areas. I just don't think that's fair, and I don't think the banks are going to like it if they're lending money. Surely, the city wouldn't do that, but that's the way it's worded. I objected to it during the Preliminary Plan and Rezoning, and I'm objecting to it here today to be consistent with my prior comments. With that, I'll close.

Chairman Elkins: To clarify, with respect to the rest of the 42 stipulations, neither you nor Mr. Oddo have objection?

Mr. Holland: We are agreeable to the other stipulations, including the Public Works memo.

Chairman Elkins: Thank you. Mr. Oddo, additional presentations? We'll offer you an opportunity to come back and answer questions from the commission.

Comm. Block: I know you said you'd accept all 42 stipulations except the ones you're concerned about, just to confirm, Chadwick to south of the park to 135th Street will be completed.

Mr. Oddo: Yes, with Phase 2.

Comm. Block: What do you see the timing of these two phases being?

Mr. Oddo: We'd like to get started on Phase 1 immediately. For Phase 2, six months ago, I would have said immediately, but now construction costs are high, and interest rates have gone from 3.5% to 6.5%. We have to make sure the financials work. We'd like to get started as soon as possible. There's a huge need for the product.

Comm. Block: The park is part of Phase 2 as well?

Mr. Oddo: Chadwick Park, yes.

Comm. Block: You said the green space and trees would be in but not sidewalks?

Mr. Oddo: Sidewalks and the rest of the amenities would not go in because we're not sure what we're going to do with the amenities. This gives us time to see how to do it. Also, we'll be doing a lot of construction there building those brownstones, and we're worried that anything we put in will be damaged or destroyed.

Comm. Block: But you would sod the park and make it usable.

Mr. Oddo: Yes, and it will be usable. We may put in a few benches at this point and will finish it in Phases 3 and 4.

Comm. Block: Do you have material boards?

Mr. Sanchez: We have one. You have a digital one in your packet. I can get the physical one.

Comm. Block: I think it might help. I had some of the same questions about manufactured stone. You said all the single-family homes along 133rd Street will be custom. Could you help us understand what those might look like? With the continuity you're talking about, are you going to have some kind of parameters?

Mr. Oddo: We'll write some together so it's cohesive with the neighborhood. As we discussed with staff, each family will come in and get a building permit.

Mr. Klover: We have submitted the overall design standards for the development, so the homes' general style will still fit within those as well.

Comm. Block: Could you still see homes that look like homes north of 133rd Street on that street?

Mr. Oddo: I doubt it.

Comm. Block: What would they look like?

Mr. Robinson: Once the design is approved here, we're already working with architects. We'll do what's current and what fits into the community. It most likely will be several different transitional things and a little bit contemporary more than traditional, but there will be some traditional elements. We don't have it finished yet. I assure you, it will fit into the overall community.

Comm. Block: You proposed the Tudor style, right? It wasn't the city's proposal.

Mr. Oddo: We didn't present that at all; we just said it was the size and shape of it.

Comm. Block: It was in the packet you submitted, though, right?

Mr. Oddo: Yes, and I said multiple times that we would have it looking more modern and contemporary. As far as the single-family homes, you'll see on the board with the picture to see what we have envisioned as a contemporary style.

Comm. Block: If we do move forward on this, it wouldn't be high, pitched roofs?

Mr. Oddo: Not on the single-family.

Mr. Holland: This is a stipulation from the approval back in January. No. 14 is a confirmation of what we said tonight and what staff has said as well: building elevations are not approved with the Preliminary Plan. The buildings will be approved at Final Plan, which is what we're here for now. Even though there were pictures, we didn't commit to build those. I think it's unfair to turn something like the picture that we showed as a representative of what the building shape and footprint would look like as a representation of something we were supposed to build.

Comm. Block: My question was really about the single-family homes. We haven't seen renderings. You said they were custom, so I wanted to get an idea of what that looks like. The way I read the stipulation about traffic calming locations is north of 133rd Street.

Mr. Oddo: It's a problem that doesn't really exist now, but a few of the neighbors think it does. There are four cars per hour that they're concerned with in the high traffic hour. They're asking me to pay for it. For the record, it's never been done to ask a developer to pay for a fix for an existing problem that he didn't cause.

Comm. Block: I thought Mr. Holland was referring to putting these in your development.

Mr. Oddo: No, these are north of the project.

Comm. Belzer: I'm going to go back to what Commissioner Block was getting at in terms of the single-family homes. Are they individually designed custom homes? So, if I want a Tudor or a farmhouse, that would happen? This kind of aesthetic is not my aesthetic. I don't like contemporary styling. I think it looks the same across the whole place. Some say

it's cohesive; I might have a different word for it. Will I be able to build a home with pitched roofs? Will I have choices like A or B?

Mr. Oddo: That's a fair question. The best example of what I'm trying to do is what they did in Tuscany Reserves, where every house had a Tuscan look. You could not build a Tudor or a modern house in there. They really did restrict it to two colors of tile and two colors of stucco. Anything else could be done with shape and size. We will be more flexible than that. It probably will have a contemporary style, but we're okay with a few elements. These will be million-dollar homes. Of the 29 homes, we have 15 people ready to put down deposits if we get this approved.

Comm. Belzer: Are all the single-family homes and twin villas owned?

Mr. Oddo: Yes, but I can't put restrictions on what the owners then do after that, but we're selling them. These are \$700,000 twin villas, so they'd be expensive to rent.

Comm. Belzer: If I buy a twin villa, could I put in a fence?

Mr. Oddo: No. A homeowners' association will maintain the exterior and landscaping, and we typically don't do fences when we do a maintenance-provided home. They might be able to put something small for a dog, but I think we'll have the same restrictions and some of the surrounding villas.

Comm. Belzer: Could you put in an invisible fence?

Mr. Oddo: Of course.

Comm. Belzer: Can we go back to Chadwick Park? I'm still a little fuzzy on when it's all going to be built out. I thought it was Phase 2, but then I heard you say Phases 3 and 4. I'm a little confused as to when it's going to be functional.

Mr. Oddo: It'll be functional right off the bat with Phase 2. We'll put in the street, the trees, and sod. We'll probably have a few benches. It'll be usable right off the bat with Phase 2. Phase 1 will be the long street that's 133rd Terrace and the connection to High Drive. Phase 2 is Chadwick and the rest of High Drive with connection to 135th Street.

Comm. Belzer: Explain to me about the sidewalks, the walkability, and the functionality of Chadwick Park and why that wouldn't be Phase 2.

Mr. Oddo: I'm going to have a lot of construction when I work on Phase 3.

Comm. Belzer: Can you show me where it will affect sidewalks and Chadwick Park? I'm only asking because this seems to be, based on the feedback, a huge point of contention with neighbors wanting the space built out as a functional, usable space. Can you show me on something that's bigger and how it is affected by the phasing?

Mr. Oddo: (*refers to display*) We'll build out Phase 1 and put in the upper curve. Then, as soon as we get started on Phase 2 of the apartments and brownstones, we'll build out all the streets and carry down. We'll plant the trees and shrubs. We don't have the power over there for the grid area. We don't know about the sidewalks yet at all. Staff and I didn't want any, but I'd like to put some. I'm going to put the trees back far enough so I can put a sidewalk if I want to. Mainly, we want to leave this open while we're building. Then we'll put in fresh sidewalks. We wouldn't put them in for construction to destroy them. The plan is for them to be on the outer side of it. There is no plan for anything on the inside.

Comm. Belzer: Space-wise, how does this green space compare to the space at Park Place, for instance?

Mr. Oddo: I know we have 45% open space.

Comm. Belzer: I'm asking specifically about Chadwick Park.

Mr. Oddo: It's over two acres. There's more green space there than in all of Park Place, I believe.

Mr. Klein: It would definitely be bigger than Berkeley Square that's located between the buildings. I couldn't say if it's more than the overall Park Place development.

Comm. Belzer: I'm not concerned with the overall green space; I was just curious about the size comparison to that square.

Mr. Oddo: Berkeley is about ¼ acre, and this is two acres. It's about as much as all of Park Place.

Comm. Belzer: I live in an area with no sidewalks at all. I think it's a nightmare. I'd like to start a petition to get sidewalks put in my neighborhood because walking in the street with dogs and children is very dangerous. Can you go to the part that has the sidewalk drawings and show me where 5-ft. sidewalks would replace 6-ft. sidewalks?

Mr. Oddo: (*displays picture*) This is a 5-ft. sidewalk. We just don't want to lose another foot.

Comm. Belzer: There was another picture. This looks wider to me, which looks appropriate to me.

Mr. Oddo: I could agree in front of the brownstones.

Comm. Belzer: So, in front of the brownstones and possibly in front of the apartment buildings where the front doors are coming out to the sidewalk.

Mr. Oddo: I think the brownstones, I already said I would do. Off High Drive, there are 6-ft. sidewalks. We said we would do them all the way down High Drive. Over in the far

eastern side, there is not going to be a lot of walking over there; it will just be the people in that part of the neighborhood. Same with the twin villas and single-family. There will be people walking from 133rd to Chadwick Park, and that's fine. In front of all the residential part, we feel that 5-ft. sidewalks are more than adequate, especially when they're on both sides. This was written with the idea that we would have the density of an East Coast city. You're right that some have none; most have 4-ft. sidewalks. Recently, the LDO went to 5-ft. sidewalks. This is why we feel it's not appropriate to go to 6-ft. sidewalks.

Comm. Belzer: There's an orange or red line that curves up. Is it a 6-ft. sidewalk there as well?

Mr. Oddo: It would be a 5-ft. sidewalk because there's just not traffic going back into that cul-de-sac.

Comm. Belzer: The brownstones come out to High Drive, and this other building to the right of the brownstone and the next building don't come out to that street?

Mr. Oddo: No, there are only twelve units, and it sits on over an acre. In Villa Milano, we have 5-ft. sidewalks on one side of the street, and there is no more traffic here than there is over there. I think the green space is important if we're a green city. There are literally thousands of lineal feet of sidewalk that we could have as green space.

Comm. Hunter: During construction of Phase 1, where will be the access point for construction?

Mr. Oddo: It would be off Pawnee, especially for the single-family homes. If High Drive is not completed when doing the twin villas, I would ask to use 133rd if possible. I will direct them to Pawnee, but people are going to GPS it and come in off the street. When we do big construction, we'll do one at a time, so it's not the same. If it needs to be stipulated that we can't use High Drive, I'll accept it. I would ask for the construction of the single-family homes and twin villas just like you did to the north. They were allowed to use 133rd because it's just so hard not to. We can control heavy construction with the apartments.

Comm. Stevens: I have similar questions about trying to define Stipulation No. 5 about the sidewalks. I'm hearing you say that the application includes all the civil drawings that show the sidewalks that are labeled at 6 feet. They're 7-ft. sidewalks when they're against the parking. Up in this area along the single-family homes and the twin villas, there is a double label like you can see in your blowup drawing. To clarify what you're hoping to modify the stipulation, is it fair to say that all the sidewalks shown on the plan are proposed to be 5 feet except 6-ft. walks on either side of High Drive from 135th to 133rd. The 6-ft. walk would connect with 133rd.

Mr. Oddo: That is correct, and you're right about the 7-ft. sidewalks in front of the parking.

Chairman Elkins: I have a recollection from reading a good chunk of this thing about discussion about a choice between brick and stone on the facades of at least one of the styles of building. I had an impression that you were asking for guidance from us. Did I misunderstand that? I'm just curious if you're looking to us for guidance.

Mr. Oddo: I'm not. We have two versions of it.

Chairman Elkins: So, to provide interest, you'll be changing up the facades in different places.

Mr. Oddo: Yes, so it's not all the same.

Chairman Elkins: On the question of the design and moving it to a more contemporary look, it strikes me that this is very similar in nature to the work you've done in Lenexa, to some of the work that's been done in the Lenexa City Center and some of what we're seeing now in Overland Park. Can you address my concerns that it seems like we're getting a homogenous architectural style for 2022 Lenexa, Overland Park, Shawnee, and now Leawood?

Mr. Oddo: The contemporary look is new. The older style is up and down 135th Street and all over the place.

Chairman Elkins: How would you contrast what you're doing here with what you've done in Lenexa?

Mr. Oddo: We did one community that's the same as Villa Milano; it's just a different color. Then we did our four-story buildings, which would be similar in look with a completely different shape at The Peak. Just so you know how it goes, we have 60% of the community finished for move-in, and we're 59% occupied overall. We're 75% leased. We're leasing them faster than we can turn them over. That's the type of demand there is for this product, and these will be nicer than those. This will definitely be the finest community in all of Kansas City.

Chairman Elkins: It's certainly your money at risk here. It just strikes me, as I've watched the development of, especially, multifamily housing in our area that a lot of those buildings look similar.

Mr. Oddo: Johnson County taupe. This will not be that.

Chairman Elkins: I have a mild concern, but it's not my money. Coming back to Commissioner Belzer's comments about the sidewalks, the stipulation talks about neighborhood sidewalks. I remember from the 135th Street Corridor Plan that there were different types of streets. For instance, is High Drive a neighborhood street, or is it a different type of street? If I understood the exchange, what we're saying is you expect the sidewalks adjacent to High Drive to be 6-ft. sidewalks and everything else would be 5-ft. sidewalks?

Mr. Oddo: For what we're building now, yes. I definitely believe when we get to Phase 4, they should be 6-ft. sidewalks because the buildings are larger and more concentrated. It's more appropriate there. Across the street, you approved 5-ft. sidewalks.

Chairman Elkins: I understand that. We'll come back to staff on that. For my clarification, High Drive will have a 6-ft. sidewalk on either side; everything else in Phase 1 and Phase 2 will have a 5-ft. sidewalk.

Mr. Oddo: Yes.

Chairman Elkins: Is High Drive a neighborhood street as well, or does it have another designation?

Mr. Klein: (*refers to display*) The street designations are shown here.

Chairman Elkins: Staff's position is it should all be 6-ft. sidewalks, and the applicant is willing to have High Drive have 6-ft. sidewalks but everything else would have 5-ft. sidewalks.

Mr. Klein: Correct. If it's primarily residential, it's a residential street. The 135th Street Community Plan calls out 6-ft. sidewalks to allow more room for people to walk side-by-side. The 135th Street Plan was intended to promote walkability. During the Preliminary Plan, Stipulation No. 6 indicated they would construct all the street types to specifications within the 135th Street Community Plan. In that stipulation, we called out sidewalk width. This shouldn't be a surprise to the applicant. We've had this discussion a number of times.

Chairman Elkins: Mr. Oddo has indicated another approved development has 5-ft. sidewalks. Is that accurate?

Mr. Klein: It's possible, but I'd have to go back and look. I think we had 6-ft. sidewalks along 137th Street because we had two bike lanes on both sides.

Mr. Oddo: Our architects are the same architects that did the development across the street, so they are 5-ft. sidewalks over there. If you look at the picture, you'll see the buildings are right on the street. The 135th Street Corridor Plan contemplated density of 9-story buildings and 4-story buildings right on 133rd with a density of six times what I'm approved for. If I could get that kind of density, I'd build 10-ft. sidewalks. Because we're at 7.1 units per acre, 5-ft. sidewalks are more important.

Chairman Elkins: I'm pretty confident you're not going to get that kind of density. Along that same line, I apologize that this didn't come up during the consideration at the preliminary stage, but how does the overall development accommodate bicycles, particularly Phase 1 and Phase 2?

Mr. Oddo: First, there is a 10-ft. sidewalk on 133rd already. In addition, 133rd Street has a bicycle lane. When we build phase 2, we'll build out the bike trail that winds through just like Tomahawk Creek does. Of course, High Drive has no bicycle lane per se, but it is wide enough to get traffic through.

Chairman Elkins: Internally in phase 1 in particular, bicycles will have to travel on the street, right?

Mr. Oddo: It's a residential street, so it's just like they would on 132nd Terrace.

Chairman Elkins: This is for both you and Mr. Holland. When we go through the stipulations, as redrafted, you are okay with No. 4?

Mr. Holland: I think it's fair to say we're not opposed to that stipulation. It's fair to say we'll discuss it with Governing Body.

Chairman Elkins: But it's off my table for tonight?

Mr. Holland: Yes.

Chairman Elkins: I don't have anything further. Does anyone else have additional questions or comments? Mr. Oddo, if you'll summarize where we are, we'll start a discussion.

Mr. Oddo: I really appreciate if you would let me go through with the plan so that all the community blends together. It was stated to me that they wanted a more cohesive plan with residential components more compatible. I know it will be a beautiful community. If we're a new modern city, this is the development that is coming forward. I'd appreciate your vote for that.

Chairman Elkins: Thank you. I do have two other questions. This case is a request for approval of final plan, final plat, and design guidelines. It occurs to me that when we've had other major projects with design guidelines, it seems that we've had something more substantive, such as a three-ring binder. Many of the answers tonight referred to the design guidelines. You're asking us to approve them. Where can we see those?

Mr. Oddo: I might be wrong on this, but I'm looking at Phase 1 and Phase 2. You've got everything you need for the twin villas, brownstones, and apartments. We want it to be open for the individuality of the single-family homes. Staff felt the same way in offering flexibility within meeting the guidelines.

Chairman Elkins: I'm struggling a bit and appreciate Commissioner Belzer's concerns. Thank you, Mr. Holland, for bringing stipulation no. 14 of the preliminary plan to my attention. I thought I heard him say that the stipulation called for at least some guidance as to what those single-family residences would look like. To get to the more pragmatic issue,

where are those guidelines so a builder knows them? Shouldn't we and Governing Body be considering those as well?

Mr. Oddo: I'm sorry. I was not asked for guidelines for the single-family homes.

Patrick Roeder, Klover Architects, 8813 Penrose Lane, Lenexa, appeared before the Planning Commission and made the following comments:

Mr. Roeder: Mark, I'll defer to you and assume that the design guidelines were in all the packets they received. There are 30-ish pages.

Chairman Elkins: I see them now.

Mr. Roeder: The single-family homes are included in those. It covers the architectural style and character. That would address the cohesive look between all residential buildings in this development.

Chairman Elkins: I apologize; apparently, I missed them.

Five-minute break

Chairman Elkins: We will move to a discussion. As a jumping-off point, we have identified a number of stipulations that need to be cleaned up. We'll take them in order before we go to a vote on the entire application. We'll open a general discussion first.

Comm. Belzer: I still have a lot of concerns about the guidelines for the single-family homes. I don't see specific things that are directed toward the design guidelines for the single-family homes. I'm still confused about the answers to the questions I've posed about single-family homes and being individually designed; yet, I'm hearing that it is not necessarily the case for the kind of freedom that I think people would want in designing a high-end single-family home. I want to also say, Mr. Chair, when you brought up the point about this development looking similar to developments in Lenexa, Shawnee, or Overland Park, to me, this looks very similar to all of those. What I hear a lot from residents in the area is they're looking for something more similar to Meadowbrook Park. I understand that the acreage, size, shape, and elements of the land is totally different, but Meadowbrook is a very new development. Every twin villa within Meadowbrook is built with different aesthetics, different elevations. It might have a Cape Cod, Tudor, or flat roof. They have a similar design element that ties them together. They're very high end, very expensive, and very new. I hear this from the neighbors that this is still missing a lot of the aesthetic and architectural look that a lot of the neighbors in the area are looking for. I understand that, when the plan came with the different architecture, it wasn't meant to be the actual design. That's been in our heads for about a year, and I think that's where some of us were thinking about the aesthetic. To see this change so drastically, in my opinion, to be very contemporary and very similar seems very cookie-cutter to me in a way that I'm not comfortable with. I just don't understand why, if that wasn't we were supposed to be thinking in our head, it was put in front of us in the beginning. I understand it was a

placeholder, but this is a big change. I know we have the saying “Distinctively Leawood.” For me, this doesn’t feel like that. It’s more expensive because it’s in Leawood, but it isn’t “Distinctively Leawood.” It isn’t completely different than anything else we see. With all due respect to Mr. Oddo, I know he wants to build the community he wants to build, but for me, it’s not what I feel fits into “Distinctively Leawood.”

Comm. Hunter: Does this meet the LDO?

Mr. Klein: It does meet the LDO. There was a comment earlier that staff was asking for houses not allowed by the LDO or the 135th Street Community Plan. Just to be clear, I believe the applicant was referring to the pitched roof of the apartments. He would not be willing to build those with a roofing material other than asphalt shingles. Currently, asphalt shingles are not allowed on those; however, that style of building is not illegal. It just requires something other than an asphalt roof at this point.

Comm. Hunter: On Stipulation No. 35 with the joint and several liability, I feel like we’ve talked about this before. Is that language in all stipulations on this type of development?

Ms. Knight: Mr. Klein said it has been on all prior ones. I haven’t covered Planning Commission for that many years. The only attorney who has ever objected is Mr. Holland. The city’s position is that it’s pretty common. It hasn’t been an issue before. It talks about the applicant setting up the funding mechanism. If the city ultimately has to step in and repair or improve, the cost incurred by the city can be jointly and severally assessed against each lot. It can then be spread over all the property owners, whether there is someone there or not. Some lots might not even be sold.

Comm. Block: I’m going to be contrary to Commissioner Belzer just a bit. In changing what I’ve come to reference as mansion-style, multifamily apartments and making those more modern to be more cohesive with the rest does not bother me. I believe it gives it a bit more of a sense of place, regardless of my personal preference on style. The future phase, assuming it will continue, has flat roofs. I’m not opposed to that. I do think it is positive that these are lower at 9 feet in most areas and 5 feet in others. I think that is a benefit to the neighbors to the north to not see as much of this development from the back yards or side yards or whatever it be to the north. On the sidewalks, I guess I see it both ways to a certain extent. Since there are sidewalks on both sides of the street, it might not be necessary everywhere throughout the entire complex, especially if we set a precedent that it’s not required. My memory doesn’t serve me well to remember the community circulation in that development. I’m not sure if it’s the same or different. I don’t know that it couldn’t have been rethought a bit when it comes to that issue to maybe make a 6-ft. sidewalk in a circular pattern or way that folks would walk so that not every sidewalk in the development is a 6-ft. sidewalk but that there is a designated circulation throughout the development that lends itself to the 6-ft. sidewalk. I don’t know what that looks like. Maybe it doesn’t make sense to have 5-ft. sidewalks on one side of the street and 6-ft. sidewalks on the other. I can tell you that if someone is walking a dog on the 4-ft. sidewalks in my neighborhood, you almost have to walk on the street. I don’t know how much better a 5-ft. sidewalk is. The 6-ft. seems better, but I do understand that it starts shortening people’s

front yards. Is there a way to create a circulation throughout the entire community that would lend itself to the 6-ft. sidewalks in addition to High Drive?

Comm. Coleman: I have a dilemma because I really don't like the project, and I'm trying to get to like the project; I'm just not there. What is driving me is what is best for Leawood. I'm just not coming out of this thinking that this is an improvement over what we approved in the Preliminary Plan. I still have issues with a lot of the project. Normally at this stage, I can come around and get on board; I'm just not there with this. I just don't think it's going to be beneficial. I don't think the way it looks is going to help Leawood.

Comm. Stevens: Maybe not to repeat what others have said, but I'm similar to Commissioner Block. I don't really take exception to the change in the new styling, especially for the 12-14-unit complex because I do believe it's creating a more compatible design for the entire East Village development. With the future phases, as the developments occur, it seems like that would also merge into more of this kind of contemporary style. That seems like a good change. There was the decision point that we need to make with the option areas, and I don't think that's listed as a stipulation.

Chairman Elkins: I think it's in No. 1. We have to make a choice between the three.

Comm. Stevens: That's right. I think the applicant and the neighbors prefer the single-family homes for that area. I also believe that the second option, which includes the twin villas, could be a very appropriate addition in that area because it enforces the transect nature along 133rd Street. They're slightly taller and would actually help make transition to the future density that is planned for Phase 4. I think staying with the single-family homes could make sense there. I guess we didn't discuss it or it wasn't presented, but I am disappointed that the current application and plans for the detention area in the southeast portion of Phase 2 seems to be developed without any effort to make it an amenity area. The plans don't list it as an amenity area. It was presented that it needed to shift and grow. They're saving a lot of the wooded area in the low drainage creek area, and that's a good thing. It's unfortunate that it's not developed as an amenity area. Even that detention could have been designed where it's a more natural surrounding with sidewalks around it, similar to the other detention areas in Phase 1 and Phase 2.

Chairman Elkins: Did you have a comment on the sidewalk size?

Comm. Stevens: No; I was trying to understand the change in clarity, which is different than the applicant's plans. I think we understand now that the majority would be 5-ft. sidewalks. The 7-ft. sidewalks would remain when adjacent to the parking. The 6-ft. widths would be only on High Drive, both sides of that connecting to 133rd and 135th. Then, maybe not to confuse the sidewalks with the trail system, but the bike/walk trail around the east side of the church property would be a 10-ft. asphalt trail. I think that makes some sense to reduce the scale and size of those in these tight residential areas.

Comm. McGurren: I'm going to talk about this in two slightly different ways. If I think about reading through all of this ahead of time and the conversation that has occurred today,

I would say that it feels like we've gone to the lowest common denominator. If I focus there first, I would say that I'm fine with all of the stipulations as they're written, with the exception of the downspouts that shouldn't be in single-family homes. It seems that we've all agreed to that. I am fine with 5-ft. sidewalks in a lot of places and 6-ft. sidewalks where it's deemed more appropriate. I am thrilled that Chadwick Park came back. If that had been a huge issue tonight, I would have voted against it because I think it's crazy to build a tremendous amount of the residential and have no mixed use and have the central common area unprovided. Yet, I have consistently thought this project was short of high expectations. I think it still is. It's still not what the community wants. It's still not what Governing Body and Planning Commission wanted, which is more like Meadowbrook. It's still not the best use of the 116 acres for Leawood as far as I'm concerned. It's sad to say, but if we're stuck with it, we have improved it. We've gotten a better situation, but it's still the same as it was, and we've lost some ground in what you've all referenced already. It just doesn't feel like it got enhanced from where we were on January 3rd or before that with the Planning Commission. That's my concern and frustration. I carry a lot of the same thoughts you all have expressed, so I won't repeat those. For whatever reason, we didn't end up with the high expectations I was seeking.

Comm. Belzer: I forgot one concern. I want to say I'm not in favor of construction vehicles on 133rd Street in any capacity. That is a street well-traveled by pedestrians and bikes, people crossing the street to go to Gezer Park, kids running back and forth. From Gezer Park to the grocery store is a lot of activity. I don't feel that construction vehicles belong on that street.

Comm. Hunter: Along the same lines as Commissioner Block and Commissioner Stevens, the design aesthetic does not necessarily offend me. I am concerned that it's similar to what we're seeing in other cities, but I also know times are changing, and trends change. As for the sidewalks, I am not a huge fan of sidewalks, but I see that it is a need in this development. I am totally fine with 5-ft. sidewalks in some places and 6-ft. sidewalks along High Drive.

Chairman Elkins: I was at a little bit of a disadvantage with respect to the design guidelines, but I took a quick glance at them during the break. Probably one of my greatest concerns is I just don't see the single-family residential issues addressed in the design guidelines. I could have missed them, but I think I found on bullet point on one page that mentioned that single-family residences were one of the residential uses. How that will provide any guidance as to what a single-family home ought to look like is unclear. The vagueness of those guidelines is a concern for me. Having said that, from my perspective, what I like is that it has brought down the height of the buildings. Building height was discussed by the public in great length here and in front of the Governing Body over the course of 14 different Public Hearings. Based on the volume of emails, it continues to be a significant concern by a significant number of residents. It feels like this change in approach on the design guidelines has reduce the height and mass. Again, admittedly by a very small amount, it has reduced the density. I give some credit to the developer for his efforts in achieving those things. It's hard for me to get too worked up about the difference between a 5-ft. sidewalk and a 6-ft. sidewalk. I'm probably fine with that. I will say for the record

that I continue to have questions about the joint and several liability issue. I understand the applicant's concern about that. To me, it's a different question in the context of single-family residential, where we're really emphasizing and we've asked Mr. Oddo to make commitments that are maybe not in his power to grant in the terms that there are owners and not renters here. If I have joint and several liability that the playground down the way gets in disrepair and because I have a nice savings account and get tagged for rebuilding the whole thing, it doesn't seem particularly fair to me. I understand the joint liability; I don't understand the several liability. We've had that conversation time and time again. I don't know that we need to relitigate it, but that requirement continues to trouble me in the context of single-family residential being included. Those were my three issues of greatest concern. Are there other questions or comments? Let me see if I can get some nods of heads, and if we all need to vote on things, we can.

Ms. Knight: I just wanted to point out for the record that Commissioner Peterson dropped off the Zoom about 6:30.

Chairman Elkins: Thank you. We have Stipulation No. 4, which has to do with the traffic study. That, I understand, is off the table for our purposes and doesn't require additional comment or action. The developer may have a discussion with Governing Body when that time comes.

Comm. Block: I think that's to substitute the one that was left of the dais.

Chairman Elkins: Thank you; it is the rewritten Stipulation No. 4, and we don't need to vote on that because staff proposed it.

Mr. Klein: Correct.

Chairman Elkins: No. 5 deals with the sidewalks. I sensed that there was at least a consensus for the most part on that. Does anyone feel we need to take a vote on that? What we would propose there would be to change to a minimum of 5-ft. sidewalks with the exception of High Drive, which shall be 6-ft width. I believe the applicant told us they were fine with that. I understand that the applicant has no objection to No. 7 as drafted. I felt like there was a consensus on No. 6. Would we just delete it?

Comm. Coleman: I would, but I think we're divided.

Chairman Elkins: I'll put that to the side, and we'll come back and vote on that specifically. I didn't hear discussion or debate around the option property, so we would delete B and C from the options. The numbering should work out. No. 19 is the next one. I would propose we modify that to say that all downspouts shall be enclosed on all buildings with the exception of single-family residences. I believe that takes us to Mr. Holland's favorite, which is No. 35. I believe I've seen a consensus that it should stay. A minor change in No. 37 would be to say "single-family residences" in the second line. Then, I guess we all know what No. 38 means, so we won't change that one at all because the meaning is clear. I don't think Mr. Oddo will be constructing on Sundays. That leaves us with a need to vote on No.

6. What I would encourage is a motion to strike No. 6, and we'll find out how people stand. If there is another approach, I am open.

A motion to strike Stipulation No. 6 was made by Block; seconded by Hunter. Motion carried with a roll-call vote of 4-2. For: McGurren, Block, Stevens, Hunter. Opposed: Coleman, Belzer.

Chairman Elkins: We'll move on to consider the application without No. 6 and with the other modifications I went through.

Comm. Block: I don't know if it's appropriate. I think all of us agreed that the single-family design standards were loose, so I don't know that it could be another stipulation that it would be worked out before Governing Body. I think there is maybe more than one line, but it is loose enough that it could use some better design standards.

Chairman Elkins: I believe the photographs did not include the single-family homes. Mr. Oddo, I'm going to break my rules and let you have a chance to speak.

Mr. Oddo: I appreciate that. We're happy to work with staff to strengthen that up before City Council. We totally understand where you're coming from and are happy to do so. If you want to add that stipulation, we agree.

Chairman Elkins: I think that makes great sense to add it as a stipulation to strengthen or improve guidelines.

A motion to add a stipulation to improve design guidelines for single-family homes prior to Governing Body was made by Block; seconded by McGurren. Motion carried with a unanimous roll-call vote of 6-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer.

Chairman Elkins: We can just put this in place of No. 6.

Patrick Geschwind, Interim City Administrator, appeared before the Planning Commission, appeared before the Planning Commission and made the following comments:

Mr. Geschwind: I just talked to Mr. Oddo, and one of the things I think should come before you is clarification on the motion you just voted for. There is no plan for them to turn over the lots without control. In other words, they are going to maintain a semblance of an HOA. They will have minimum standards, which will fit in with the vote you just took.

Chairman Elkins: That's helpful. What's a little bit different for us in Leawood is we've never had an Architectural Review Board. We've left that up to the HOAs in the past. Presumably, that's where the architectural style issues will be addressed as well.

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

Chairman Elkins: The last motion to add Stipulation No. 6 carried, and it related to additional strengthening of the design guidelines. That now takes us to a motion on the application with the 42 stipulations, modified as we have indicated in the record.

A motion to recommend approval of CASE 85-22 – EAST VILLAGE (FORMERLY CAMERON’S COURT) – Request for approval of a final plat, final plan, and design guidelines, located north of 135th Street and west of State Line Road CASE 37-22 – No. 5: change to a minimum of 5-ft. sidewalks with the exception of High Drive, which shall be 6-ft width

- **No. 6: replace with a stipulation to strengthen design guidelines pertaining to single-family homes prior to Governing Body consideration**
- **No. 19: modify to say that all downspouts shall be enclosed on all buildings with the exception of single-family residences**
- **No. 37: say “single-family residences” in the second line**

was made by Block; seconded by Stevens. Motion carried with a roll-call vote of 4-3. For: Block, Stevens, Hunter, and an affirmative vote from Chairman Elkins. Opposed; McGurren, Coleman, Belzer.

Chairman Elkins: Thanks to the applicant again. We focused on the right issues tonight. I appreciate that because this has been a long road. Thanks to staff for providing a clear set of issues for us to address. Thanks to the commission for all their hard work. Is there any other business to come before the commission this evening? We’ll stand adjourned until the next meeting.

Mr. Klein: Stand adjourned until October 25th.

MEETING ADJOURNED