CALL TO ORDER/ROLL CALL:
McGurren, Coleman, Block, Stephens, Hunter, Belzer, Hoyt, Peterson, Elkins

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

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

Public comments will only be accepted during the public hearing portion of each agenda item where a public hearing is required. The City encourages the public to submit comments in writing prior to the public hearing by emailing comments to pcpubliccomments@leawood.org. Written public comments received at least 24 hours prior to the meeting will be distributed to members of the Planning Commission. Those wishing to appear remotely using the Zoom format media, should register at pcpubliccomments@leawood.org on or before Friday, September 4th at 5:00 pm. Individuals who contacted the Planning Department in advance to provide public comments will be called upon by name.

Electronic copies of tonight’s agenda are available on the City’s website at www.Leawood.org under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.

APPROVAL OF THE AGENDA:

CONTINUED TO THE SEPTEMBER 22, 2020 PLANNING COMMISSION MEETING:
CASE 64-20 – TOWN CENTER PLAZA – FIRST ASCENT – Request for approval of a Preliminary Plan, located north of 119th Street and west of Roe Avenue. PUBLIC HEARING

CASE 66-20 – TOWN CENTER CROSSING – TENANT STOREFRONT DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of 119th Street and east of Roe Avenue.

CASE 67-20 – TOWN CENTER PLAZA – TENANT STOREFRONT DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located north of 119th Street and west of Roe Avenue.

CASE 69-20 – HILLS OF LEAWOOD VILLAS – Request for approval of a Final Plat and Final Plan, located north of 151st Street and east of Mission Road.

CASE 74-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-3, ADMINISTRATIVE APPROVALS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Tenant Finishes. PUBLIC HEARING

CASE 75-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.3, SD-CR (Planned General Retail) - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to building heights within SD-CR. 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 RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road. PUBLIC HEARING

NEW BUSINESS:
CASE 68-20 – PLAZA POINTE – GUIDEPOST MONTESSORI – Request for approval of a Revised Preliminary Plan, Revised Final Plan, and Special Use Permit for a Daycare/Montessori, located south of 136th Street and west of Roe Avenue. PUBLIC HEARING

CASE 70-20 – VILLA DE FONTANA – Request for approval of a Preliminary Plan, Preliminary Plat, and Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 ((Planned Cluster Attached Residential District)(6,000 Sq. Ft. Per Dwelling)) to RP-2 ((Planned Cluster Detached Residential District )(6,000 Sq. Ft. Per Dwelling)), located south of 135th Street and east of Roe Avenue. PUBLIC HEARING

ADJOURN REGULAR MEETING:
Meetings will end at 9:00 p.m. unless the Commission votes to extend the meeting for a period of thirty (30) minutes. An additional thirty (30) minute extension, for a maximum of two (2) extensions, may be voted by the Commission members.

LEAWOOD PLANNING COMMISSION

The Leawood Planning Commission is a nine member non-partisan body whose members are appointed by the Mayor and confirmed by the Governing Body.
The Planning Commission prepares the Comprehensive Plan that is used as a general guide for the development of the community. The Comprehensive Plan is reviewed and updated annually as part of the commission’s ongoing process of evaluating trends and patterns. The Commission also reviews all zoning, special use permit, and site plan and plat applications prior to making recommendations to the governing body for final action.

The regular scheduled public meetings of the Planning Commission are held at 6:00 PM on the fourth Tuesday of each month in the City Council chambers, 4800 Town Center Drive. The Commission may also conduct a study session followed by a meeting on the second Tuesday of each month.

Anyone wishing to appear on the Planning Commission agenda or study session agenda should contact Planning Services at (913) 339-6700.

REZONING AND SPECIAL USE PERMIT PROCEDURES FOR LEAWOOD, KANSAS

Newspaper publications: The city will be responsible for publishing the notice of public hearing in the official City newspaper not less than 20 days prior to the end of the public hearing.

Posting of the sign: Upon submission of the application, the City will supply the applicant with a sign to be posted on the property. The sign must be posted not less than 20 days prior to the public hearing.

Letters of notification: The applicant will be responsible for mailing notices by certified mail, return receipt requested, of the proposed zoning change to all land owners located within 200 feet of the area proposed to be altered. These notices must be sent a minimum of 20 days prior to the Planning Commission hearing.

Public hearing: The Planning Commission hears all zoning requests, hearing from the applicant and anyone in the audience wishing to speak for or against the proposal. The Commission will then make a recommendation for approval or denial to the City Council or continue the application to another Planning Commission agenda. The following is an outline of the public hearing process.

1. Staff summarization of comments and recommendations.
2. Applicant presentation and response to staff comments and recommendations.
3. Public Hearing
   a. Anyone wishing to speak, either in favor or in opposition has an opportunity to speak.
   b. It is appreciated if the speakers keep repetition to a minimum.
4. The applicant will have an opportunity to respond to points raised during the hearing.
5. Planning Commission discussion.
6. Motion and second by the Planning Commission.
7. Planning Commission discussion of motion.
8. Planning Commission vote on the motion.

Protest period: Certain property owners may file a petition protesting the application within 14 days after the close of the Planning Commission public hearing. The petition must be signed by the owners of record of 20% or more of any real property proposed to be rezoned, or by the owners of record of 20% or more of the total real property within the area required to be notified in Article 16-5-4.1 of the proposed zoning of specific property, excluding streets and public ways and property excluded pursuant to 16-5-4.3.

City Council Action: After the protest period has concluded, the application will be placed on an agenda for a City Council meeting. The Council may then take action on the proposal. The Council may approve the Planning Commission’s recommendation, or it may amend and approve or remand the proposal to the Planning Commission for further consideration.
Cameron’s Court - Request for Approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat - Located South of 133rd Street and West of State Line Road - Case 49-20 **Public Hearing**

Staff Recommendation:
Staff is not supportive of the application as submitted, as it does not meet the requirements of either the Comprehensive Plan, which formally incorporated the 135th Street Community Plan in 2014, or the Leawood Development Ordinance, as outlined below. Staff recommends the Planning Commission deny Case 49-20, Cameron’s Court – request for approval of a Rezoning, Preliminary Plan, and Preliminary Plat.

Applicant:
- The applicant is Rick Oddo with Oddo Development Company, Inc.
- The properties are owned by Vic Regnier with Vic Regnier Builders, Inc.
- The engineer is Jeffrey Skidmore with Schlagel Associates
- The architect is Henry Klover with Klover Architects, Inc.
- The landscape architect is Daniel Foster with Schlagel Associates

Request:
- The applicant is requesting approval of a Rezoning, Preliminary Plan, and Preliminary Plat.
- The site is located south of 133rd Street and east of State Line Road for a total of 116.47 acres.
- The applicant is requesting approval of a Rezoning from AG (Agricultural District) and SD-O (Planned Office) to RP-2 (Planned Cluster Detached Residential District (6,000 sq. ft. per dwelling unit)) and MXD (Mixed Use Development District), Preliminary Plan and Preliminary Plat for the Cameron’s Court development, which includes, but not limited to, the following:
  - 56 single family lots within the RP-2 zoned portion of the development
  - 662 multi-family dwelling units
  - 404,864 Sq. Ft. of retail/office
  - 66,472 Sq. Ft. hotel
- The applicant is requesting to phase the development into four phases.

Comprehensive Plan:
- The Comprehensive Plan designates this property as Mixed Use.
**ZONING:**
- The properties are currently zoned AG and SD-O.

**SURROUNDING ZONING:**
- **North** To the north of the proposed project, across 133rd Street, include Wilshire Place (RP-1 - Planned Single Family Residential) and Greenbrier (R-1 – Planned Single Family Low Density Residential) residential subdivision, Enclave at Cedar Pointe subdivision (RP-2), and Village of Seville Commercial Development (SD-CR - Planned General Retail).
- **South** To the south of the proposed project, across 135th Street, includes the Lord of Life Church (SD-O), Chadwick Place (SD-NCR – Planned Neighborhood Retail and SD-O) commercial development, and undeveloped land (RP-3 – Planned Cluster Attached Residential, MXD, and SD-CR).
- **East** Directly to the east of the proposed development, across State Line Road, is a commercial development within Kansas City, Missouri.
- **West** To the west of the proposed development, across Pawnee Lane, is the Market Square commercial development (SD-CR).

**LOCATION:**
PHASING:
• Below is a diagram showing the phasing of the development:

SITE PLAN COMMENTS:
• The development is bordered on the north by 133rd Street, on the east by State Line Road, on the south by 135th Street, and to the west by Pawnee Lane. This application does not include the Covenant Chapel property, located south of 133rd Street and west of the proposed Kenneth Road.
• High Drive is proposed to be constructed with this development. It is to be located between the RP-2 zoning district and Tract A, and the western boundary of Tract B, and will run through the development, going north to south.
• Along with the RP-2 zoned area, the applicant is also proposing an MXD portion of the development with a total of 1,308,468 Sq. Ft. of building area on 97.4 acres for an F.A.R. of 0.249 with a 25% residential discount, allowed per the Leawood Development Ordinance 16-2-6.4 (G).
• Existing power lines are located on the eastern common property line of the development (west side of State Line Road).
• All private internal streets/drives will be built to public street standards and will have to meet all requirements per the Leawood Development Ordinance 16-8-3.2.
• Five foot wide sidewalks are proposed with all sidewalks interior to the sites, with seven foot wide sidewalks near abutting head-in parking areas, and eight foot wide sidewalks at storefronts. The development will also include a 10’ tree lawn between the sidewalk and back of curb on public streets. Approximately 3’ of sidewalk will be constructed within a 4’ sidewalk easement.
• Other than the RP-2 portion of the development, the other phases of the development are proposed within separate tracts including; Tract A, Tract B, and Tract C.

Below is a list of Site Plan Comments for each phase of the development:

RP-2
• This portion of the development bound by Pawnee Lane on the west, 133rd Street on the north, High Drive on the east, and Tract A of the development on the south.
The applicant is proposing to rezone this portion of the project to RP-2 with 56 single family residential lots on 13.36 acres, for a density of 4.19 dwelling units per acre (average lot size of 10,038.14 Sq. Ft.).

Two main entrances into this phase are off of 133rd Street with two cul-de-sacs at the eastern and western ends of the phase.

Tract A (Phase 3)
- Tract A is bound by Pawnee Lane on the west, 135th Street on the south, High Drive on the east, and Phase 1 on the north.
- Tract A is proposed to be zoned MXD, consisting of 27 multifamily residential buildings, a 142 Sq. Ft. maintenance building, and an 8,500 Sq. Ft. club house for a total of 340 residential units proposed with this phase. The apartment buildings will range from 12-14 units per building.
- The main entrance into the tract is off of 135th Street with two other entrances off of Pawnee Lane and High Drive.
- Four ponds are located within this portion of the development, along with a 20,000 Sq. Ft. park area, a dog park, and a sidewalk connection that runs the length of the development from Pawnee Lane to High Drive.
- The internal drive within this tract is proposed to be privately owned and gated.
- Portions of the parking are located within garages integrated into the buildings, while the rest of the parking is located is surface parking.

Tract B (Phase 2)
- Tract B is bound by High Drive on the west, 133rd Street on the north, 135th Street on the south, and portion of Kenneth Road and the western property line of Covenant Chapel on the east.
- Tract B is proposed to be zoned MXD, consisting of 7 multifamily residential buildings and an 8,500 Sq. Ft. club house for a total of 322 residential units are proposed with this phase.
- Two entrances are located off of High Drive, with a third entrance located from an access point shared by the commercial/office portion of the development. An “Emergency Access Only” drive is also proposed along the north side of the Tract, to be accessed from 133rd Street.
- Two ponds are located within this tract, along with a retention pond at the southeast corner. In addition to the ponds, this phase will include a dog park, a 71,000 Sq. Ft. community park, and a 142 Sq. Ft. maintenance building.
- The internal drives within the tract are proposed to be privately owned and gated.
- Portions of the parking are located within accessory structures, with the rest of the parking to be surface parking.
- An existing stream is located along the eastern property line of the tract.
- Multiple retaining walls are proposed, with heights ranging in maximum heights from 5’ to 10’ in height.

Tract C (Phase 4)
- Tract C is bound the Covenant Chapel eastern property line on the west, 133rd Street on the north, State Line Road on the east, and 135th Street on the south.
- Tract C is proposed to be zoned MXD, consisting of 17 buildings with a mix of retail and office uses for a total of 474,936 Sq. Ft. of building area is proposed to be constructed in this phase.
- A hotel, and a gas station with a convenience store are uses that are shown to be located within this Tract. A special use permit is required for the hotel and gas station with a convenience store, which will be required prior to approval of Final Plan for this phase.
• The main entrance to this tract is located off of State Line road. The main entrance will delineate the ingress and egress with a median.
• Two entrances into the tract are located on 133rd street, along with two other entrances off of Kenneth Road.
• A main drive goes through the tract, connecting Kenneth Road to 133rd Street.
• All parking within this portion of the project is surface parking.
• Retaining walls are located within this tract, ranging in maximum heights from 5’ to 10’.
• In between building T and U is a 24,000 Sq. Ft. plaza area. In addition to the plaza area, a pocket park infiltration planter is located between building W and X, a retention pond at the northeast corner of 135th Street and Kenneth Road, and detached and attached patios to a number of the buildings.

PRELIMINARY PLAT:
• The applicant is proposing 56 single family lots for the first phase of this development, with an average lot size of 10,387.14 Sq. Ft. The smallest lot size is 9,100 Sq. Ft., while the maximum is 22,635 Sq. Ft.
• In addition to the 56 single family homes proposed in phase 1, three other tract areas are proposed with this project:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Sq.ft.</th>
<th>Acres</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP-2</td>
<td>581,962</td>
<td>13.36</td>
<td>Located at the southeast corner of Pawnee Lane and 133rd Street. Will include 56 single family residential lots</td>
</tr>
<tr>
<td>Tract A</td>
<td>1,410,037</td>
<td>32.37</td>
<td>Located at the northeast corner of Pawnee Lane and 135th Street. To include 27 multifamily residential buildings.</td>
</tr>
<tr>
<td>Tract B</td>
<td>912,582</td>
<td>20.95</td>
<td>Located at the northeast corner of High Drive and 135th Street. To include eight multifamily residential buildings.</td>
</tr>
<tr>
<td>Tract C</td>
<td>1,593,860</td>
<td>36.59</td>
<td>Located at the northeast corner of 135th Street and Kenneth Road. To include 17 buildings with a mix of retail and office uses.</td>
</tr>
<tr>
<td>Tract 1</td>
<td>105,798</td>
<td>2.42</td>
<td>Located along the eastern property line of Covenant Chapel</td>
</tr>
<tr>
<td>Tract 2</td>
<td>77,101</td>
<td>1.77</td>
<td>Located at the southwest corner of the Commercial/Retail use development.</td>
</tr>
<tr>
<td>Tract 3</td>
<td>46,609</td>
<td>1.07</td>
<td>Located along the eastern property line of the development on State Line Road.</td>
</tr>
<tr>
<td>Tract 4</td>
<td>97,266</td>
<td>2.23</td>
<td>Located at the southeast corner of Tract B, just south of Covenant Chapel.</td>
</tr>
<tr>
<td>ROW</td>
<td>248,218*</td>
<td>5.71</td>
<td>Right-of-Way dedicated for High Drive and commercial development entrance facing 135th Street</td>
</tr>
<tr>
<td>Total</td>
<td>5,073,433*</td>
<td>116.47</td>
<td></td>
</tr>
</tbody>
</table>

*Approximate numbers calculated

BULK REGULATIONS:
• The following table outlines the required and provided regulations for the RP-2 Zoning District:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>30’</td>
<td>30’</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Setback</td>
<td>10’</td>
<td>10’</td>
<td>Complies</td>
</tr>
<tr>
<td>Criteria</td>
<td>Required</td>
<td>Provided</td>
<td>Compliance</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>------------</td>
</tr>
<tr>
<td>Corner Lot Street Side Setback</td>
<td>20'</td>
<td>10'</td>
<td>Does Not Comply</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>20'</td>
<td>20'</td>
<td>Complies</td>
</tr>
<tr>
<td>Lot Size</td>
<td>6,000 Square Feet per dwelling unit</td>
<td>10,395 Square Feet per dwelling unit</td>
<td>Complies</td>
</tr>
</tbody>
</table>

- The following table outlines the required and provided regulations for each tract in the MXD Zoning District:

**Tract A**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 42' Parking: 70'</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 41' Parking: 29'</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 75' Parking: 99'</td>
<td>Complies</td>
</tr>
<tr>
<td>Interior Setback</td>
<td>Structure: 10' Parking: 10'</td>
<td>Structure: 27' Parking: N/A</td>
<td>Complies Not Applicable</td>
</tr>
<tr>
<td>Building Setback from Residential</td>
<td>75'</td>
<td>75'</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Tract B**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 40' Parking: 30'</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 45' Parking: 82'</td>
<td>Complies</td>
</tr>
<tr>
<td>Interior Setback</td>
<td>Structure: 10' Parking: 10'</td>
<td>Structure: 43' Parking: N/A</td>
<td>Complies Not Applicable</td>
</tr>
<tr>
<td>Building Setback from Residential</td>
<td>75'</td>
<td>85'</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Tract C**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 40' Parking: 40'</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 40' Parking: 70'</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>Structure: 40' Parking: 25'</td>
<td>Structure: 40' Parking: 85'</td>
<td>Complies</td>
</tr>
<tr>
<td>Interior Setback</td>
<td>Structure: 10' Parking: 10'</td>
<td>Structure: 35' Parking: N/A</td>
<td>Complies Not Applicable</td>
</tr>
</tbody>
</table>
The following table outlines the required and provided regulations for the entire MXD Zoning District:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Setback from Residential</td>
<td>75’</td>
<td>260’</td>
<td>Complies</td>
</tr>
<tr>
<td>Minimum Acres</td>
<td>10 Acres</td>
<td>103.11 Acres</td>
<td>Complies</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>.25 Maximum</td>
<td>.249</td>
<td>Complies</td>
</tr>
<tr>
<td>Height Limit</td>
<td>90’</td>
<td>51’10”</td>
<td>Complies</td>
</tr>
<tr>
<td>Required Use Ratios</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20% Residential</td>
<td>66.5% Residential</td>
<td></td>
<td>Complies</td>
</tr>
<tr>
<td>10% Retail</td>
<td>11.9% Retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10% Office</td>
<td>21.6% Office</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Residential Unit Size</td>
<td>900 Sq. Ft. for at least 80% of the units with no less than 750 Sq. Ft. for all remaining units</td>
<td>Not Provided</td>
<td>Applicant has acknowledged</td>
</tr>
<tr>
<td>Residential Density</td>
<td>15 Units Per Acre</td>
<td>6.80 Units Per Acre</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**PARKING:**
- Per the Leawood Development Ordinance, RP-2 zoned areas shall have 2 totally enclosed parking spaces per unit.
- Within an MXD zoned area, the Leawood Development Ordinance requires 2 parking spaces per residential unit (1 totally enclosed) + 3.0 to 3.5 parking spaces per 1,000 gross Square Feet of non-residential space.
- Section 16-4-5.4 (A) of the Leawood Development Ordinance allows for the applicant to modify the requirements of the parking ratios required per the Leawood Development Ordinance with a supporting traffic engineering/parking plan approved by the City.
- The applicant is proposing a parking ratio of 1.46 parking spaces per residential unit for both Tract A and Tract B. A parking ratio of 3.0 parking spaces per 1,000 Sq. Ft. for the Tract C portion of the development for a total of 2,883 parking spaces within the MXD zoned portion of the application.

**LANDSCAPING:**
- Landscaping is reviewed and approved at the time of Final Plan. The applicant has provided a preliminary landscape plan.
- An existing tree plan was requested by the Planning Department to be provided by the applicant. This plan shows the locations of all trees larger than 12” caliper inches. Per the Leawood Development Ordinance, all trees larger than 12” caliper shall be replaced on a 1:1 caliper inch ratio.
- When a development reaches a density of 132 Caliper Inches per acre within their MXD zoning area, the site is allowed to replace 50% of their total calipers. The site does not meet this requirement at a density of 49.62 Caliper Inches per Acre.

**LIGHTING:**
- Lighting is reviewed and approved at the time of Final Plan.

**SIGNAGE:**
- No signage is approved with this application. All signage will be reviewed at the time of Final Plan.
At the time of Final Plan for any portion of the MXD zoned area, Design Guidelines will be required for the entirety of the development, which must include a section on signage.

REQUESTED DEVIATIONS:
- Per the Leawood Development Ordinance 16-2-6.4(F), a 25% discount on the residential square footage is allowed to be deducted from the constructed square footage of the entire development.

INTERACT MEETING:
- An Interact Meeting was held on June 11, 2020. A sign-in sheet and summary of the meeting is attached.

IMPACT FEES:
- **Park Impact Fee**: The applicant shall be responsible for a Park Impact Fee prior to the recording of the Final Plat in the amount of $400.00 per dwelling unit, and $0.15 per square foot of non-residential building area. This amount is subject to change by Ordinance.
- **Public Art Impact Fee**: The applicant shall be responsible for a Public Art Impact Fee prior to the recording of Final Plat in the amount of $0.15 per square foot of non-residential building area. This amount is subject to change by Ordinance.
- **Street Fee**: The applicant/owner shall be responsible for a Street Fee of $391.50 per linear foot of frontage along State Line Road. This amount is subject to change by Ordinance.
- **135th Street Corridor Impact Fee**: The applicant shall be responsible for a 135th Street Corridor Impact Fee of $1.95 per square foot of retail building area, $0.58 per square foot of office/non-retail building area, and $389.40 per residential unit. This amount is subject to change by Ordinance.

GOLDEN CRITERIA:
The character of the neighborhood:
The area is characterized by a collector street (133rd Street) with low density residential and commercial to the north; an arterial street (135th Street) and undeveloped land on the south; an arterial street (State Line Road) and commercial on the east, and a collector street (Pawnee Lane) with commercial to the west.

The zoning and uses of properties nearby:
- **North**: To the north of the proposed project, across 133rd Street, include Wilshire Place (RP-1) and Greenbrier (R-1) residential subdivision, Enclave at Cedar Pointe subdivision (RP-2), and Village of Seville Commercial Development (SD-CR).
- **South**: To the south of the proposed project, across 135th Street, includes the Lord of Life Church (SD-O), Chadwick Place (SD-NCR and SD-O) commercial development, and undeveloped land (RP-3, MXD, and SD-CR).
- **East**: Directly to the east of the proposed development, across State Line Road, is a commercial development within Kansas City, Missouri.
- **West**: To the west of the proposed development, across Pawnee Lane, is the Market Square commercial development (SD-CR).

The suitability of the subject property for uses to which it has been restricted:
The site is suitable for mixed use development as shown within the City of Leawood’s 2019 Update of the Comprehensive Plan. However, the proposed plan submitted with this application does not meet a number of regulations set forth within the Leawood Development Ordinance. In addition, the plan does not meet...
various objectives, goals, and land uses of the Comprehensive Plan which includes the 135th Street Community Plan.

Below are the regulations within the Leawood Development Ordinance that this application does not meet:

- The applicant has provided a parking study for the development to the south, across 135th Street. Per the Leawood Development Ordinance, 16-4-5.4(A) states “Parking requirements may be modified on a project basis with supporting traffic engineering/parking plan approved by the City”. The City cannot accept a parking study for a different development as this development is proposing gated communities which does not allow for shared parking to take place.

- The private streets within the MXD portion of the development (Tract A and Tract B) does not meet Section 16-8-3.2 (A) of the Leawood Development Ordinance as it states “Private Streets shall be allowed only within residential developments as authorized herein and as authorized by the Governing Body”. The private street is located within areas proposed to be zoned MXD.

- The corner lots within the RP-2 portion of the development do not meet the Corner Lot Street Side Setback of 20’. The site plan shows a setback of 10’. A deviation has not been requested for a reduction of the setback, which then would only allow for a reduction of up to 75% of the standard requirement.

- The applicant is proposing accessory structures which are to be used as covered parking areas. Per the Leawood Development Ordinance, 16-4-1.4 (B) states “Architecturally attached structures shall be allowed only when the accessory structure is connected to the primary structure with a minimum 10’ wide structure [...]. The accessory structures and the primary structure shall not be more than 15’ apart, measured from the exterior wall of the accessory structure to the exterior wall of the primary structure.” The accessory structures proposed to cover the parking areas are not connected to the primary structure and are approximately 75’ away from the primary structure.

- Retaining walls are proposed within the MXD portion of the development. Per the Leawood Development Ordinance, retaining walls with a height of 6’ or less are permitted within all required setbacks. For retaining walls greater than 6’ in height, the walls shall be within all required setbacks provided that it shall be setback from the property line one foot for each foot, or part thereof in excess of 6’ in height. In multiple instances, the retaining walls proposed are located within the setbacks with some walls exceeding the 6’ maximum height, which to staff’s knowledge was not notified to the adjacent property owners by certified mail at least 10 days prior to Planning Commission consideration.

Below are the regulations within the Comprehensive Plan that this application does not meet:

- The Comprehensive Plan Map shows the project area as Mixed Use. The proposed application shows a plan with an RP-2 zoned area, which is considered Medium Density Residential. The proposed plan does not match the Comprehensive Plan Map within the 135th Street Community Plan.

- An objective within the Comprehensive Plan for residential development is to ensure that residential growth patterns result in neighborhoods that have their own sense of place, yet are closely linked to the community as a whole. The directive to the objective states “Additional gated communities will not be allowed within the City of Leawood in order to promote a sense of community”. This development has separated its residential portion of the Mixed Use development by creating gated communities.

- The Mixed Use portion of the Comprehensive Plan defines Mixed Use as “a development which permits a mixture of retail, office, residential, and cultural uses in a single structure or multiple structures which incorporate a coordinated consistent theme throughout the development and
encourage a high level of pedestrian connectivity”. The different Tracts within the development are separated from each other by collector streets and gates. A consistent theme has not been developed for all portions of the project to work together.

- An objective of the Mixed Use portion of the Comprehensive Plan is to develop human scale, village or main street style, mixed use developments. The project is proposing four separate styles of development that are all separated from each other and does not have a mix of uses within each tract.

Below are the regulations within the 135th Street Community Plan that this application does not meet:

- The applicant shows multiple internal drives within the development as different road types designated by the 135th Street Community Plan. These road types include Destination Streets, Active Pedestrian Streets, and Neighborhood Streets. The street types used by the applicant do not meet the intent which was created by the 135th Street Community plan and do not match the requirements for the street types which include large planting areas, wider sidewalks, on street parking, sharrows for bicycles, and rain gardens.

- The applicant is proposing to not construct Kenneth Road or Chadwick Road, which are crucial parts for completing the 135th Street Future Street Network. This creates issues when trying to create a street grid network as intended within the 135th Street Community Plan. In addition, the Community Plan shows Pedestrian Issues and Barriers within the corridor and notes that the intersection of 133rd and Kenneth is an incomplete connection. Not constructing Kenneth Road would further create a barrier would keep the connection incomplete.

- Transitions from a less dense development to a more dense and commercial development have been created with this application; however, the plan does not meet the intent of the Transect Zones for the corridor. The transects were created so that low to medium density development would be closest to 133rd Street, as to protect the existing residential neighborhoods to the north of 133rd Street from the commercial, office and high density residential mixed use area, which would be closest to 135th Street.

If any of the items above are to be rectified and updated to come into conformance with the Ordinance/Plans, the site design for the entire development may be subject to major changes.

The time for which the property has been vacant:
The subject property is undeveloped land; however, separate portions have been zoned at a previous date.

Property number HF251327-4003 was zoned to B-4 on February 3, 1975 (Ordinance #482). This zoning has since been carried forward to the current zoning description as SD-O.

Property number HF251326-2004 was zoned B-1 on April 7, 1975 (Ordinance #484). This zoning has since been carried forward to the current zoning description as SD-O.

The extent to which removal of the restrictions will detrimentally affect nearby property:
The site is suitable for Mixed Use Development that follow the example of transects shown within the 135th Street Community Plan. This plan has created a dispersion of density and uses that could detrimentally affect the existing neighborhoods to the north of 133rd Street by having high density residential housing and commercial/office spaces that run north to south, instead of east to west, and potentially creating traffic issues by not constructing Chadwick Road and Kenneth Road.
The project does not currently meet the restrictions set forth within the Leawood Development Ordinance, the 2019 Update to the City of Leawood Comprehensive Plan, and the 135th Street Community Plan. If the applicant were to meet the requirements of the Ordinance and plans, major changes may need to be made to the site design of the development.

The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:
The design of the development does not create a gridded street network, activity nodes, and vehicular connectivity which hinders the opportunity for multiple modes of transportation including public transit and the preservation of natural areas. Additionally, the plan does not meet the intent of the 135th Street Community Plan, as it does not offer a truly “mixed-use” development. Requiring these changes to the plan would not pose a hardship on the applicant, yet they would provide greater flexibility and a greater chance for an economically viable and sustainable development. The result will be a gain to public health, safety, and welfare of the community if these standards are followed and the application denied.

The recommendation of the professional staff:
City Staff recommends denial of the proposed application due to the reasons listed within the Golden Criteria, Staff Comments, and Stipulations.

Conformance of the requested change to the adopted master plan of the City of Leawood:
The proposed application does not conform to the Comprehensive Plan of the City of Leawood as the application does not meet the following:

- The Comprehensive Plan Map shows the project area as Mixed Use. The proposed application shows a plan with an RP-2 zoned area, which is considered Medium Density Residential. The proposed plan does not match the Comprehensive Plan Map for the City of Leawood.
- An objective within the Comprehensive Plan for residential development is to ensure that residential growth patterns result in neighborhoods that have their own sense of place, yet are closely linked to the community as a whole. The directive to the objective states “Additional gated communities will not be allowed within the City of Leawood in order to promote a sense of community”. This development has separated its residential portion of the Mixed Use development by creating gated communities.
- The Mixed Use portion of the Comprehensive Plan defines Mixed Use as “a development which permits a mixture of retail, office, residential, and cultural uses in a single structure or multiple structures which incorporate a coordinated consistent theme throughout the development and encourage a high level of pedestrian connectivity”. The different Tracts within the development are separated from each other by collector streets and gates. A consistent theme has not been developed for all portions of the project to work together.
- An objective of the Mixed Use portion of the Comprehensive Plan is to develop human scale, village or main street style, mixed use developments. The project is proposing four separate styles of development that are all separated from each other and does not have a mix of uses within each tract.

STAFF COMMENTS:

- The current plans shows a total of 72’ of right-of-way for 135th Street from their property line to the centerline of the street. A total of 85’ of right-of-way shall be provided to allow for a third westbound lane, a 10’ sidewalk and utility easements. (PW Stipulation 1(A))
• The applicant shall provide staff with a parking study which is specific to this site. A study directly taken from a separate project will not be accepted by the Planning Department. The plan must then be amended to reflect the findings of the updated parking study. (**Stipulation #2**)

• The applicant shall provide the information required within the Public Works Memo on file for this application. (**Stipulation #3**)

• The applicant shall provide the information required within the Fire Department Memo on file for this application. (**Stipulation #4**)

• Staff is not supportive of the separation of uses within the MXD zoned portion of the development as there is no interaction between each of the Tracts, essentially creating four separate developments (3 residential, and one commercial/office). The applicant shall work with staff to better follow the intent of Mixed Use as stated within the City of Leawood Comprehensive Plan. (**Stipulation #5**)

• The applicant shall remove the RP-2 zoning of the development from the application as it does not meet the Comprehensive Plan map, which shows this area as Mixed Use. (**Stipulation #6**)

• The applicant shall remove all gates from the residential portion of the Mixed Use development as it directly defies the Directive of the Residential section within the Comprehensive Plan. (**Stipulation #7**)

• If it is the intent of the applicant to create the street designations within the 135th Street Community Plan, the applicant shall work with staff to update the plan and show the correct use of the street designations, including lane widths, street accents, sidewalk widths, etc. (**Stipulation #8**)

• The applicant shall provide a plan showing the construction of Kenneth Road and Chadwick Street to help create a grid network. (**Stipulation #9**)

• An updated plan set meeting all requirements of the Leawood Development Ordinance must be submitted. Requirements which must be met include, but are not limited to: accessory structure connection to primary buildings, retaining walls within setbacks and height requirements, removal of private streets within non-residential developments, etc. (**Stipulation #10**)

• The applicant shall work with staff to conform the site to better meet the transect design set forth within the 135th Street Community Plan, which will allow for the least dense portion of the development to abut the existing residential neighborhoods north of 133rd Street. (**Stipulation #11**)

• Two maintenance buildings are proposed within Tract A and Tract B. These maintenance buildings are proposed to be 142 Sq. Ft. each with large trash compactors connected to these buildings. Staff is not supportive of these maintenance buildings as they are a way for the sites to remove the trash enclosures from the buildings for which they are intended to be servicing. (**Stipulation #12**)

• An updated Tree Inventory Plan will be required and shall reflect the findings within the updated studies being requested by City Staff. (**Stipulation #13**)

**STAFF RECOMMENDATIONS:**

Staff recommends the Planning Commission deny Case 49-20, Cameron’s Court - request for approval of a Rezoning from AG and SD-O to RP-2 and MXD, Preliminary Plat and Preliminary Plan. Staff provided the following stipulations to create a plan which may be acceptable for the Planning Commission to recommend approval in the future, but Staff cannot support approval even if the applicant agrees to the following stipulations. These stipulations, by their nature, would require major changes to the design of the application, which will require staff to re-review the plans to consider and recalculate the various aspects of the project.

1. Shall the applicant submit a revised plan set meeting the items listed within the Staff Comments, and Stipulations listed below, the updated plans will need to be reviewed by City Staff to ensure that a substantial change has not been made to the plans submitted. Shall a substantial change be deemed...
by City Staff, the application will need to be re-reviewed by City Staff and brought back to the Planning Commission for recommendation to the Governing Body.

2. The applicant shall provide staff with a parking study which is specific to this site. A study directly taken from a separate project will not be accepted by the Planning Department. The plan must then be amended to reflect the findings of the updated parking study. The parking study shall be submitted and approved by the Planning Department prior to Governing Body consideration.

3. The applicant shall provide the information required within the Public Works Memo on file for this application prior to Governing Body Review.

4. The applicant shall provide the information required within the Fire Department Memo on file for this application prior to Governing Body Review.

5. The applicant shall work with staff to better follow the intent of Mixed Use as stated within the City of Leawood Comprehensive Plan.

6. The applicant shall remove the RP-2 zoning of the development from the application as it does not meet the Comprehensive Plan map, which shows this area as Mixed Use.

7. The applicant shall remove all gates from the residential portion of the Mixed Use development as it directly defies the Directive of the Residential section within the Comprehensive Plan.

8. The applicant shall work with staff to update the plan and show the correct use of the street designations, including lane widths, street accents, sidewalk widths, etc.

9. The applicant shall provide a plan showing the construction of Kenneth Road and Chadwick Street to help create a grid network.

10. An updated plan set meeting all requirements of the Leawood Development Ordinance must be submitted. Requirements which must be met include, but are not limited to: accessory structure connection to primary buildings, retaining walls within setbacks and height requirements, removal of private streets within non-residential developments, etc.

11. The applicant shall work with staff to conform the site to better meet the transect design set forth within the 135th Street Community Plan, which will allow for the least dense portion of the development to abut the existing residential neighborhoods north of 133rd Street.

12. The applicant shall provide a plan showing how trash is being handled for each Tract area.

13. An updated Tree Inventory Plan will be required and shall reflect the findings within the updated studies being requested by City Staff.

14. A Landscape Plan which encompasses the entire Mixed Use development shall be required at the time of Final Plan for any portion of the Mixed Use development.

15. A Special Use Permit is required for the gas station and hotel shown within Tract C of the development.

16. Design Criteria shall be created for the Mixed Use zoned area prior to Final Plan for any phase of the Mixed Use development.

17. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project. This does not include existing high voltage overhead power transmission lines on the western edge of the development.

18. Per the Leawood Development Ordinance, all above ground facilities shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical or appropriate, as determined by the City Engineer, then such facilities shall be at least 25’ behind the right-of-way.

19. All new utility boxes with a height of less than 56 inches, a footprint of equal to or less than the 15 square feet in area, or a pad footprint of equal or less than 15 square feet, may be installed only with the prior approval of the Director of Community Development as being in compliance with this Ordinance.
20. All new utility boxes with a height of 56 inches or greater, a footprint greater than 15 square feet in area, or a pad footprint greater than 15 square feet in area shall be authorized only by approval of a Special Use Permit prior to construction.

21. The applicant shall be responsible for the following impact fees:
   a. Park Impact Fee: The applicant shall be responsible for a Park Impact Fee prior to the recording of the Final Plat in the amount of $400.00 per dwelling unit, and $0.15 per square foot of non-residential building area. This amount is subject to change by Ordinance.
   b. Public Art Impact Fee: The applicant shall be responsible for a Public Art Impact Fee prior to the recording of Final Plat in the amount of $0.15 per square foot of non-residential building area. This amount is subject to change by Ordinance.
   c. Street Fee: The applicant/owner shall be responsible for a Street Fee of $391.50 per linear foot of frontage along State Line Road. This amount is subject to change by Ordinance.
   d. 135th Street Corridor Impact Fee: The applicant shall be responsible for a 135th Street Corridor Impact Fee of $1.95 per square foot of retail building area, $0.58 per square foot of office/non-retail building area, and $389.40 per residential unit. This amount is subject to change by Ordinance.

22. Sidewalks shall be minimum of 10’ from the back of curb to allow sufficient width for street trees to be planted.

23. Per the Leawood City Code street trees shall be planted a minimum of 5’ from the back of curb and adjacent sidewalks.

24. All pedestrian connections, including sidewalks and trails, shall comply with the Americans with Disabilities Act.

25. The completion of the design and construction of all public streets approved with this application shall be under a single set of construction plans.

26. At the time of Final Plan, the applicant shall provide City staff with a copy of the covenants and restrictions proposed for all residential developments.

27. At the time of Final Plat, the applicant shall provide additional language on the Plat describing the Tracts within the development including maintenance and responsibilities.

28. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.

29. All sidewalks shall be installed as per street construction standards.

30. All streets within the subdivision shall be public. The developer or Homes Association shall maintain any planting or statuary within the street right of way. The developer shall execute a right-of-way maintenance agreement with the Public Works Department for any planting or statuary improvements within the public right-of-way.

31. The Preliminary Plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the City Council to request an extension of this time period. The City Council may grant one such extension for a maximum of 12 months for good cause shown by the developer.
32. In addition to the stipulations listed in the document, the developer/applicant agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted and to execute a statement acknowledging in writing that they agree to stipulations one through thirty-two.
MEMO

DATE: August 20, 2020

TO: Richard Coleman, Director of Community Development

FROM: Brian Scovill, P.E., City Engineer
       Department of Public Works

SUBJECT: Cameron’s Court Rezoning and Prelim Plan
         Case Number: 49-20

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) Plat:
   a) Along 135th Street the developer shall provide eighty-five (85) feet of Right-of-Way from the section line and provide a ten (10) foot Sidewalk / Utility Easement abutting the Right-of-Way.
   b) Along State Line Road the developer shall provide sixty (60) feet of Right-of-Way from the section line and provide a ten (10) foot Sidewalk / Utility Easement abutting the Right-of-Way.
   c) Along 133rd Street and Pawnee Lane provide forty (40) feet of Right-of-Way and a ten (10) foot Sidewalk / Utility Easement abutting the Right-of-Way.
   d) Along Chadwick Road and High Drive provide eighty (80) feet of Right-of-Way and a ten (10) foot Sidewalk / Utility Easement abutting the Right-of-Way.
   e) Revise plat to extend Kenneth Road between 133rd and 135th Streets. Along Kenneth Rd provide forty (40) feet of Right-of-Way adjacent to the existing 40 foot Right-of-Way south of 133rd Street. Also, provide eighty (80) feet of Right-of-Way along Kenneth north 135th Street to tie into the existing and proposed Right-of-Way. Provide a ten (10) foot Sidewalk / Utility Easement abutting the Right-of-Way.

2) Traffic Impact Analysis:
   a) The developer provided a traffic study August 13th. Our consultant, Olsson completed their review on August 19th and has identified numerous questions and potential issues that need to be addressed. Those include:
i) The report describes gated entry access for the multi-family development. Gated entry will be provided at locations along Pawnee Lane, Chadwick Street, and High Drive. Did not note discussion within report on proposed operations of these access locations (i.e. length of throat provided, rate of service, expected queue). Need to provide discussion and/or analysis to illustrate that adequate storage is provided internal to site to reduce potential for any queuing of traffic off-site onto public roadway network.

ii) Last Paragraph – Confirm the west leg of 133rd Street and State Line Road will be provided, not east leg.

iii) Table 2 – Update table to reflect accurate commercial development AM trips. Per e-mail correspondence with Jeff Wilke, correct calculations were used for analysis and were provided for the purposes of this review.

iv) General report comment – Discussion of existing/existing+approved individual queuing and level of service not presented, and subsequent impact of residential and full build development on those operations not provided. Identify existing/existing+approved deficiencies and impact of proposed development on individual movement queuing and level of service.

v) Upstream and downstream influence area should be reviewed for each intersection location in relation to access spacing. Upstream influence area discussed for some proposed drives but not all, did not note discussion on downstream.

vi) 133rd Street and W High Drive – W High Drive utilizes an existing curb cut but is offset from E High Drive (existing extension to north). City preference is to align High Drive across 133rd Street. Aligning with existing High Drive provides fewer offset intersections and improved spacing along 133rd Street. (With current offset will have 350-400’ between proposed Drive 3, proposed High Drive extension, existing High Drive (to north), and proposed Drive 4.) If offset is proposed to remain, discuss influence of overlapping left-turn movements and confirm adequate storage provided for left-turn maneuvers.

vii) Paragraph 3 – Are the internal drives outside the influence area of the adjacent intersection?

viii) Paragraph 6 – A 250-foot southbound left turn lane is recommended for the 135th Street and Kenneth Road signalized intersection. Is proposed internal Drive 4 spacing adequate to support construction of turn lane with adequate taper?

ix) Paragraph 4 – Provide documentation of signal warrants in appendix. Confirm that proposed southbound left-turn bay length (110 feet) is adequate to accommodate expected queuing through future scenarios.

x) Paragraph 3 – If Drive 6 aligns with existing access to the north, adequate design will need to be provided to limit the south extension of the drive to right-in/right-out as proposed in the report.
xi) [Page 15] Paragraph 1 – Drive 5 utilizes an existing curb cut but is spaced 260 feet center to center from Overbrook. Consider aligning with Overbrook instead, providing fewer offset intersections and improved spacing along 133rd Street.

xii) Kenneth Road/Drive 5 is intended to be a through street in accordance with the City's future street network. The current site plan does not illustrate the extension of Kenneth Road. If Kenneth Road is not proposed to be extended through the site as a public roadway, the traffic impact study should evaluate the impacts to the surrounding road network with and without the extension of Kenneth Road between 133rd Street and 135th Street. Operations should be reviewed, and discussion provided regarding the impact of providing or not providing the Kenneth Road extension.

xiii) Chadwick Street is intended to be a through street in accordance with the City's future street network. The current site plan does not illustrate the extension of Chadwick Street. If Chadwick Street is not proposed to be extended through the site as a public roadway, the traffic impact study should evaluate the impacts to the surrounding road network with and without the extension of Chadwick Street between 133rd Street and 135th Street. Operations should be reviewed, and discussion provided regarding the impact of providing or not providing the Chadwick Street extension.

xiv) [Page 15] Paragraph 4 – The configuration of the eastbound approach of 133rd Street and State Line Road is a left-turn lane, shared through/right and right-turn lane. Is a shared through/right needed for operations?

xv) [Page 16] Paragraph 1 – There are only two receiving lanes east of State Line Road, provide guidance on how far the lanes should be extended. Consider the 135th Street Corridor Plan. The recommendation of providing three through lanes westbound along 135th Street is consistent with the corridor plan. Eastbound direction is only for improvement from High Drive to Kenneth Road. This recommendation should be extended west to at least Pawnee Lane (frontage of development).

xvi) [Page 17] Table 8 (continued) – Poor operations at Chadwick Street and 135th Street are expected but a signal is not warranted. In this scenario 135th Street will be a 6-lane section. Consider limiting access at this location to right-in/right-out.

xvii) [Page 18] Paragraph 4 – It appears the second recommendation listed under N 133rd Street and State Line Road may be incorrect. Confirm. Also confirm that the first recommendation is correct.

xviii) [Page 20] Throat length of proposed drives was not discussed in report. See comment 2 above for comment on throat length in relation to gated drives. For all proposed drive locations, throat length should be discussed in relation to storage for exiting vehicles.

xix) [Page 21] S 133rd Street and State Line Road recommendations – Can different improvements be recommended to support concurrent east/west phasing instead of introducing split phasing to the corridor?
xx) [Synchro Models]

(1) Peak hour factors are represented for overall intersection versus individual movement. Provide justification regarding why overall intersection was chosen method for analysis purposes. Average overall PHF can, at times, present a more conservative analysis of intersection operations.

(2) State Line Road is coded with a speed limit of 30 mph. It appears that the posted is 40 mph. Confirm posted speed limit. Expected to have a minimal impact on operations.

(3) S 133rd Street and State Line Road – The southbound left turn movement is existing phased permitted/protected. Southbound left turn is coded for permitted only in existing models.

(4) 135th Street and Mission Road – The northbound/southbound left turn movements are existing phased permitted/protected. Both movements coded for protected only in existing models.

(5) Existing+Approved+Residential – 135th Street and Kenneth Road - Were operations considered with northbound/southbound left turn permitted only versus permitted/protected phasing? Is permitted/protected phasing needed to support full build operations?

(6) Existing+Approved+Residential and Full Build – 135th Street and High Drive – AM peak period southbound left turn coded for protected with northbound left turn coded permitted/protected. Is protected phasing needed for both or can movement run permitted only? (PM peak period review considers both permitted/protected.)

(7) Existing+Approved+Full Build – Kenneth Road and Internal Drive 4 – The northbound right turn is coded as a yield movement. Reason?

(8) Existing+Approved+Full Build – 135th Street eastbound assumed two lane, report recommendation is for improvement to three lane (westbound is coded correctly).

b) Current traffic on 135th Street is approximately 27,000 vehicles on an average weekday. The traffic impact study used a 2% growth rate for the background traffic which calculates to 40,000 vehicles a day on 135th Street. This projected volume EXCLUDES the proposed development that is to occur along this corridor within Leawood. The 40,000 vehicles per day would require four lanes of traffic.

c) Based on the Traffic Study prepared by Transystems and reviewed by Olsson, the proposed development is anticipated to generate 21,224 trips within the road network on an average weekday.

i) This development represents approximately 24% of the remaining land to be developed along this corridor.

ii) If the remaining sites along this corridor were to develop with a similar land use we could see an additional 50,000 vehicles a day.
d) The Developer shall provide fifty (50) foot curb return radius at the intersections along 135th Street and at 133rd Street and Kenneth Road. All other intersections and drive entrances shall have a thirty (30) foot curb return radius.

e) The Developer shall construct the following public improvements prior to issuance of Certificate of Occupancy:

i) Construct an additional lane for eastbound 135th Street along the frontage of this development. This section of roadway shall be constructed in accordance with the 135th Street construction plans dated 1995 AND the lane widening must be as smooth as the existing pavement section. This shall be determined by a Profilograph machine. If the new pavement section is not as smooth as the existing lanes, the developer shall diamond grind the new pavement to meet the smoothness of the existing lanes.

ii) The developer shall pay into escrow One Hundred Sixty-Five Thousand ($165,000) Dollars for traffic signals at 135th Street and High Drive. This amount is fifty (50) percent of the estimated cost for traffic signal design, construction and inspection. This fee shall be paid prior to the City releasing the plat.

iii) The developer shall pay into escrow Two Hundred Twenty-three Thousand Nine Hundred Seventy-three ($223,973) Dollars for the future full access median and left turn lane at 135th Street and High Drive. This amount is fifty (50) percent of the estimated cost for design, construction and inspection. This fee shall be paid prior to the City releasing the plat.

iv) Restriping for turn lanes and construction of additional turn lanes. Which will be further stipulated with the Final Plan Submittal.

f) The Developer shall provide an updated Traffic Study prior to Final Plan Submittal. Staff cannot fully stipulate the traffic impacts and requirements based on the current submittal and traffic study. Additional stipulations will be necessary.

3) Storm Water Study:

a) Two stormwater studies were reviewed. A commercial study on the east side and residential study on the west.

i) The commercial site is 42.5 acres and is proposing multiple extended dry detention basins, rain gardens, hydrodynamic separators, and some native vegetation.

ii) The residential site 75.33 acres and is proposing seven extended dry basins, one extended wet basin, hydrodynamic separators, and native vegetation.

b) The developer is providing a 100 foot stream buffer on the existing creek between Kenneth Road and High Drive.

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c) The location, size, plant material list, etc of each BMP’s will be verified on the engineering plan submittal.

d) Provide BMP details including sizing at final engineering plan stage.

e) The Developer shall submit a floodplain development permit for any work in the steam channel through the site and within the stream preservation coordinator.

f) The Developer shall revise and resubmit the Stormwater Study prior to Final Plan Submittal and shall address the following:

i) Replace native vegetation with the commercial site with other bmp methods. Native vegetation is not compatible with routine commercial property management and maintenance methods. Revise table 2 to replace native vegetation with alternative BMPs.

ii) Add symbol at the locations of planned Hydrodynamic Separators on the plans.

iii) Clarify intentions within the stream path north of 135th Street between Kenneth and High Drive. The plans show an outline for potential facilities.

iv) On one plan sheet show the acreage associated with each BMP

v) Submit composite rating sheets for all train bmp’s.

4) Prior to any construction permits, the Developer shall enter into a City right of way maintenance agreement to ensure any landscaping or irrigation within the right-of-way or crosswalks crossing public streets are properly maintained by the adjacent property owners.

5) Developments shall have all utilities relocated underground. This includes private property and utilities in the Right-of-Way between the curb and property line.

6) Developments on or between 133rd Street to 137th Street shall have six (6) foot sidewalks within the Right-of-Way, except with residential areas and where the ten (10) foot bike/hike trail is located. The sidewalks and bike/hike trail shall be located within the Right of Way or a Sidewalk Easement.

7) Developments on or between 133rd Street to 137th Street shall use the City of Leawood’s Special Street Light for all public roadway lighting.

8) The parking lot pavement shall be constructed in accordance to the Leawood Development Ordinance.

9) Permanent structures, including monument signs, shall not be placed within the Right-of-Way and Public Easements.

10) All public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards as developed by the Department of Public Works (latest revision).

11) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the

Sister City to I-Lan, Taiwan, R.O.C. • Sister City to Regional Council Gezer, Israel
Kansas Department of Health and Environment prior to any grading work at the site.

12) The permit fee for plan review and construction observation shall be five (5) percent of the construction cost for all improvements within the Right-of-Way or Public Easement(s) granted to the City of Leawood. The fee will be charged and collected from the Contractor prior to issuance of the permit from the Department of Public Works.

13) Construction vehicles, including vehicles of construction personnel, shall not be parked within the Right-of-Way. All staging and storage of equipment and/or materials for private improvements shall be contained on the proposed development unless an Access Easement has been granted by the adjacent property owner.

14) The Developer shall repair and restore all damaged areas between the back of curb and the Right-of-Way abutting this lot including any existing damage. This shall include but is not limited to street lighting equipment, traffic signal equipment, sidewalk, storm sewers, grass, etc.

15) The Developer shall provide documentation by a licensed professional engineer certifying on City forms the BMPs have been constructed in accordance with City standards and the approved plans.

16) The developer shall provide as-built storm sewer information in accordance with City standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flow line information at each structure, pipe size information, downstream structure numbers and type of structure. This information shall be provided to us on the Johnson County AIMS coordinate system. The spreadsheet for the data will be provided to the developer after the storm sewer improvements have been completed.

17) The plat shall not be released for recording until all public permits have been obtained by the Contractor(s) and all other requirements have been met.

18) Certificates of Occupancy shall not be issued for any building until all public improvements, including payments to escrow accounts, have been completed.

If you have any questions, please call me at (913) 663-9134.

Copy: Project File
August 19th, 2020

City of Leawood, Kansas
Attn: Brian Scovill, PE
4800 Town Center Drive
Leawood, Kansas 66211

Per the City’s request, Olsson has reviewed the traffic impact study submitted for the Cameron’s Court development dated August 13th, 2020. This review summary incorporates input provided by City staff.

1. [Page 1] The report describes gated entry access for the multi-family development. Gated entry will be provided at locations along Pawnee Lane, Chadwick Street, and High Drive. Did not note discussion within report on proposed operations of these access locations (i.e. length of throat provided, rate of service, expected queue). Need to provide discussion and/or analysis to illustrate that adequate storage is provided internal to site to reduce potential for any queuing of traffic off-site onto public roadway network.

2. [Page 1] Last Paragraph – Confirm the west leg of 133rd Street and State Line Road will be provided, not east leg.

3. [Page 4] Table 2 – Update table to reflect accurate commercial development AM trips. Per e-mail correspondence with Jeff Wilke, correct calculations were used for analysis and were provided for the purposes of this review.

4. [Page 7] General report comment – Discussion of existing/existing+approved individual queuing and level of service not presented, and subsequent impact of residential and full build development on those operations not provided. Identify existing/existing+approved deficiencies and impact of proposed development on individual movement queuing and level of service.

5. [Page 9] Upstream and downstream influence area should be reviewed for each intersection location in relation to access spacing. Upstream influence area discussed for some proposed drives but not all, did not note discussion on downstream.

6. [Page 10] 133rd Street and W High Drive – W High Drive utilizes an existing curb cut but is offset from E High Drive (existing extension to north). City preference is to align High Drive across 133rd Street. Aligning with existing High Drive provides fewer offset intersections and improved spacing along 133rd Street. (With current offset will have 350-400’ between proposed Drive 3, proposed High Drive extension, existing High Drive (to north), and proposed Drive 4.) If offset is proposed to remain, discuss influence of overlapping left-turn movements and confirm adequate storage provided for left-turn maneuvers.

7. [Page 11] Paragraph 3 – Are the internal drives outside the influence area of the adjacent intersection?

8. [Page 11] Paragraph 6 – A 250-foot southbound left turn lane is recommended for the 135th Street and Kenneth Road signalized intersection. Is proposed internal Drive 4 spacing adequate to support construction of turn lane with adequate taper?

9. [Page 12] Paragraph 4 – Provide documentation of signal warrants in appendix. Confirm that proposed southbound left-turn bay length (110 feet) is adequate to accommodate expected queuing through future scenarios.
10. [Page 15] Paragraph 3 – If Drive 6 aligns with existing access to the north, adequate design will need to be provided to limit the south extension of the drive to right-in/right-out as proposed in the report.

11. [Page 15] Paragraph 1 – Drive 5 utilizes an existing curb cut but is spaced 260 feet center to center from Overbrook. Consider aligning with Overbrook instead, providing fewer offset intersections and improved spacing along 133rd Street.

12. Kenneth Road/Drive 5 is intended to be a through street in accordance with the City’s future street network. The current site plan does not illustrate the extension of Kenneth Road. If Kenneth Road is not proposed to be extended through the site as a public roadway, the traffic impact study should evaluate the impacts to the surrounding road network with and without the extension of Kenneth Road between 133rd Street and 135th Street. Operations should be reviewed, and discussion provided regarding the impact of providing or not providing the Kenneth Road extension.

13. Chadwick Street is intended to be a through street in accordance with the City’s future street network. The current site plan does not illustrate the extension of Chadwick Street. If Chadwick Street is not proposed to be extended through the site as a public roadway, the traffic impact study should evaluate the impacts to the surrounding road network with and without the extension of Chadwick Street between 133rd Street and 135th Street. Operations should be reviewed and discussion provided regarding the impact of providing or not providing the Chadwick Street extension.

14. [Page 15] Paragraph 4 – The configuration of the eastbound approach of 133rd Street and State Line Road is a left-turn lane, shared through/right and right-turn lane. Is a shared through/right needed for operations?

15. [Page 16] Paragraph 1 – There are only two receiving lanes east of State Line Road, provide guidance on how far the lanes should be extended. Consider the 135th Street Corridor Plan. The recommendation of providing three through lanes westbound along 135th Street is consistent with the corridor plan. Eastbound direction is only for improvement from High Drive to Kenneth Road. This recommendation should be extended west to at least Pawnee Lane (frontage of development).

16. [Page 17] Table 8 (continued) – Poor operations at Chadwick Street and 135th Street are expected but a signal is not warranted. In this scenario 135th Street will be a 6-lane section. Consider limiting access at this location to right-in/right-out.

17. [Page 18] Paragraph 4 – It appears the second recommendation listed under N 133rd Street and State Line Road may be incorrect. Confirm. Also confirm that the first recommendation is correct.

18. [Page 20] Throat length of proposed drives was not discussed in report. See comment 2 above for comment on throat length in relation to gated drives. For all proposed drive locations, throat length should be discussed in relation to storage for exiting vehicles.

19. [Page 21] S 133rd Street and State Line Road recommendations – Can different improvements be recommended to support concurrent east/west phasing instead of introducing split phasing to the corridor?

20. [Synchro Models]
   i) Peak hour factors are represented for overall intersection versus individual movement. Provide justification regarding why overall intersection was chosen method for analysis purposes. Average overall PHF can, at times, present a more conservative analysis of intersection operations.
   ii) State Line Road is coded with a speed limit of 30 mph. It appears that the posted is 40 mph. Confirm posted speed limit. Expected to have a minimal impact on operations.
iii) S 133rd Street and State Line Road – The southbound left turn movement is existing phased permitted/protected. Southbound left turn is coded for permitted only in existing models.

iv) 135th Street and Mission Road – The northbound/southbound left turn movements are existing phased permitted/protected. Both movements coded for protected only in existing models.

v) Existing+Approved+Residential – 135th Street and Kenneth Road - Were operations considered with northbound/southbound left turn permitted only versus permitted/protected phasing? Is permitted/protected phasing needed to support full build operations?

vi) Existing+Approved+Residential and Full Build – 135th Street and High Drive – AM peak period southbound left turn coded for protected with northbound left turn coded permitted/protected. Is protected phasing needed for both or can movement run permitted only? (PM peak period review considers both permitted/protected.)

vii) Existing+Approved+Full Build – Kenneth Road and Internal Drive 4 – The northbound right turn is coded as a yield movement. Reason?

viii) Existing+Approved+Full Build – 135th Street eastbound assumed two lane, report recommendation is for improvement to three lane (westbound is coded correctly).

Sincerely,

[Signature]

Tom Fulton, Vice President
TO: Richard Sanchez  
FROM: Jarrett Hawley  
DATE: August 20, 2020  
SUBJECT: Cameron’s Court Case 49-20  

The Leawood Fire Department requests additional information as outlined below regarding the planning process for Cameron’s Court Case 49-20:

- Specific parking lot sizes for the apartment complexes located east of High Drive to determine whether adequate access is available for all fire department apparatus. This should address access concerns between the parking structures and apartment buildings.
- Detailed information on what the design and construction materials consist of for the parking structures for the apartment buildings.
- Clearance height of the covered walkway between the parking structures and the apartments.
- Width and turning radius numbers for the street identified as “Neighborhood Street”. Needed to ensure access for all fire department vehicles is available.

Jarrett Hawley  
Deputy Chief  
Leawood Fire Department
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Lawrence Gunja</td>
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<td>Chris Nelson</td>
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<td>Jeff Hewitt</td>
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<td>Chad Gassen</td>
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<tr>
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<td>KIM SCHAEFER</td>
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<td>Gareth</td>
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<td>Erich Goldstein</td>
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<td>Mrs Anderson</td>
<td><a href="mailto:lupettino@hotmail.com">lupettino@hotmail.com</a></td>
<td>6/10/2020 18:05</td>
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<tr>
<td>Quentin</td>
<td></td>
<td>6/10/2020 18:11</td>
</tr>
<tr>
<td>Todd Sandler</td>
<td><a href="mailto:todds@naturallywiredkc.com">todds@naturallywiredkc.com</a></td>
<td>6/10/2020 18:12</td>
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<tr>
<td>Matthew</td>
<td></td>
<td>6/10/2020 19:01</td>
</tr>
<tr>
<td>Bridget's iPhone</td>
<td></td>
<td>6/10/2020 19:37</td>
</tr>
</tbody>
</table>
From: Grant Lang
Sent: Monday, July 13, 2020 11:33 AM
To: 'Adam Berman'; Planning and Development General Email
Cc: Anna.Berman@KutakRock.com
Subject: RE: Oddo Development between 133rd and 135th from Pawnee to State Line

Good Morning,

Thank you for submitting your letter to the Planning Department. The letter will be added to the public record, which will be reviewed by the Planning Commission and Governing Body once the case is to be heard.

CASE 49-20 (Cameron's Court) is scheduled to be heard at the August 25th Planning Commission meeting.

Please let me know if you have any other questions.

Thank you,

Grant D Lang
City Planner
Phone: 913-663-9163

From: Adam Berman <adam@bw-llp.com>
Sent: Monday, July 13, 2020 11:29 AM
To: Peggy Dunn <peggyd@leawood.org>; Committees - City Council <Allcouncil@leawood.org>; Planning and Development General Email <PlanningandDevelopmentGeneralEmail@leawood.org>
Cc: Anna.Berman@KutakRock.com
Subject: Oddo Development between 133rd and 135th from Pawnee to State Line

Peggy,

My wife and I are residents of Wilshire Place. Attached please find a letter that we have prepared regarding our views of the proposed Cameron Court development between 133rd and 135th from Pawnee to State Line.

If you have any questions for us, please do not hesitate to contact us.

Thank you.

Adam K. Berman
Bessine Walterbach, LLP
3000 NE Brooktree Lane, Suite 100
Kansas City MO 64119
Direct [816] 595-8491
Fax [816] 436-2574
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WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
To whom it may concern,
I am unable to attend the meeting regarding this project because I work in a hospital and am trying to limit my exposure to groups of people. I hope these comments make it to the people making the decisions. I am adamantly opposed to this large development for many reasons. First, I very much do not want any high density residential buildings in south Leawood. These increase traffic, pollution and overcrowding in schools. I already have difficulty letting my kids ride their bikes around because of traffic and the increase in panhandling in the area. This would make it even more extreme. Second, there are already many commercial buildings that aren’t filled to capacity and in need of updating along State Line, including the shopping center at 123rd and State Line that used to house HyVee. This one in particular is a huge problem. These buildings have been empty for years and the site has become an eyesore. I know Barstow Academy bought the HyVee building but they have yet to do anything with it and the shopping center is dated, deserted and unappealing. Third, the extensive development of any and all grasslands in Leawood is causing animals to be displaced from their habitats. We have seen increasing numbers of coyotes, bobcats, deer, mallard ducks and owls in our neighborhood, which is interesting to see but it isn’t good for the animals or the residents. They’re supposed to be able to roam in the wild. Finally, with the recent pandemic and economic challenges many Americans are facing I can’t imagine this project would be successful, viable long term and able to be maintained at the level Leawood residents expect. The rapid and sometimes haphazard growth in south Leawood has us considering relocating. We don’t want to leave but I’m afraid this project would be a great detriment to those of us who have chosen to make our life long homes here. Please consider these issues when voting for or against approval of this project.

Sincerely,
Adrienne Rader

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Dear Sir/Madame

I am really worried about Oddo housing development plan next door to my home at 133 Street. In my opinion it will ruin our neighborhood, devastate our school system and deprive us of the possibility of recreational area located next to existing homes. I will do my best to oppose those plans. In my opinion both existing tax payers of Leawood and Leawood government will benefit more if this last piece of Leawood undeveloped property would be used in the future as recreational/cultural/sporting center. That would increase home values in the area and consequently will increase tax collection. It will improve quality of life and attract more good people to the neighborhood. Oddo plans stand for just the opposite.

Please feel free to contact me for details
Alexey Glazyrin
248 9533517
aglazyrin@yahoo.com
13225 Falmouth Street Leawood KS 66209
18 June 2020

Sent from Mail for Windows 10

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
I am writing to you as a fellow citizen of Leawood who is concerned about the development that has been proposed by Oddo Developers for the land located between 133rd street and 135th street from stateline to approximately Mission Road. I live along 133rd street adjacent to the area of the proposed development in the Wilshire Place Neighborhood. My wife and I moved to this area approximately three years ago because of the good schools and the quiet community. We attended the meetings sponsored by the Oddo team. I have many reservations about their proposed development in that area. One of my many concerns has to do with the increased traffic in the area especially on 133rd street due to the apartment complexes as well as the commercial retail. This will make getting out of our neighborhood more dangerous as well as more difficult due to the increased traffic at state line as well. I'm also afraid of the increased traffic down high drive that could be used as a cut through. There are many children in our area that play and ride bikes; I do not want to see any child get injured because of someone else's carelessness and speeding. I know that they have done traffic studies, but there is no way that those are valid. They were done during coronavirus with most people working from home and isolating, not during "normal" times with kids attending schools, etc. With regards to the children, Oddo and his team have repeatedly said that they don't think this will increase the burden on the local schools. I don't see how they can make this claim based on what they historically have seen. I believe that the line from the movie "Field Of Dreams" applies here, "Build it and they will come". Leawood/Blue Valley Schools are a wonderful system and people want to be there; that's why I would hate to see them become overpopulated due to the increased demand from more unnecessary apartments in the area.

While this proposed plan does have some good elements, mainly the single family homes. I don't believe the commercial retail or multifamily dwellings prove to be viable. There are already too many vacant commercial retail sites and ample opportunity for businesses to go into those sites. Additionally, many apartment complexes are not well maintained over the long run and are not typically built well. This tends to eventually lead to a change in the clients that they attract and can ultimately lead to increased crime in the area. I think that this has already been seen with the other apartments just south of the target at 135th and stateline. As a concerned homeowner, I do not want to be able to look out my window and see a four story complex staring back at me. This will diminish our privacy as well as destroy the property values of this area.

Oddo Developments plan doesn't protect the communities of Leawood, I respectfully request that you reject their proposed plan. Please feel free to contact me with any questions. Thank you for your consideration.

Brad and Katie Kelsheimer
13291 High Drive
Leawood, KS 66209
314-608-7551
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Good afternoon. Michelle and I are also property owners in the Wilshire Place development and one of those most immediately impacted by the proposed Cameron Court development project and are equally concerned and wholeheartedly request the City reject the proposal as presently provided by the developer. In addition to the well-reasoned statements against the proposal as provided in the attached letter, we would also note that decreased property values for us also have an immediate detrimental effect on property tax revenue to the City as well. When we bought our house two years ago, we knew full well that the property to the south of us would be developed at some point but a development with multi-family housing was not what we would have envisioned for that area given the obvious traffic and school limitations of a property of such density. We also question the logic of such a large scale project during these times in particular; why build more retail and office space when similar locations immediately to the north, east and to the south along State Line Road are less than half full already? Where is the pent up demand for multi-tenant housing in southern Johnson County, away from a main traffic corridor and far from any larger employers? We respectfully submit that a build it and they will come mentality is less than prudent under current circumstances, if ever. We respectfully request that the Council and Planning Commission reject the current proposal to at least reduce the current project density, if not complete wholesale changes to the scope of development altogether. Thank you for your consideration.

Brian and Michelle Johnston
2545 West 132nd Terrace

---------- Forwarded message ----------
From: Michelle Johnston <mjohnston@tortoiseadvisors.com>
Date: Mon, Jun 22, 2020 at 2:04 PM
Subject: FW: Letter of Concerns regarding Cameron's Court Development Proposal -- Request for Distribution
To: bjohnston1965@gmail.com <bjohnston1965@gmail.com>

From: Lynn vukas <lynnvukas@mac.com>
Sent: Monday, June 22, 2020 1:57 PM
To: Danielle Mau Sears <maudanielle@gmail.com>; Halley Goldstein <hgoldstein@cannongroupinc.com>; Julia Jacob <jcassidy3@yahoo.com>; Karen Braun <karen.braun@yahoo.com>; Kimberly Goldberg <goldbergkimberly@gmail.com>; Loren Reif <Lorenereif@gmail.com>; Michelle Johnston <mjohnston@tortoiseadvisors.com>; Julie Herman <juliemarieherman@gmail.com>; Julie Haag <juliewilkers@hotmail.com>; Beth Jaworski <beth@lancaster-liquor.com>
Subject: Fwd: Letter of Concerns regarding Cameron's Court Development Proposal -- Request for Distribution
Please feel free to pass along

Begin forwarded message:

From: "Brunton, Ryan C." <ryan.brunton@stinson.com>

Subject: RE: Letter of Concerns regarding Cameron's Court Development Proposal -- Request for Distribution

Date: June 22, 2020 at 9:45:29 AM CDT

To: Quentin Cole <quentinrcole@gmail.com>, "sfehnel@hntb.com" <sfehnel@hntb.com>, "billjohansen1@gmail.com" <billjohansen1@gmail.com>

Cc: "Place, Jeff" <JPlace@littler.com>, "Brunton, Ryan C." <ryan.brunton@stinson.com>, Chris Vukas <cvukas@sunflowerkc.com>

--
Brian
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Good Morning,

Thank you for submitting your letter to the Planning Department. The letter will be added to the public record, which will be reviewed by the Planning Commission and Governing Body once the case is to be heard.

CASE 49-20 (Cameron's Court) is scheduled to be heard at the August 25th Planning Commission meeting.

Please let me know if you have any other questions.

Thank you,

Grant D Lang
City Planner
Phone: 913-663-9163

-----Original Message-----
From: Brian Rader <brianrader@me.com>
Sent: Tuesday, July 14, 2020 8:30 AM
To: Planning and Development General Email <PlanningandDevelopmentGeneralEmail@leawood.org>
Subject: Proposed Construction at 135th

Planning Board,

I am a 13 year resident of Leawood. I am writing with my EXTREME opposition to the proposed construction north along 135th street, East of Mission Rd. High density housing and more business/strip mall construction is completely unnecessary. The added traffic and overcrowding of schools, which this type of development will bring, does not align with the values and tranquility that Leawood represents. I already have concerns over the safety of letting my children ride their bicycles to school. The safety of all pedestrian and cyclist will be at risk if a project of this magnitude is allowed. More traffic, more stop lights, more pollution, more overcrowding of schools, less green space...none of these are positive additions to our community. The only option that could fit this area are single family homes with lots at a minimum of 1/3 acre and green space. The developers only care about squeezing the most profit out of the land. They do not care about the ramifications that they cause to our wonderful community. We will be the ones that have to deal with this oversized monstrosity. I request that the planning board be the voice of our beloved community and protect us from high density housing and strip malls.

Thank you,

Brian Rader
(South) Leawood Resident
brianrader@me.com

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Planning Board,

I am a 13 year resident of Leawood. I am writing with my EXTREME opposition to the proposed construction north along 135th street, East of Mission Rd. High density housing and more business/strip mall construction is completely unnecessary. The added traffic and overcrowding of schools, which this type of development will bring, does not align with the values and tranquility that Leawood represents. I already have concerns over the safety of letting my children ride their bicycles to school. The safety of all pedestrian and cyclist will be at risk if a project of this magnitude is allowed. More traffic, more stop lights, more pollution, more overcrowding of schools, less green space...none of these are positive additions to our community. The only option that could fit this area are single family homes with lots at a minimum of 1/3 acre and green space. The developers only care about squeezing the most profit out of the land. They do not care about the ramifications that they cause to our wonderful community. We will be the ones that have to deal with this oversized monstrosity. I request that the planning board be the voice of our beloved community and protect us from high density housing and strip malls.

Thank you,

Brian Rader
(South) Leawood Resident
brianrader@me.com

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Thank you for allowing individuals the opportunity to express our perspectives and opinions on this matter.

The Cameron court project as proposed will dramatically alter traffic and lifestyle within southern Leawood.
1) Adding over 600 units of living will create an incredible amount of traffic, currently the path each day is full of individuals biking, walking and running. This will be dangerous with adding more living units than is currently in Leawood South.
2) There is an abundance of commercial space available within the area- how does adding more seem feasible with the current economic environments.
3) It is more feasible to add another development similar to Wilshire Place, Greenbriar -etc. Why is adding apartments a good idea?
4) this project could potentially devalue the hundreds of homes in Greenbriar and Wilshire place and spill over into Waterford.

Thank you,

Bruce

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Leawood Police Department is outnumbered, and adding more population to an area where they can’t keep up with nightly car break-ins is a recipe for disaster.

133rd Street is likely to have the same amount of traffic as 135th Street, which means it won’t be safe for little kids walking to MTE.

Cameron Court should find a different place to develop. Leawood is not the right place.

Cathy Olberding
13003 Windsor Cir
Leawood, KS

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Richard Sanchez

From: Chris Nelson <christopher.nelson@zurichna.com>
Sent: Tuesday, August 4, 2020 10:12 AM
To: Planning and Development General Email
Cc: 'kathleen.g.nelson@gmail.com'
Subject: RE: Cameron’s Court development

Follow Up Flag: Follow up
Flag Status: Completed

Planning Commission of Leawood,

My name is Chris Nelson, I am a resident of Wilshire Place, located at 13282 High Drive, Leawood, Kansas. I want to voice my strong opposition to the proposed Oddo development of Cameron’s Court.

I attended Oddo’s meeting at Villa Milano and I was dismayed by the lack of social distancing provided by Oddo Development. The cynic in me believes this may have been intentional to suppress opposition. I was surprised that they are proposing 662 multi family living units and 59 single family homes along with retail in this development. I cannot recall an apartment complex in Leawood that has 4 story apartments. I feel the proposed development looks cheap and is inconsistent with Leawood’s current architecture and standards and is not well thought out re increased traffic to 133rd street and High Drive. I also question the need for additional retail space with the vacant spaces along 135th street.

Based on Oddo’s proposed plan the majority of the apartment buildings will exit onto 133rd Street with a slight jog to High Drive should they decide to cut through Wilshire Place and Wilshire subdivisions to connect to Mission Road. I live 5 houses in on High Drive and I feel this street is already very busy with no stop or yield signs to slow traffic. Residents of Wilshire Place regularly complain about how busy High Drive is and are concerned for their children’s as well as their own safety on this street. Should this development proceed I anticipate a ripple effect of traffic to Wilshire Place, Greenbriar, Wilshire and Leawood South’s neighborhoods as people revise their commute to deal with the increased traffic on 133rd Street. I would expect traffic lights being required at all exits from Wilshire Place, Greenbriar and The Enclave as it is already difficult to exit our subdivisions with the current level of traffic on 133rd. I know of several residents looking to put their houses on the market to avoid the increase in traffic.

I also felt the recent traffic study done in late June will misrepresent the traffic pattern of 133rd Street, as it was done in the Summer of an unprecedented global pandemic. Most Wilshire Place residents I know are working from home, and there is no school, and very few sporting events, practices or events in general going on currently. That will not be the case once this pandemic is on the decline. I do not see any value in the traffic study done in late June 2020.

I am adamantly opposed to the proposed development plan and hope that the planning commission takes the opinions of current Leawood residents into account when evaluating this plans feasibility.

Thank you for your consideration.

Regards,

Christopher L. Nelson, FALU, FLMI, ARA, ACS
AVP-Underwriting
Zurich Life North America
(913) 664-3579
Christopher.nelson@zurichna.com

Confidential \ Personal Data

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From: Chris Nelson <christopher.nelson@zurichna.com>
Sent: Wednesday, August 19, 2020 9:54 AM
To: Peggy Dunn <peggyd@leawood.org>; Committees - City Council <Allcouncil@leawood.org>
Subject: FW: Cameron's Court development

Mayor Dunn and Leawood City Council Members,

I am forwarding you my email to the Leawood Planning Commission re my strong opposition to the proposed Cameron’s Court project by Oddo Development. Should this project be approved I feel it will greatly affect the lives of the surrounding subdivisions and schools. I ask that you take the current, Leawood resident’s opinions into consideration and reject this plan.

Thank you for your consideration,

Christopher L. Nelson, FALU, FLMI, ARA, ACS
AVP-Underwriting
Zurich Life North America
(913) 664-3579
Christopher.nelson@zurichna.com

Confidential \ Personal Data

From: Chris Nelson
Sent: Tuesday, August 04, 2020 10:12 AM
To: planning@leawood.org
Cc: 'kathleen.g.nelson@gmail.com' <kathleen.g.nelson@gmail.com>
Subject: RE: Cameron's Court development

Planning Commission of Leawood,

My name is Chris Nelson, I am a resident of Wilshire Place, located at 13282 High Drive, Leawood, Kansas. I want to voice my strong opposition to the proposed Oddo development of Cameron’s Court.

I attended Oddo’s meeting at Villa Milano and I was dismayed by the lack of social distancing provided by Oddo Development. The cynic in me believes this may have been intentional to suppress opposition. I was surprised that they are proposing 662 multi family living units and 59 single family homes along with retail in this development. I cannot recall an apartment complex in Leawood that has 4 story apartments. I feel the proposed development looks cheap and is inconsistent with Leawood’s current architecture and standards and is not well thought out re increased traffic to 133rd street and High Drive. I also question the need for additional retail space with the vacant spaces along 135th street.
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I also felt the recent traffic study done in late June will misrepresent the traffic pattern of 133rd Street, as it was done in the Summer of an unprecedented global pandemic. Most Wilshire Place residents I know are working from home, and there is no school, and very few sporting events, practices or events in general going on currently. That will not be the case once this pandemic is on the decline. I do not see any value in the traffic study done in late June 2020.

I am adamantly opposed to the proposed development plan and hope that the planning commission takes the opinions of current Leawood residents into account when evaluating this plans feasibility.

Thank you for your consideration.

Regards,

Christopher L. Nelson, FALU, FLMI, ARA, ACS
AVP-Underwriting
Zurich Life North America
(913) 664-3579
Christopher.nelson@zurichna.com

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6-17-20

Mayor Dunn and City Council Members
4800 Town Center Drive
Leawood, KS 66211

Re: Cameron Place Proposal for 133rd Street in Leawood

Dear Mayor Dunn and City Council:

We are writing on behalf of a group of concerned residents of the Wilshire Place, regarding the proposed Cameron Place development. First, the group recognizes that Oddo Development has put a significant amount of time and thought into the current draft proposal for the Cameron Place Development. We, as the neighborhood most impacted by development between 133rd and 135th from Pawnee to State Line, are open to a great project that will not only enhance our neighborhood, but provide additional amenities to make Leawood an even better place to live.

After reviewing the plans, as well as information provided by Oddo, we have concluded the project as currently envisioned is incompatible with our area. The neighborhoods surrounding 133rd Street, as well as the existing commercial projects to the west along the 135th Street corridor, are almost entirely high-end residential developments. We need to be careful that any new development does not adversely affect them. The City’s existing development plan calls for moderate-high density mixed use projects in our area. We fully support that vision for our City.

We feel very strongly that any new development should add to the property values of existing home and enhance our overall community. While there are some very good elements to the project, including the duplex homes and apartments in a “Villa Milano” style, we believe the plan is too dense, calling for over 600 hundred apartment units. The current plan also calls for four story structures, which will tower over the skyline of our neighborhood.

All of us moved to this area because of the excellent schools, infrastructure, and services available in south Leawood. The project would bring an unacceptably high increase in traffic, school enrollment, and potential crime to our area without providing the amenities of a mixed-use project. Mission Trail Elementary is already at capacity and could not handle an influx of additional students from 1200-1400 new residents. 133rd street is not well-suited to such a huge influx of additional traffic. Gezer Park too would likely be overwhelmed with so many additional residents in such a small area.
Again, we look forward to seeing the land between State Line Road and Pawnee responsibly developed. We are not opposed to plans that are consistent with the existing neighborhoods and retail venues. But, we respectfully request that you reject the current project as Oddo development has proposed it.

Sincerely yours,
Chris Vukas
13252 Falmouth Rd
Leawood, KS 66209

Concerned Residents of Wilshire Place
--

Best,

Chris
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Good Morning,

Thank you for submitting your letter to planning staff. Staff will add the letter to the public record, which will be reviewed by the Planning Commission and the Governing Body once the case is to be heard.

Please let me know if you have any other questions.

Thank you,

Grant D Lang
City Planner
Phone: 913-663-9163

6-17-20

Leawood Planning
4800 Town Center Drive
Leawood, KS 66211

Re: Cameron Place Proposal for 133rd Street in Leawood

Dear Leawood Planning Department:

We are writing on behalf of a group of concerned residents of the Wilshire Place, regarding the proposed Cameron Place development. First, the group recognizes that Oddo Development has put a significant amount of time and thought into the current draft proposal for the Cameron Place Development. We, as the neighborhood most impacted by development between 133rd and 135th from Pawnee to State Line, are open to a great project that will not only enhance our neighborhood, but provide additional amenities to make Leawood an even better place to live.
After reviewing the plans, as well as information provided by Oddo, we have concluded the project as currently envisioned is incompatible with our area. The neighborhoods surrounding 133rd Street, as well as the existing commercial projects to the west along the 135th Street corridor, are almost entirely high-end residential developments. We need to be careful that any new development does not adversely affect them. The City’s existing development plan calls for moderate-high density mixed use projects in our area. We fully support that vision for our City.

We feel very strongly that any new development should add to the property values of existing home and enhance our overall community. While there are some very good elements to the project, including the duplex homes and apartments in a “Villa Milano” style, we believe the plan is too dense, calling for over 600 hundred apartment units. The current plan also calls for four story structures, which will tower over the skyline of our neighborhood.

All of us moved to this area because of the excellent schools, infrastructure, and services available in south Leawood. The project would bring an unacceptably high increase in traffic, school enrollment, and potential crime to our area without providing the amenities of a mixed-use project. Mission Trail Elementary is already at capacity and could not handle an influx of additional students from 1200-1400 new residents. 133rd street is not well-suited to such a huge influx of additional traffic. Gezer Park too would likely be overwhelmed with so many additional residents in such a small area.

Again, we look forward to seeing the land between State Line Road and Pawnee responsibly developed. We are not opposed to plans that are consistent with the existing neighborhoods and retail venues. But, we respectfully request that you reject the current project as Oddo development has proposed it.

Sincerely yours,
Chris Vukas
13252 Falmouth Rd
Leawood, KS 66209

Concerned Residents of Wilshire Place
--

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Just one short year ago, we moved to the lovely Leawood Ks area. We were so excited to be a part of the beautiful surroundings and very uncrowded areas including high traffic and dense apartment living.

We moved from Plano, Texas after 25 years to retire here in Leawood. Our pleasant Plano turned into a terribly crowded area with apartments and retail centers crowded along a 4 lane road. Our schools suffered from the dense apartments that were recently built and traffic was horrendous trying to get out of our subdivision. I was so elated to find an area that offered the gentile living that we wanted to experience in our retirement years. Now that is being threatened by the proposed Cameron Court development.

The one attribute that I told my friends and family and we moved to Leawood, was the fact that the housing and apartments and retail were set back away from the roads. It gives the area a feel of living in the enchanted forest. Now it looks like, judging from the plans, the development will be in our face and bustling with traffic noise as we live right on High Drive.

I hope you will consider what you are approving and continue to follow the path of offering a beautiful area to raise families and retire without feeling stressed out about the traffic, housing sitting on the street practically, overcrowding of schools and having Gezer park overwhelmed with so many people.

When Plano finished their building project, we moved. If this is approved, I will be looking again to move to an area where the area can fulfill my desire to live in a less chaotic area and where their planning council matches my lifestyle of peace and serenity and beauty.

I hope you relook at your current plan and truly look to future implications as they are not favorable to this lovely area.

In addition, my husband and I concur with the letter sent to you by Wilshire Place.

Respectfully,
Richard J Brock
Cynthia A Brock
13212 High Drive
Leawood Ks  66209

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June 17, 2020

Leawood City Council
11400 Cambridge Road
Leawood, KS 66211

Re: Cameron Place Proposal for 133rd Street in Leawood

Dear Mayor Dunn and City Council:

We writing on behalf of a group of concerned residents of the Wilshire Place, regarding the proposed Cameron Place development. First, the group recognizes that Oddo Development has put a significant amount of time and thought into the current draft proposal for the Cameron Place Development. We, as the neighborhood most impacted by development between 133rd and 135th from Pawnee to State Line, are open to a great project that will not only enhance our neighborhood, but provide additional amenities to make Leawood an even better place to live. And our house is within 200 feet of the proposed development.

After reviewing the plans, as well as information provided by Oddo, we have concluded the project as currently envisioned is incompatible with our area. The neighborhoods surrounding 133rd Street, as well as the existing commercial projects to the west along the 135th Street corridor, are almost entirely high-end residential developments. We need to be careful that any new development does not adversely affect them. The City’s existing development plan calls for moderate-high density mixed use projects in our area. We fully support that vision for our City.

We feel very strongly that any new development should add to the property values of existing home and enhance our overall community. While there are some very good elements to the project, including the single family homes and apartments in a “Villa Milano” style, we believe the plan is too dense, calling for over 600 hundred apartment units. The current plan also calls for four story structures, which will tower over the skyline of our neighborhood.

All of us moved to this area because of the excellent schools, infrastructure, and services available in south Leawood. The project would bring an unacceptably high increase in traffic, school enrollment, and potential crime to our area without providing the amenities of a mixed-use project. Mission Trail Elementary is already at capacity and could not handle an influx of additional students from 1200-1400 new residents. 133rd street is not well-suited to such a huge influx of additional traffic. Gezer Park too would likely be overwhelmed with so many additional residents in such a small area.

Again, we look forward to seeing the land between State Line Road and Pawnee responsibly developed. We are not opposed to plans that are consistent with the existing neighborhoods and retail venues. But, we respectfully request that you reject the current project as Oddo Development has proposed it.

Sincerely yours,

Dan and Kim Goldberg
3089 West 132 Place, Leawood, KS 66209

cc: [the Mayor, and the entire City Council]
Richard Sanchez

From: Dario Jaramillo <darjar14@gmail.com>
Sent: Monday, June 15, 2020 2:50 PM
To: Planning and Development General Email
Subject: 133rd proposed development concerns

Follow Up Flag: Follow up
Flag Status: Completed

TWIMC:

I am extremely concerned about the proposed development on 133rd in Leawood.

Our schools are in jeopardy of being underfunded and overcrowded and this project only significantly hurts our children’s educational opportunities..as well as ours our children at increased risk of injury and other risk factors.

Please note my extreme dissatisfaction with this proposal

Dario Jaramillo
4145 W 128th Terrace, Leawood, KS 66209
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Richard Sanchez

I am resending the below to the planning Commission because i used the wrong email address earlier and apologize for any confusion.

Would you please be so kind as to acknowledge receipt of Waterford’s comments by replying to my email. We want to make sure they were delivered.

Thank you

Dennis Palmer
President of Waterford

Sent from my iPhone

Begin forwarded message:

From: Dennis Palmer <dennispalmer430@gmail.com>
Date: August 20, 2020 at 8:41:47 AM CDT
To: Planning@leawood.com
Cc: davidl@leawood.org, RichardC@leawood.org, Lisa Harrison <lharrison.kc@gmail.com>
Subject: Re: Waterford's and Its Residents concerns about the Cameron Court Project.

Subject: Waterford's and Its Residents concerns about the Cameron Court Project.

Please enter the following in the record of the Planning Commision meeting regarding the Cameron Court Project at its meeting on August 25, 2020.

Waterford Homes Association is a single family residential community of 331 homes located near the proposed Cameron Court Project. Waterford's Board has reviewed the Project and has objections and concerns about various aspects of the Project. Also, it gathered comments and questions about the Project from its residents. The major concerns. comments and questions about the Project from Waterford's Board and residents are set out below.

1. A universal concern and question is the substantial increase in traffic caused by the Project to 133rd, 135th and 132nd streets, the last of which runs through the south side of Waterford and already is being used by non-residents as a cut through road to 133nd and other streets.
What measures and requirements will the Commission take to limit the drastic impact on traffic congestion and problems resulting from the Project? Will additional traffic signals and patterns be required? If so, where? Will the City restrict access to the Project to and from 135th only and not from 133rd (the north side) to minimize the dramatic impact on traffic in surrounding neighborhoods?

2. The mix, number and height of apartments proposed by the Project does not seem appropriate and there is much concern about this. We understand that the number of apartment units available for rent in south Johnson county already exceeds the demand for apartments. What is the general occupancy rate of apartments along 135th near the Project? How many units currently exist along 135th street corridor.? Are the apartments provided for in the Project necessary and why?

What requirements or rules provide for a mix of low income housing at the project? Does the Commission have plans or intend to regulate the type of housing allowed at the Project? Has the developer considered 55+ apartment/townhomes for residents who are looking to remain in the area but want to downsize? Will the developer offer high end single family townhomes/villas like those across 135th, off of 137th and Mission road?

Will the developer restrict the project to business use only and place a berm separating the project from 133rd, like the one behind the Price Chopper at 135th and Mission? And, if so are there concerns about adding additional commercial/office space when there is already seemingly much space that is not being used and vacant? What is the current vacancy rate for commercial/office space in Overland Park/Leawood?

We understand the apartment buildings may be as tall as 5 stories. What are the height restrictions in Leawood? Does Leawood have adequate fire and safety equipment to reach the top stories? Even if it has water suppression capabilities to fight fires, can it safely get people out of 5 story buildings?

3. What is the impact of the Project on the Mission Trail Elementary school student capacity and traffic at the school? What has the developer done to show that the Impact on education at the school is reasonable and will not negatively impact and stress the class size and safety of children due to a sharp increase in traffic flow around the school?

4. There is high level of concern and questions about the adverse impact and strain on Leawoods public recreational amenities, and particularly its parks and green spaces. For example, Waterford has seen an uptick in younger families moving into its neighborhood. On nice days, Gezer Park is overflowing. The play area already is too small to handle the crowds of children and adults. Already there is not enough park space in South Leawood near Waterford's concentrated neighborhood which kids and families can easily walk to. Families are having to go to other parks by car when Gezer Park has such high use and is often full.

Has the developer considered or Commission studied the impact of the Project on residents using Leawood"s recreational amenities, and especially on the many residents currently using Gezer Park? What are the Planning Commission's recommendations for allotted park space in the area and what is the impact of the Project on those recommendations?
And, if the Project or some version of it is allowed to move forward, will there be requirements for the developer to donate additional parkland or prove ample park space within the Project for the new residents? Currently, the open land provides a green space buffer and at the least a portion of any Project should be reserved for public parks and green space.

Waterford appreciates the opportunity to present these concerns and questions and objections in writing to the Commission. It is very near the Project and will be directly impacted by the Project. As a result its presentation should be given substantial weight and consideration. Thank you.

Waterford Homes Association Board.

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
ENCLAVE AT CEDAR POINTE HOA
RE: CAMERON’S COURT COMMERCIAL DEVELOPMENT

OVERVIEW

Concerns expressed by members of our Homes Association and neighboring communities at the Oddo Development Interact Meeting on June 8, 2020, compelled our HOA committee to seek modifications to the original site plan presented. Our neighborhood fully understands that the land from 133rd to 135th and State Line to Cornerstone Presbyterian Church will eventually be commercially developed. Our endeavor over the last two months has been focused on upholding our community’s safety, livability and property values. As stakeholders in the development process, we met with the developer and made several inquiries to the city in pursuit of the following residential objectives:

1. limiting entry/exit points onto 133rd to control traffic flow, avoiding cut-through traffic and addressing safety concerns for pedestrians and cyclists,
2. creation of a tree preservation along 133rd to retain the existing tree line that acts as a privacy barrier and natural habitat,
3. and location of high-density buildings closer to the 135th higher-traffic commercial corridor and away from the residential 133rd neighborhoods.

Action Taken

The developer worked with our committee in arriving at site plan modifications. The revised site plan introduced to us on August 11, 2020 is attached to this memorandum and addresses our concerns in the following manner:

Reduction of access points on 133rd St east of church to State Line; revisions include only one entry at Kenneth Road (with no cut-through) and one right-only across from Village of Seville. The elimination of the Overbrook access point addresses a very real safety concern with attempted cut-through traffic in our neighborhood, entry exit traffic at our entrance, and headlights beaming into our homes. The addition of the right-only access across from Village of Seville keeps traffic from turning left onto 133rd and crossing in front of our neighborhood. And, finally, the use of Kenneth Rd instead of Overbrook as the main 133rd entry into the commercial development keeps the commercial traffic to the western end of our neighborhood, out of sight and out of our neighborhood entrance.

By not having Kenneth cut-through from 135th and utilizing a u-shaped drive through the commercial development before coming back out to 133rd, we avoid the high risk of additional traffic on 133rd. Eastbound traffic is highly congested at 135th and State Line west to Pawnee during rush hour. The current site plan already calls for a 135th/133rd cut-through at High Dr in addition to the existing cut-through at Pawnee. Traffic backed up at 135th and State Line would attempt to use a Kenneth Rd cut-through as a bypass of the 135th and State Line intersection. This type of traffic is rush hour, commuter traffic, a cut-through to 133rd.
would allow rush hour traffic to overflow into our neighborhoods at the location where pedestrians cross 133rd to connect to the sidewalk.

An Overbrook access point or Kenneth cut-through would significantly and negatively impact pedestrian and bicycle traffic and create dangerous intersections, especially for children. Ultimately, these factors would devalue all nearby residential properties and affect the enjoyment of our homes.

**Preservation of existing dense, old-growth tree line** (along the south side of 133rd, east of the church, to the intersection of the Village of Seville). This natural sight and sound barrier will be fully retained up to the building envelope as depicted on the site plan, keeping the irreplaceable natural aesthetic and privacy enjoyed by residents, pedestrians and cyclists. Destruction of this tree line would be a stark contrast to the current residential environment and devalues surrounding properties.

**Movement of high-density, high-traffic commercial activity** is now placed along 135th St., as far away from the 133rd residential corridor as possible, and replaced with one low-density, one-story commercial building with green space running from the tree line east to the Village of Seville right-only access point. This movement and configuration of the retail/office and other commercial buildings retains the residential qualities along 133rd, otherwise, our homes would be exposed to high traffic, noise and lack of privacy.

**STATEMENT**

The city’s 135th Community Plan seems to support the residents’ desire to retain green space, improve walkability, and live in a serene environment. We appreciate the city’s earnest and conscientious efforts to uphold these qualities to protect property values and quality of life. We very much would like to collaborate with the city and the developer to achieve this.

We support the August 11 Site Plan revisions as the revisions pertain to our direct objectives. We have appreciated the developer’s time and consideration in this endeavor. As stakeholders in the development, we request that any material changes to the August 11 Site Plan are brought to our attention in any future iteration of this plan by the developer or the city.

While our efforts with the developer have resulted in modifications to support our concerns, we would like to understand how and when other infrastructure elements, especially for the multitude of pedestrians and cyclists - such as crosswalks, turn lanes, bike lanes, etc. - will be addressed and by whom. Those elements aren’t currently reflected in the site plan. Whose responsibility is that infrastructure and how we can address it even ahead of actual development of commercial property, as there is currently a need.

We look forward to attending the Planning Commission Hearing on August 25th to gain an understanding of all concerns and express the message contained in this statement.

We believe, with the utmost sincerity, that all stakeholders can and should work together to support the best interest of the city, the developer and the residents —an engagement that we hope is present in moving forward with any development along the 133rd St residential corridor.
Enclave HOA p. 3
Gareth Matthews  
13241 High Drive  
Leawood, KS 66209

August 11, 2020

City of Leawood Planning Commission  
4800 Town Center Drive  
Leawood, KS 66211

Re: Cameron’s Court Development Proposal for 133rd Street in Leawood

Dear City of Leawood Planning Commission Members:

Several years ago I attended a series of meetings hosted by the City of Leawood at Ironwoods Park. These meetings offered the City of Leawood’s vision for the land along the 135th Street corridor and solicited input from the community. The vision as I remember it was for a mixed use development that blended commercial, retail and residential units that sought to encourage pedestrian and cyclist traffic to and within the development.

As a resident across from the proposed development, I remember having some concern about the potential of increased traffic passing through our neighborhood. But I also felt some excitement about the potential of retail attractions that our family and neighbors might enjoy in the future development.

One point that was made several times by the individual hosting these meetings was that this undeveloped land along the 135th Street corridor is Leawood’s last, large, undeveloped parcel of land, and as such, the City should make sure that any development on the land was consistent with its vision for the City of Leawood going forward. Cameron’s Court is entirely inconsistent with the vision the City of Leawood laid out at those earlier Ironwoods Park meetings.

I am not opposed to Oddo Development’s proposal for single family housing provided that such housing is consistent with the housing in nearby Wilshire Place, Waterford and Greenbriar neighborhoods. However, the majority Cameron’s Court proposal is focused on building high density apartments. Oddo Development’s plan seeks to capitalize on what the City and its residents have built together in the area (e.g. excellent schools, roads, bike trails, parks and property values, etc.) but contributes nothing. In fact, far from contributing to improving the community, it risks significantly burdening the existing infrastructure in and around the proposed development area and negatively impacting property values in the area.

Mission Trail Elementary School is why many of our neighbors bought homes in this area. While Oddo Development talks in terms of its multi-tenant apartments being focused on
retirees, the character of the proposed “East” and “West” apartment complexes are very different. And renters seeking access to the area’s excellent schools would be a natural market for any landlord seeking tenants for their high density apartment complexes. Building 662 multi-family apartments a half mile from Mission Trail Elementary School risks overwhelming a school that has already grown substantially over the past ten years.

Increased traffic through nearby neighborhoods and along existing traffic chokepoints is another concern. Oddo’s proposed East apartments spill out onto 133rd Street across from High Drive and will likely add to traffic through Wilshire Place and Waterford as apartment residents seek to save time by bypassing the traffic lights at 133rd and Mission and in front of Mission Trail Elementary School. High Drive in Wilshire Place and 132nd Street in Waterford are at particular risk as they are natural short cuts for vehicles traveling west on 133rd from Stateline to locations north of Mission and 132nd Street. Further, traffic congestion in front of Mission Trail Elementary at the start and end of the school day can also be expected to increase substantially.

For these reasons and others, it is very reasonable to assume that the placement of so many high density apartments in such close proximity to existing residential neighborhoods will not only put significant pressure on existing infrastructure (e.g. schools, green space, roads, etc.) in the area but will also put downward pressure on property values in nearby neighborhoods.

I believe that development in the 135th Street corridor should be expected to add value to Leawood, or at a minimum, at least be consistent with existing development in the immediate vicinity. Unfortunately, the Cameron’s Court proposal does neither. Instead of contributing something of value to the community, the Oddo Development proposal seeks to take advantage of the value that the existing community has built over time and use it to enrich the developer. The risks to the surrounding area greatly outweigh any benefit brought about by Oddo’s proposed development, and for that reason, I am asking that you reject Oddo Development’s Cameron’s Court proposal.

Thank you.

Sincerely,

Gareth Matthews
TO: CITY OF LEAWOOD PLANNING COMMISSION

RE: CAMERON’S COURT REQUEST FOR APPROVAL OF REZONING AND PRELIMINARY PLAN
Case No 49-20

DATE: August 20, 2020

It is not readily apparent how the preliminary plan submitted in support of rezoning fulfills the recommendations of the 135th Street Community Plan dated December 2013 and adopted by the Leawood City Council on June 16, 2014 (Resolution No. 4258) (“The 135th Street Plan”). In fact, the preliminary plan appears at odds with the 135th Street Plan in significant regards.

The Cameron’s Court preliminary plan, which stretches from State Line Road to Pawnee, contains no apparent bicycle/pedestrian amenity. This is especially true with regard to 133rd Street, which if the plan described results in development will eliminate 133rd Street as a viable bicycle through way (despite its designation as such). It should be relatively easy for the developer to include a bike/pedestrian shared path that allows bicycles and pedestrians to traverse this stretch of land safely and away from the significant traffic on both 135th Street and 133rd Streets.

As the 135th Street Plan recognized, “135th Street itself is a significant pedestrian barrier at major intersections, due to its width, character and traffic volume.” p.76. It goes without saying that traffic volumes have increased since 2013, making 135th Street even less pedestrian-friendly. In the same vein, traffic speeds on 135th Street make it completely inappropriate for bicycle traffic.

Just as water flows where it wants to go, pedestrians and bicycles have flowed away from 135th Street and to 133rd Street. The City of Leawood (“the City”) has designated much of 133rd Street between Mission Road and State Line Road as a “shared roadway for bicycles and vehicles.” The 135th Street Plan, p.70. This designation was made consistent with the low traffic count and restricted speeds that allow for safer access for bicycles and pedestrians along 133rd Street.

The 135th Street Plan also describes measurements of success (p.98), which include “increase in bike facilities” and “reduction in pedestrian-motorist collisions” and that “[P]roviding an excellent pedestrian environment is a top priority for development.” (P.98).

In contrast to the guidance provided by the 135th Street Plan, the proposed development will substantially increase vehicle traffic on 133rd Street, makes no apparent improvement for pedestrians and bicycles, and in fact results in the elimination of some bicycle lanes on 133rd Street.

Further, the only access to any pedestrian or bicycle facilities for residents of the Enclave at Cedar Pointe is via Overbrook Road south to 133rd Street. Although a sidewalk exists on the north side of 133rd Street between State Line Road and Overbrook Road, that sidewalk ends approximately 260 feet west of Overbrook Road. Residents of Enclave at Cedar Pointe then must cross 133rd Street to access the sidewalk on the south side of 133rd in order to continue walking west (to enjoy Geyser Park). The developer’s traffic study concludes that much of the current designated bicycle lane along 133rd Street will be eliminated in order to accommodate turn lanes for the 6 additional access points from the new development onto 133rd Street. The traffic study also confirms that “(F)ull build-out of the proposed
development will result in a significant increase in traffic to the surrounding street network.” (P.21). Cameron’s Court preliminary plan makes no accommodation for pedestrians on the north side of 133rd Street to access the sidewalk on the south side of 133rd Street.

In addition, it should be recognized that this area of Leawood is significantly underserved regarding wireless coverage. The addition of hundreds of new residences and several commercial buildings will overwhelm what little available wireless bandwidth exists today. The Planning Commission should contemplate what solution should be planned for prior to approving this rezoning request.

It is our opinion that considerations for pedestrian and bicycle safety, consistent with the 135th Street Plan, should be fully addressed before any zoning change is approved for the preliminary plan currently under consideration. The Planning Commission should also consider the likely inadequacy of wireless coverage associated with the rezoning request.

We appreciate the opportunity to submit these comments.

Mark McGrory
Ginevera Moore
2212 W. 131st Street
Leawood, KS 66209
Richard Sanchez

From: Richard Sanchez
Sent: Thursday, June 18, 2020 8:51 AM
To: Richard Sanchez
Subject: FW: Oddo Development Plan

From: Jeff Logan <Jeff.Logan@c2fo.com>
Date: June 18, 2020 at 8:08:07 AM CDT
To: Peggy Dunn <peggyd@leawood.org>
Cc: "bridgetlogan06@gmail.com" <bridgetlogan06@gmail.com>
Subject: Oddo Development Plan

Peggy,
I trust this finds you well. I am reaching out as a result of a neighborhood meeting I attended last night in Wilshire Place here in Leawood. My family and I have lived in this neighborhood since 2006. The topic of discussion was around the proposed plan to develop the land south and east of our neighborhood. The meeting was attended by ~40 residents and organized by our board.

The overwhelming majority of the folks in attendance are categorically opposed to the plan in its current form. I would like to make it clear that there was not a single dissenting voice that was willing to speak. My assumption is that you will be hearing from a number of folks in our neighborhood if/when this plan makes it through planning on 8/27. So you are prepared for that influx, here are the key points that you will likely hear:

- Oddo is an apartment developer with admittedly little interest in building single family homes but “will do it to satisfy the city.”*

- The influx of traffic from more than 600 new dwellings will significantly impact our neighborhood in many ways not the least of which is a decrease in our property values and ability to sell.

- Our local elementary school will be overwhelmed. As you likely know, Mission Trail Elementary is a Blue Ribbon School and a big reason why our neighborhood has been so stable and attractive.

- The density of the plan is completely unacceptable. Three and four story apartment towers do not fit into the aesthetic of the city. While Oddo touts the 59 SFH being built, the concern is the number of rental units being added in this plan.

- For any of this to happen, my understanding is that it would require re-zoning the land. The residents in attendance were adamant that the zoning not change. The definition of mixed-use is being skirted by the plan Oddo presented to our community a couple of weeks back. They don’t have an agreement in place to procure the land where all of their commercial dwellings would be built as it stands. There is no way they can meet the mixed-use requirements given this. I think you would have to agree that to build a bunch of high-density apartment on the existing parcel with “hope” that eventually they will procure and develop the commercial site is a poorly thought through plan.

The residents of Wilshire Place will band together against this initiative. Thank you for your time.
*sentiment expressed by Rick Oddo during community Zoom meeting

Jeff Logan
Senior Vice President
Mobile: 9136533244
C2FO: The World's Market For Working Capital®

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WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Hello,

I am writing today on behalf of the Enclave at Cedar Pointe Homes Association located at 133rd and Overbrook regarding the rezoning application for Cameron's Court.

The commercial side of the Cameron's Court development is directly across from our neighborhood. Since the June Interact Meeting, we have taken steps to address our residential concerns and would like to work with the city as the matter progresses.

We have requested the attached statement to be included in the packet for the August 25, 2020 Planning Commission hearing. Two representatives from our neighborhood also intend to speak on behalf of our residents at the hearing.

Thank you,

Julie Kincaid  
President, Enclave at Cedar Pointe HOA

(913) 219-7579

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Leawood Planning Commission, Leawood City Council and Mayor Dunn,

I am writing to express my strong opposition to the Cameron’s Court development that has been proposed between 133rd and 135th Streets and Pawnee to State Line Road. The proposed development, which includes 662 multi-family units plus 59 single family homes, is simply too dense and will overwhelm our neighborhood schools (Mission Trail Elementary and Leawood Middle School) and Gezer Park.

I live at 13282 High Drive and I am extremely concerned about the increased traffic that this development would create. The current plan calls for the highest-density apartments to exit onto High Drive, which, with just a slight jog, will connect to the existing portion of High Drive and substantially increase traffic in the Wilshire Place subdivision. There is already heavy traffic on High Drive, especially during rush hour, making it difficult to pull in or out of our driveway. It is also difficult to exit onto 133rd Street from High Drive, and the increased traffic from several hundred apartments will certainly make it worse. Any traffic study that has been conducted since early March 2020 is not an accurate representation of the traffic on 133rd Street. During the unprecedented COVID-19 pandemic, when schools and all extra-curricular activities have been cancelled, and many homeowners in the surrounding neighborhoods are working from home, traffic on High Drive and 133rd Street has been greatly reduced. And with 25% of Blue Valley students choosing to attend school virtually in the fall, and many employees not planning to return to their offices until 2021, a reliable traffic study cannot be conducted until this pandemic has subsided.

I am not alone in my opposition to this plan. Although the Wilshire Place Homeowners’ Association Board, due to certain conflicts of interest with Oddo Development, has taken a less active role in opposing this development compared to previous proposals, the subdivision is overwhelmingly opposed to Oddo’s plan. An online poll of Wilshire Place residents was conducted in late June 2020 and showed that over 80% of respondents opposed the proposed development. More specifically, 60.87% of respondents “strongly oppose” and another 20.00% “oppose” the proposal.

Thank you for your consideration.

Kathleen Nelson
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Dear Leawood Planning Commission,

I am a homeowner in Ward 4 in Leawood, Kansas. I am also the owner of property within 200 feet of the above referenced property. As a result of notice for an “interact meeting” scheduled for June 10th of this year, I have reviewed the detailed plans for Cameron’s Court. I was unable to attend the meeting.

I am writing to give my support to this project for the following reasons:

- The reputation of the developer, ODDO Development Company, is outstanding from a tenant, customer and community perspective. It’s projects are well planned and financially successful. It’s owners have a longstanding positive reputation in the real estate industry in Johnson County, KS.

- Based on the plans I have reviewed, it is obvious that Oddo has taken an incredible amount of time and expense to design a community development that incorporates residential and commercial spaces desirable to customers and tenants, while still embracing the “general guidelines” set forth by the city for community development.

- It makes a lot of sense to cluster the residential parts of the development near existing residential and place the commercial and retail parts along State Line where the infrastructure for traffic already exists. As a result, this design has good traffic flow, retail and office synergy, and a quieter residential neighborhood.

- Regarding the proposed residential, providing variety is important. Not everyone who lives in Leawood wants to live only one way and this community gives people options. The developer mentioned Villa Milano as an example for the type of “multi-family” which stands out as a beautiful and successful community. Obviously they know how to create neighborhoods that work for everyone.

- Private streets are another unique suggestion in this plan. There are several examples of these in Leawood which are successful, sought after communities.

I am sure that there are parts of these plans that the Planning Commission will have suggestions to improve or modify. After being in many meetings regarding the proposed Regency development next to
our property, I am sure there will be cautions raised about this plan not meeting the Leawood Comprehensive Plan guidelines. As a Leawood resident and 135th Street Corridor land owner, I encourage you to keep an open mind and assist this developer in making their land into a beautiful, realistic, and financially viable mixed use community.

I know it can work for everyone if you want to find a way forward.

Respectfully submitted,     Kelly Sherman
We are homeowners in Wilshire Place and wanted to express our concerns regarding the proposed development that is close to our subdivision.

We have reviewed the plans by Oddo Development Company and here are some of our concerns:

1. This is a quiet area and the amount of apartments proposed causes several problems...noise, traffic and too many children attending Mission Trail elementary.
2. The apartments off of 133rd (close to the church) should be removed. Only the apartments close to 135th street should be allowed if this project moves forward.
3. There should be more single family homes. This is one of the last areas north of 135th street and is very coveted. This could be achieved by removing some of the apartments.
4. Office space/retail that is close to Stateline is a major problem. Leawood currently has so many empty multi use and strip malls (Town Center and Park Place also included). The proposed buildings will be empty for years. It has taken Price Chopper almost 20 years to fill their empty storefronts and this will be the same. More people are working from home now and before Covid 19 plus the cost of rent will be too high for a small business.
5. The hotel might possibly function on the corner of 135th and State Line; however, homeless are always panhandling and roaming that area. This will not be a safe area for travelers and their cars.

These are our current concerns for the proposed development and thank you for taking the time to read this email.

Sincerely,

Kevin and Reta Cailteux
3049 W. 132nd Terrace
Leawood, KS. 66209
Good afternoon,
Hope you are doing well during these crazy times. I’m writing to you on behalf of my family. We live at 13200 Canterbury Road in Wilshire Place Development. My house is approximately 4 houses away from 133rd Street where the Oddo team is proposing to rezone the property between Mission and State line to be residential. This has a huge impact on our neighborhood, school district, traffic, etc. I wanted to let you know that our family is opposed to this development being approved by the city.

There was a neighborhood “listening” session last night and it was clear that not one resident in our neighborhood that attended the meeting is for this development. We want to make sure our voices get heard and that we are not aligned with this getting approved.

The density of this plan is unacceptable. Three and four story apartment towers do not fit into the Leawood aesthetic. We have a large concern for the number of units going in as well as potential change in plans once this is rezoned. We know this has to get rezoned first and then I’m not sure what they are proposing meets city guidelines.

Mission Trail, Leawood Middle and BVN are already crowded and could not handle more students and the student/teacher ratio would also go up which would affect our children’s education and we chose these neighborhoods for the amazing school system that BV has to offer.

Overall this will impact our home value, traffic to get out of our neighborhood and the amazing school system that is a part of this area.

We’d love your support to not approve this development and hear from our neighbors and listen to what they have to say. Thank you for listening.
Kristin Ramsey

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Dear Mayor Dunn, Planning Commission, and City Council:

This e-mail is in regards to the Oddo Development Company proposed development for the area within the boundaries of 133rd Street on the north, 135th Street on the south, Pawnee Lane on the west, and State Line on the east. I am a resident of Leawood and my subdivision, Wilshire Place, will be the most affected area within the proposed development. I am open to development of this area as long as it is in accordance with Leawood's vision, and one that enhances the already high standards of our neighborhoods.

I strongly support Leawood's current plan for "moderate" high density mixed-use development within our boundaries. The proposed Oddo Plan does not meet these standards. The area is currently surrounded by both, high-end single-family residential homes and businesses that meet the city's requirements. I urge you to stand firm in our city's vision and continue to ensure to maintain the quality of life that is currently afforded to all Leawood residents.

I'm sure you agree that any new development should enhance our home values and enhance our city. The Oddo Plan which calls for an addition of 662 apartment units along with 59 single family homes (a total of 721 living units) is far too dense for the area. The plan also proposes some four-story structures which will not conform with what is currently located along the 135th street corridor. The addition of 721 living units will put stress on our excellent schools i.e. Mission Trail Elementary, exceptional city services, and our beautiful Gezer Park. I don't think that our streets (specifically 133rd Street and High Drive which are becoming more heavily traveled already) will be able to handle the additional traffic that will result from this project.

I look forward to this area being developed responsibly within the nature of the existing neighborhoods and businesses.

I ask that you please reject the current development proposal from Oddo Development.

If you have any questions for me, please contact me at your convenience. My contact information is below.

Thank you for your consideration.

Larry Gunja
13288 High Drive
Leawood, KS 66209
popgun06@att.net
C 913-991-2765

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Good afternoon,

As a resident of Wilshire Place, I would like to add my support to the letter authored by Jeff Place, Ryan Brunton, and Chris Vukas regarding the Cameron’s Court development project. We not only agree with the concerns that they have carefully outlined, we have some additional points to make as well.

Two blocks east of proposed site for Cameron's Court is an existing retail development with more than half a dozen empty retail spaces sitting fallow, deteriorating. Look to the west and you will find more empty retail storefronts going to ruin, creating a blight on an otherwise healthy community. Empty buildings, and abandoned plazas are a magnet for crime, drugs, and teenage mischief, resulting in property damage and lose of property value all around. Leawood has no business building new retail when they can not even fill what they have now. It is a vulgar example of excess, waste and misappropriation of funds.

In the name of transparency, please make public the evidence that 1200+ people are actively looking for a place to live and Oddo Development is indeed meeting a genuine need and not simply generating income and expanding a personal portfolio.

The homeowners of Wilshire Place, Waterford, and surrounding neighborhoods invest an exorbitant amount of time, effort and money keeping their properties looking lovely in order to uphold values for everyone. It’s a matter of pride and of course aesthetics. The HOA fees support that aesthetic—in theory. If this development gets pushed through, that aesthetic is out the window—and so should the HOA fees. No amount of paint or petunias will compensate nor cover-up the traffic, the dented cars, the trampled park, the noise, or the long shadow of a four-story structure looming over our neighborhood.

This is not a new story. This is not a unique situation. This proposal has been executed many times all over this country and it has never ended well. Follow the dots...you know what will happen: The school will suffer from over crowding. Your best teachers will leave. The pods you will have to build out back will be deemed unacceptable by most parents (rightfully so) and those families will move away. You’ll have problems in the over crowded classrooms and Mission Elementary will become the “embarrassing” school that no parent wants a bumper sticker for. More families will move away, selling at a loss, reducing property value even further. Other families will move in who cannot afford to paint every third year and the landscaping trucks that circle our streets on a daily bases will have to find work elsewhere.

Shall I continue?

Let’s talk about poor Gezer Park. The gentlemen were kind in their letter—using the term “overwhelmed” when describing the inevitable consequence of the park. I will be more blunt: I hope there is plenty of money in the coffers to maintain our little oasis, because the clean-up crew had better set up permanent residence under the pavilion. As soon as you unleash 600 apartment dwelling residents who are starved for a little green space and a place for Rover to relieve himself—you can kiss that thyme good-bye. Plan on draining the “Dead Sea” every year, as well as replacing pieces of playground equipment—annually. The grass will be trampled to dirt. It will be sad. And more families will move away.
And how about the obvious? The fact that we should be “social distancing” isn’t something that is going away anytime soon. Thankfully, thus far, keeping a responsible distance from people has been relatively easy to do. Cram 1200+ people into our Price Chopper and we might as well be in a D’Agostino’s in NYC at noon.

Have you already called your realtors? Or maybe you’ve already sold because you knew what was on the horizon. Lucky you. Please do what you can for the rest of us who have been tossed under the bus. Be brave and do the right thing.

Good luck.

Sincerely,
Lorianne and Thomas Siomades

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June 25, 2020

Mayor Peggy J. Dunn
City Council of Leawood, Kansas
4800 Town Center Drive
Leawood, KS 66211

Re: Cameron’s Court Development Proposal for 133rd Street in Leawood

Dear Mayor Dunn and City Council:

We are writing with respect to the proposed Cameron’s Court development. First, we recognize that Oddo Development has put a significant amount of time and thought into the current proposal for the Cameron’s Court development. As a resident of the neighborhood most impacted by development between 133rd and 135th from Pawnee to State Line (Wilshire Place), we are open to a great project that will not only enhance our neighborhood, but provide additional amenities to make Leawood an even better place to live.

After reviewing the plans, as well as information provided by Oddo, we conclude the project as currently envisioned is incompatible with our area. The neighborhoods surrounding 133rd Street, as well as the existing commercial projects to the west along the 135th Street corridor, are almost entirely high-end residential and commercial developments. We need to be careful that any new development does not adversely affect these neighborhoods. The City’s existing development plan calls for moderate-high density mixed use projects in our area. We support that vision for our City.

We feel very strongly that any new development should add to the property values of existing home and enhance our overall community. While there are some very good elements to the project, including the single family homes and apartments in the style of the Villa Milano apartments located to the south of 135th Street, we believe the plan is too dense, calling for over 600 hundred apartment units. The current plan also calls for four story structures, which will tower over the skyline of our neighborhood.

My family chose to purchase our home 10 years ago and begin our family in this area. The excellent schools, infrastructure, and services available in south Leawood were the primary drivers for our decision. The project would bring an unacceptably high increase in traffic, school enrollment, and potential crime to our area without providing the amenities of a mixed-use project. Mission Trail Elementary is already at capacity and could not handle an influx of additional students from 1200-1400 new residents. We do not believe 133rd street is well-suited to such a significant influx of additional traffic. With no plans to move soon, we worry about the safety of our children, ages three, six and nine. In addition, we are concerned Gezer Park will be overwhelmed with so many additional residents in such a small area.

Again, we look forward to seeing the land between State Line Road and Pawnee responsibly developed. We would not oppose development plans that are consistent with the existing neighborhoods and retail venues. But, we respectfully request that you reject the current project as proposed by Oddo Development. To the extent you have any questions, please do not hesitate to contact us. Thank you very much for your consideration.

Very Truly Yours,

[Signature]

Madeline Best Fisher and Clay Fisher
2705 W. 132nd Street
Leawood, KS 66209

cc: [City Planning Department]
Mayor Dunn,

We are writing you today as concerned homeowner’s and Leawood residents. We have been following the developments regarding the proposed plan for the Cameron's Court development that Oddo Development is presenting to the city. We live in Wilshire Place, specifically on High Drive, and we are extremely concerned that this massive development, specifically the size and proposed cut thru to High Drive will be detrimental to our neighborhood, our home values, our children's safety and our local schools.

Oddo Development is proposing over 600 units and some of these will be 3 or 4 story buildings. The sheer volume of units is concerning for those of us who live on High Drive and 133rd Streets. Our street has a very high volume of traffic on any given day without this development. The impact on traffic from over 600 additional housing units will greatly depreciate our property values and make High Drive even more unsafe than it already is for the numerous young children who live in Wilshire Place and ride their bikes all around the neighborhood.

We are aware that two traffic studies were conducted, the first one being around the time that quarantine began. Any traffic study held at this time does not accurately reflect the normal traffic flow on 133rd Street. The schools were shut down and residents were working from home in record numbers. On a normal given afternoon, anytime between about 3:30 until 6:00 pm, turning east onto 133rd from High Drive can take numerous minutes due to the immense amount of traffic. The second study was conducted around the first of July and quite frankly is no more accurate than the first in regards to normal day to day traffic on 133rd. The majority of residents in Wilshire Place and Leawood are still working from home and we are on summer break from school. The proposed 600 units would make traffic flow on 133rd street more of a congested than it already is. The backup of traffic in the morning with residents traveling east on 133rd to turn left onto State Line will lead to excessive back ups and congestion.

As far as safety goes, High Drive is used as a major cut through to residents in nearby neighborhoods as well as those that reside in Wilshire Place. That being said, the majority of these drivers are not obeying the speed limit or are distracted by texting. There are many, many children in this neighborhood that are out on their bikes and scooters crossing High Drive. We witness at least a few children a day who almost get hit by cars. We do not want nor need the influx of cars from the Cameron's Court development to make an already dangerous situation even more so.

We wish recognize the Wilshire Place residents concerns and reject this proposed development.

Sincerely,
Maggie and Tom Switzer

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Debbie,

Attached below is some correspondence Patty Bennett asked me to forward to you for the Cameron Place file.

Thank you,
Mary Larson
Leawood City Council Ward 2

Begin forwarded message:

From: Mary Larson <MaryL@leawood.org>
Date: August 8, 2020 at 9:26:16 AM CDT
To: Rick Oddo <roddo@oddodev.com>
Subject: my council member

Rick,

Congratulations on your purchase of the 23 acres at the NW corner of 135th and Mission. That’s exciting news for you and I wish you well.

As an experienced and successful developer, it will come as no surprise that I’ve been advised repeatedly by our City Attorney not to discuss development issues with an applicant or any concerned citizens, especially when there is a project in the pipeline that is on the Planning Commission agenda and soon to be on the City Council agenda. I should have been more specific in my previous email that I’d be happy to talk about anything in Leawood. My apologies, but I was really referring to Public Works, Police, Parks and Rec, etc.

Any conversation we’d have that touches on development would have to be disclosed on the record when the item comes before the Council. Detail of the conversation captured from notes would have to be given. I assure you that the same standard applies to any concerned Leawood resident who would like to have a conversation regarding a development proposal.

I know you are aware of all this, but just want to be sure to explain myself. It’s not my nature not to talk to or respond to anyone that wishes to do so.

Best Wishes,
Mary Larson
On Aug 6, 2020, at 3:01 PM, Rick Oddo <roddo@oddodev.com> wrote:

Yes, there are several other items that I would like to talk about. As you know, I am a resident of Leawood and I have a lot of concerns about what is going on in the City, and I do have more at stake than most residents. I also just bought 23 acres at the NW corner of 135th and Mission. I would like to be able to have a conversation about “Leawood” and how to get things that the neighbors want, verses what the City wants, verse what the market wants. Please remember, the only thing that gets built, is where these things match up with what the market wants. I can avoid talking about Cameron’s Court, a $400,000,000 viable community. When would be a good time to talk about the other site, and Leawood in general.

Rick Oddo
CEO
Oddo Development Company, Inc.
15431 W. 100th Terrace
Lenexa, KS 66219
O (913) 894-6336 x 150
F (913) 894-9100
www.OddoDevelopment.com

Please make note my email address has changed to roddo@oddodev.com

From: Mary Larson <MaryL@leawood.org>
Sent: Thursday, August 06, 2020 2:44 PM
To: Rick Oddo <roddo@oddodev.com>
Subject: Re: my council member

Rick,

Thank you for the email and it’s good to hear from you. I’m always happy to talk about Leawood, but probably tops on your list is the Cameron Place development proposal, which is the one thing I’m not allowed to discuss with you. I believe the development proposal remains on the August 25th Planning Commission agenda and I will look forward to seeing the plans once it’s set on the City Council agenda. If there are any other Leawood issues you’d like to talk about, I’m all ears.
Hope you and Karen are doing well and that our paths will cross soon!

Best Wishes,
Mary Larson

On Aug 6, 2020, at 11:56 AM, Rick Oddo <roddo@oddodev.com> wrote:

Mary, long time no speak. I just found out that you are my Ward council member. I would like to talk to you about a few items going on in Leawood. When would be a good time for me to call you to discuss things.

Rick Oddo
CEO
Oddo Development Company, Inc.
15431 W. 100th Terrace
Lenexa, KS 66219
O (913) 894-6336 x 150
F (913) 894-9100
www.OddoDevelopment.com

Please make note that my email address has changed to roddo@oddodev.com

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WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
We are homeowners in Wilshire Place and wanted to express our concerns regarding the proposed development that is close to our subdivision.

We have reviewed the plans by Oddo Development Company and here are some of our concerns:

1. This is a quiet area and the amount of apartments proposed causes several problems...noise, traffic and too many children attending MIssion Trail elementary.
2. The apartments off of 133rd (close to the church) should be removed. Only the apartments close to 135th street should be allowed if this project moves forward.
3. There should be more single family homes. This is one of the last areas north of 135th street and is very coveted. This could be achieved by removing some of the apartments.
4. Office space/retail that is close to Stateline is a major problem. Leawood currently has so many empty multi use and strip malls (Town Center and Park Place also included). The proposed buildings will be empty for years. It has taken Price Chopper almost 20 years to fill their empty storefronts and this will be the same. More people are working from home now and before Covid 19 plus the cost of rent will be too high for a small business.
5. The hotel might possibly function on the corner of 135th and State LIne; however, homeless are always panhandling and roaming that area. This will not be a safe area for travelers and their cars.

These are our current concerns for the proposed development and thank you for taking the time to read this email.

Sincerely,

Kevin and Reta Cailteux
3049 W. 132nd Terrace
Leawood, KS. 66209
June 17, 2020

Mayor Peggy J. Dunn  
City Council of Leawood, Kansas  
4800 Town Center Drive  
Leawood, KS 66211

Re: Cameron’s Court Development Proposal for 133rd Street in Leawood

Dear Mayor Dunn and City Council:

I am writing with respect to the proposed Cameron’s Court development. First, I recognize that Oddo Development has put significant amount time and thought into the current proposal for the Cameron’s Court development. As a resident of the neighborhood most impacted by development between 133rd and 135th from Pawnee to State Line (Wilshire Place), I am open to a great project that will not only enhance our neighborhood, but provide additional amenities to make Leawood an even better place to live.

After reviewing the plans, as well as information provided by Oddo, I conclude the project as currently envisioned is incompatible with our area. The neighborhoods surrounding 133rd Street, as well as the existing commercial projects to the west along the 135th Street corridor, are almost entirely high-end residential and commercial developments. We need to be careful that any new development does not adversely affect these neighborhoods. The City’s existing development plan calls for moderate-high density mixed use projects in our area. I support that vision for our City.

I feel very strongly that any new development should add to the property values of existing home and enhance our overall community. While there are some very good elements to the project, including the single family homes and apartments in the style of the Villa Milano apartments located to the south of 135th Street, I believe the plan is too dense, calling for over 600 hundred apartment units. The current plan also calls for four story structures, which will tower over the skyline of our neighborhood.

My family moved to this area because of the excellent schools, infrastructure, and services available in south Leawood. The project would bring an unacceptably high increase in traffic, school enrollment, and potential crime to our area without providing the amenities of a mixed-use project. Mission Trail Elementary is already at capacity and could not handle an influx of additional students from 1200-1400 new residents. I do not believe 133rd street is well-suited to such a significant influx of additional traffic. In addition, I am concerned Gezer Park will be overwhelmed with so many additional residents in such a small area.

Again, I look forward to seeing the land between State Line Road and Pawnee responsibly developed. I would not oppose development plans that are consistent with the existing neighborhoods and retail venues. But, I respectfully request that you reject the current project as proposed by Oddo Development. To the extent you have any questions, please do not hesitate to contact me. Thank you very much for your consideration.

Very Truly Yours,

Ryan C. Brunton  
3144 W. 132nd Terrace  
Leawood, Kansas 66209  
913-685-9682

cc: [City Planning Department]
Good morning,

I'm writing to this group to voice my support for Oddo Development and the current plan 49-20 Cameron’s Court listed on the planning commission’s agenda for 8/25/2020.

For full disclosure, I am related (cousins) through marriage to Rick Oddo. I do not have any other affiliation or involvement with Oddo Development or Cameron’s Court plan. I do have a heavily weighted opinion as I live on 133rd street and my backyard faces the center of Cameron’s Court residential development area. I’m sure you will hear from many who’s aim it is to stop any development of this area. They do not have the big picture in mind and won’t support anything other than keeping the land vacant. Please do not forget there are well over 500 homes in the impacted area surrounding this land. I led the effort a few years ago and collected over 500 signatures from those surrounding houses in opposition to a plan by Continental Properties. We all know support is often not as vocal as opposition. Many support this and just won’t make the effort to share their views of support. I would also remind you of what you already know: silence does mean approval.

We have an opportunity to have a local developer complete an appropriate and economically viable project on this land that will compliment the city and its overall appeal. Please do what is right for the city and residents of Leawood and approve this plan.

Here are my main points of support:

1. The addition of two rows of single family houses is a welcomed buffer between the line of houses in Wilshire Place and the apartments planned for this development.
2. The look and finish of the first phase of apartments to the south of the single family houses seems to compliment the high end finish needed to match the current builds in the City of Leawood.
3. Moving all of the mixed use, retail, and office buildings to Stateline Road and 135th Street is the right location. The lack of success of many of the existing building along 133rd street give an example of what not to do. Please don’t push for a repeat of what has failed time and time again.

I do want to clearly state this will add to the through traffic in Wilshire Place and the surrounding subdivisions. The city must be prepared to quickly react and make immediate changes to direct traffic towards 135th Street, Stateline Road, and Mission Road and keep this traffic from seeking short cuts though the surrounding subdivisions. Speed bumps, police enforcement, and even potentially cutting streets to form cul-de-sacs should be part of your immediate solutions as traffic through our subdivision will cause problems to an otherwise quiet area. Please do not wait too long to initiate these traffic calming measures. Oddo Development is pushing for offset streets from the phase 2 area of apartments instead of a direct connect to High Drive. THIS IS A MUST. Having a straight shot will cause even more of the traffic issues I have previously mentioned. Please do not ask Oddo Development to change the offset street to a straight connection to High Drive.
On a final note, **Kenneth Road does not need to cut straight through to 133rd Street.** Stateline Road and 135th Street are designed to handle much more traffic than they currently see. Both streets are fairly quiet even during peak traffic times. Please be sure there is a focus to allow for immediate access and exits using these main roads which would further eliminate the need for Kenneth Road to connect straight through to 133rd Street.

In closing, I’m available to clarify any points I’ve made and I look forward to working with this committee and the city council members as we finally let this land be developed and work together to keep the surrounding subdivisions family friendly, safe, and quiet while we complete the development of the City of Leawood.

Best wishes as you navigate this plan and thank you for all you do.

Matthew Winston  
3289 W 132nd Place  
Leawood, KS 66209  
(816) 651-7121  
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Dear Commissioners:

I am a resident of Cherry Creek, and I am writing in support of the proposed development bordered by Pawnee, 133rd, State Line and 135th.

I know residents have historically opposed new development in this area for a variety of reasons (traffic, apartment residents sending their children to Mission Trail, concerns about property values, and general resistance to change), but I think we’ve had cornfields long enough. This type of development is exactly what the property was designed/planned for 30 years ago when our community was developed. Unless the City plans to turn the 135th corridor into a big park or keep the cornfields for another 30 years, I feel that the proposed development is the highest and best use for the subject property, and it should be permitted to move forward.

My wife and I look forward to shops/restaurants along 135th no longer struggling stay open with an influx of additional residents/workers in the vicinity, my kids look forward to the prospect of making new friends at Mission Trail, and we all should look forward to increased property values and a higher tax base as a wave of younger families get excited about the prospect of moving to a community that is on the rise.

Please vote yes and don’t hesitate to call if you have any questions.

Ryan Westhoff
816.786.8520
4116 W. 130th St., Leawood, KS 66209

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
To whom it may concern,

My husband and I moved to Leawood (Waterford) in the last year. We were drawn to the area because of the great schools and low population density near our home, and thought it would be a great place to start our family.

We recently became aware of the proposal to develop the area between 133rd and 135th and State Line and Pawnee Lane. We believe this proposal will drastically change the population density and traffic near our home for the worse. Admittedly, we are not experienced in the intricacies associated with city development and planning, but we would like to be made aware of any decisions and progress involving this proposal, and would appreciate any opportunities to formally oppose the proposal. If you have any guidance as to how to stay up-to-date on the proposal, please let me know.

Thanks in advance for your help.

--
Best,
Sarah Tadtman

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Planning Committee,

I am Scott Gilroy, I live in the Cherry Creek community, I am against the development of Cameron's Court on 133rd and 135th. In particular I am against the mixed use development of the 2-4 story apartment buildings. This will change the dynamic of the community and have a negative impact on the schools. I would think single family homes would be a better fit for our city.

Thank you,

Scott Gilroy
4149 W. 128th Terrace
Leawood, KS 66209

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Hi - I am a homeowner in the Cherry Creek subdivision (129th and Mission), and I wanted to voice my concern about the proposed “Cameron’s Court” development.

While I understand that some development in Leawood is inevitable, this is not the right plan — too many apartments, and likely unnecessary retail and office buildings.

I am in favor of Phase 1 (59 typical one-family homes), but I disagree with the rest of this proposed development.

I am concerned about the increase in traffic in the area, and the real risk of home values being affected in a negative manner.

Please consider this e-mail as a “No” vote from a current Leawood resident that lives in close proximity to this proposed development.

Sincerely,
Stephan

Stephan Stout
12834 Alhambra St.
Leawood, KS 66209
(816) 853.6570

Sent from my iPhone
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
My name is Steve Durr. I live at 2211 W. 132nd St., in Enclave at Cedar Point. My back porch faces 133rd so I see much of what goes on. I have always assumed that the vacant land across 133rd would be developed, but have hoped that any development would be done responsibly and with foresight. At this point I don't think Cameron's Court meets this criteria.

I have reviewed the traffic study and have some serious concerns. At full build out the analysis predicts an increase in traffic of 21224 trips (table 2). Per table 3, 15% of all trips will be on 133rd west bound. WHAT ABOUT EAST BOUND TRAFFIC? NOT ADDRESSED.

Exactly FIFTY PERCENT of all entrance/exits (5 of 10). from the development feed into 133rd plus the exits on Stateline and Pawnee potentially feed onto 133rd. YET we are told only 15% of all traffic will be on 133rd. Sounds like a random number picked to keep the neighborhoods silent. What is the current volume? That would be nice to know for comparison sakes. As traffic picks up on 135th, how many will move to 133rd? I saw how many when Mission was under construction and my instinct is this will be much worse and without an end.

Has the Leawood bicycle committee been involved? 133rd is a heavily used bike route as well as pedestrians, joggers, dog walkers. Many are shopping and dining at the businesses on Stateline. YET bikers and pedestrians are TOTALLY IGNORED in the traffic study. They are part of this neighborhood!

At breakfast the other day my wife counted 17 bikes in less than an hour. As I write this a group of 11 pedaled past. This street is used frequently for charity runs and bike rides during normal years. Group rides will be seen nearly every evening and weekends. THE PEDESTRIANS, BIKERS, and RUNNERS need to be considered and protected.

In the study the engineer calls for repainting 133rd to create turn lanes by eliminating "a small part of the bike lane". That sounds fine until you add up all of the "small parts" designated. On my bike ride this morning I tried to visualize each of these parts. It appears approximately 50% OF THE BIKE LANE WILL BE ELIMINATED! The entire curve west of the church will lose its bike lane. Is this what Leawood wants?

Another consideration, national media is predicting a significant increase in the use of the new E-BIKES for commuting and errands. I personally know one person who decided against getting a new car after buying an e-bike. Will Leawood be prepared?

In the summary, the traffic plan recommends some major intersection changes to accommodate the increased traffic. I interpreted this as saying WE DO NOT HAVE the INFRASTRUCTURE in place for the expected volume of traffic. Is Leawood prepared to undertake these projects? Should the upgrades be completed before the development is done? Has future growth and development of the areas west of Mission been accounted for?

What will be the impact on the local schools? The developer assured people at the community meeting there would not be more than three children in the entire complex. We have more than that in our enclave of 24 homes.

KENNETH RD.? Personally I think it makes sense to have Kenneth go through and have the east development exit on to Kenneth then have the option of using 135th or 133rd. You will have to decide that.
I would like to see the integrity and character of 133rd preserved when the vacant land is developed. It is used extensively by residents and many others for recreation as well as their main thoroughfare out of their neighborhoods. I believe most commercial projects should be pushed to Stateline and 135th. 133rd should be reserved for residential, retirement/assisted living type of developments without overloading capacity and with appropriate setback and landscaping. We are going to have to live with this for the next 100 years. Let's keep Leawood beautiful and livable.

Thank you for your consideration,
Steven Durr
From: Richard Sanchez
Sent: Tuesday, June 23, 2020 12:00 PM
To: Richard Sanchez
Subject: FW: Opposition to proposed Oddo 133rd Street development

From: "Tammy.R.Henke@wellsfargo.com" <Tammy.R.Henke@wellsfargo.com>
Date: June 23, 2020 at 11:40:30 AM CDT
To: Peggy Dunn <peggyd@leawood.org>
Subject: Opposition to proposed Oddo 133rd Street development

Dear Mayor Dunn,

I live in Wilshire Place and have two daughters, the oldest of which will be driving in the next two years. (Claire actually attended Preschool with your granddaughter and will likely be swimming against her at tomorrow’s swim meet 😊)

I mention that she will soon be a ‘new driver’, because traffic safety is the number one reason I am opposed to the proposed Oddo development, as it is currently presented.

I am concerned by the increased traffic flow on the already-busy 133rd Street, in particular because the apartment entrance is directly across from our neighborhood entrance, which is already difficult to exit from due to heavy traffic and a nearby curve.

My husband and I both support economic development (his career is based in construction and mine is in commercial banking). We know that this piece of property is prime for development and are supportive of this; however, we feel strongly that this development should be limited in scope to single-family homes and a much lower number of multi-family units.

My younger daughter has many more years remaining at Mission Trail Elementary and I am also concerned about the potential impact on our awesome school due to the overcrowding potential related to so many more families associated with 600+ apartment units. There are already four sections of her Kindergarten-going-in-to-First-Grade class, and I know from my time as the MTE PTO Treasurer that the school is at max capacity in regards to its current classroom buildout.

I appreciate you taking the time to listen to my concerns and would appreciate any assistance you could provide in altering the scope of this project to significantly reduce the number of apartment units.

Thank you,
Tammy Henke
2701 W. 132nd St.
Leawood, KS 66209
913-327-5277

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Dear Leawood City Council Members,

I live in Wilshire Place and have two daughters, the oldest of which will be driving in a little over two years from now.

I mention that she will soon be a ‘new driver’, because traffic safety is the number one reason I am opposed to the proposed Oddo development as it is currently presented.

I am very concerned by the increased traffic flow on the already-busy 133rd Street, in particular because the apartment entrance is directly across from our neighborhood entrance, which is already difficult to exit from due to heavy traffic and a nearby curve.

My husband and I both support economic development (his career is based in construction and mine is in commercial banking). We know that this piece of property is prime for development and are supportive of this; however, we feel strongly that this development should be limited in scope to single-family homes and a much lower number of multi-family units.

My younger daughter has many more years remaining at Mission Trail Elementary and I am also concerned about the potential impact on our school due to the overcrowding potential related to so many more families moving in if the development were to contain 600+ apartment units. There are already four classes in her Kindergarten-going-in-to-First-Grade class, and I know from my time as the PTO Treasurer that the school is at max capacity in regards to its current classroom buildout.

I appreciate you taking the time to listen to my concerns and would appreciate any assistance you could provide to change the scope of this project to significantly reduce the number of apartment/multi-family units.

Thank you,
Tammy Henke
2701 W. 132nd St.
Leawood, KS 66209
913-327-5277

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
To all it may concern - three years ago my husband and I moved from Oklahoma. We had our choice of cities in the Kansas City area. We built a new home off 133rd in Leawood because it “felt like home”.....the winding street, the bike lanes, gezer park, safe dog walking up and down 133rd! We love it here. I know these things are very important to the city of Leawood - we were thrilled to see they even had a BFC (bike friendly committee)! When we built our home we knew that the open area from 133rd-135th mission to state line would be developed eventually.....but knowing the city also valued what we did - we trusted that all bike lanes along 133rd and safe walking would be important considerations when developments were proposed. The traffic study associated with the Cameron’s court proposal is frightening..... remarking streets to make more turn lanes(only one way to achieve that) and more entrance/exits onto 133rd than 135th, study indicates huge increase in traffic. Funny - the study shows no bike traffic.....Saturday morning on my back porch I counted 17 cyclists in just under an hour! Families/joggers/dog walkers walk up and down 133rd constantly. City planning is to discuss this Tuesday -we beg your consideration to keep Leawood special! Teri Durr 2211 west 132nd street, Leawood 66209 - 580-484-0928.

Sent from my iPad

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Good Morning,

Thank you for submitting your letter to the Planning Department. The letter will be added to the public record, which will be reviewed by the Planning Commission and Governing Body once the case is to be heard.

CASE 49-20 (Cameron's Court) is scheduled to be heard at the August 25th Planning Commission meeting.

Please let me know if you have any other questions.

Thank you,

Grant D Lang
City Planner
Phone: 913-663-9163
City of Leawood
We are writing concerning the proposed Cameron’s Court development. My family of 4 (now all of voting age) moved to this area because of the excellent schools, infrastructure, and services in south Leawood.

After reviewing the plans and the information provided by Oddo, we conclude the project currently envisioned is incompatible with our area. The neighborhoods surrounding 133rd Street and the existing commercial projects to the west along the 135th Street corridor are almost entirely high-end residential and commercial developments. We need to be careful that any new development does not adversely affect these neighborhoods. The City’s existing development plan calls for moderate-high density mixed-use projects in our area. While we would not oppose such a vision for our City, we would prefer a wild nature park.

The project would bring an unacceptably high increase in traffic, school enrollment, and potential crime to our area without providing the amenities of a mixed-use project. Mission Trail Elementary is already at capacity and could not handle an influx of additional students from 1200-1400 new residents. We do not believe 133rd street is well-suited to such a significant influx of additional traffic. Also, we are concerned Gezer Park will be overwhelmed with so many additional residents in such a small area.

We feel very strongly that any new development should add to the property values of the existing home and enhance our overall community. While there are some very good elements to the project, including the single-family homes and apartments in the style of the Villa Milano apartments located to the south of 135th Street, we believe the plan is too dense, calling for over 600 hundred apartment units. The current plan also calls for four-story structures, which will tower over the skyline of our neighborhood.

Again, we look forward to seeing the land between State Line Road and Pawnee responsibly developed, or, preferably, turned into a wild nature park. We would not oppose development plans that are consistent with the existing neighborhoods and retail venues. But we respectfully request that you reject the current project as proposed by Oddo Development. To the extent you have any questions, please do not hesitate to contact us. Thank you very much for your consideration, and we, together with other residents, will keep in mind your decision during the next municipal elections.

Very Truly Yours,

Marija Tonkovic-Capin, MD
Viseslav Tonkovic-Capin, MD
Anja Tonkovic-Capin, Princeton Class of 2021
Ivan Tonkovic-Capin, Princeton Class of 2024

13284 High Dr.
Leawood, KS 66209

cc: [City Planning Department]
Dear Wilshire Place Neighbors:

We are writing to you to share our views about the proposed Cameron’s Court development. First, we recognize that Oddo Development has put a significant amount of time and thought into the current proposal for the Cameron’s Court development. As residents of the neighborhood most impacted by development between 133rd and 135th from Pawnee to State Line, we are open to a great project that will not only enhance our neighborhood, but provide additional amenities to make Leawood an even better place to live.

After reviewing the plans, as well as information provided by Oddo, we have concluded the project as currently envisioned is incompatible with our area. The neighborhoods surrounding 133rd Street, as well as the existing commercial projects to the west along the 135th Street corridor, are almost entirely high-end residential and commercial developments. We need to be careful that any new development does not adversely affect these neighborhoods. The City’s existing development plan calls for moderate-high density mixed use projects in our area. We support that vision for our City.

We feel very strongly that any new development should add to the property values of existing homes and enhance our overall community. While there are some very good elements to the project, including the single family homes and the apartments in the style of the Villa Milano apartments located to the south of 135th Street, we believe the plan is too dense, calling for over 600 apartment units. The current plan also calls for four story structures, which will tower over the skyline of our neighborhood.

We each moved to this area because of the excellent schools, infrastructure, and services available in south Leawood. The project would bring an unacceptably high increase in traffic, school enrollment, and potential crime to our area, all without providing the amenities of a mixed-use project. Please consider the following:

- Mission Trail Elementary is already at capacity and could not handle an influx of additional students from 1200-1400 new residents. The school is currently one of the top public elementary schools in Kansas, and a major driver of property values. Class sizes are already 25 to 30 students, with all of the classrooms in use. The influx of additional students will result in even larger classes and likely the need for portable pods at the school. Both changes would detract from the school’s current excellent reputation.

- We do not believe 133rd Street is well-suited to such a significant influx of additional traffic. The developer is conducting a traffic study to support its claim 133rd Street can handle additional traffic, but we question the accuracy and value of a traffic study performed during a pandemic. We believe a high-density apartment development will result in significantly extended commute times and long delays turning from 133rd Street onto State Line, every weekday morning.

- The exit from the apartment complex directly onto High Drive is even more problematic. Residents whose driveways abut High Drive already report long wait times during rush hour periods to exit their driveways, excessive and high-speed traffic endangering their children, and near-accidents when they slow to turn into their driveways. The addition of a large group of apartment dwellers can only add to the problem.

- Finally, we are concerned Gezer Park will be overwhelmed with so many additional residents in such a small area.

Again, we look forward to seeing the land between State Line Road and Pawnee responsibly developed. We would not oppose development plans that are consistent with the existing neighborhoods and retail venues. But, we respectfully suggest that the current project as proposed by Oddo Development is unacceptable.
If you agree, we request that you submit your concerns to Mayor Peggy Dunn, the City Council, and the Planning Commission. Their email addresses are:

Mayor Peggy Dunn:  peggyd@leawood.org
Leawood City Council: allcouncil@leawood.org
Leawood Planning Commission: planning@leawood.org

If we are unified and vocal in our opposition to this project, we believe it can be stopped, or at the very least, significantly improved.

Very Truly Yours,

Jeff Place
3185 West 132nd Place

Ryan Brunton
3144 W. 132nd Terrace

Chris Vukas
13252 Falmouth Street
August 20, 2020

Re: Wilshire Place Opposition to the Proposed Cameron’s Court Development

Mayor Peggy Dunn, City Council Members, and Planning Commission Members:

We the Board of Wilshire Place are writing on behalf of Wilshire Place Homes Association, Incorporated, a Leawood subdivision and group of 172 Leawood homes and families. We write to relay homeowner concerns about the proposed Cameron’s Court development. If approved, the project would be sited immediately south of our neighborhood, between 133rd Street on the north, 135th Street on the south, State Line Road on the east and Pawnee Lane on the west. As residents of a neighborhood which will be highly impacted by the proposed development, we are open to a great project that will not only enhance our neighborhood and city, but provide additional amenities to make Leawood an even better place to live. Unfortunately, after reviewing the plans, as well as information provided by Oddo Development, we have concluded the project as currently envisioned is incompatible with our area.

On June 17, 2020, a week after Rick Oddo hosted a public interact meeting to share his plans, we held an all-neighborhood meeting at our neighborhood park to discuss the development. This was immediately followed up by a survey of our residents to address the development and gather comments from our neighborhood.

According to our June 2020 survey (administered on surveymonkey.com), the development was opposed by 80% of respondents which represents approximately half our 172 homes and families (see Appendix A). Our neighborhood’s primary concerns focus on three issues: traffic, property values, and community amenities.

Traffic

We understand Oddo Development has commissioned a traffic study and may represent to the city that the existing streets can easily absorb any additional traffic resulting from the project. We question the validity of a traffic study conducted during a global pandemic where many people are working from home and with school out of session. The driving patterns of almost all Leawood residents have been curtailed. We urge the City not to rely on any study that is unable to take normal traffic conditions into account and should include non-pandemic drive-time traffic patterns while school is in session.

A very consistent theme our residents raised was the potential to exacerbate an already busy and potentially dangerous traffic problem on High Drive/132nd Street running from 133rd Street along the north side of the proposed development straight through to Mission Road. This is the eastern entrance to our neighborhood. Specifically, residents living along High Drive reported that in non-pandemic periods, traffic is heavy enough to force them to sit in their driveways for five to ten minutes in the mornings before they can find a gap and safely enter the street. Further, many reported cars traveling at a high rate of speed along High Drive/132nd Street, with near-misses and fender-benders occurring regularly as residents attempt to slow to enter their own driveways. High Drive/132nd Street is slightly wider than other neighborhood streets and is not lined with lane markings. These aspects create a feeling for drivers of room for error and lesser concern for the 25 miles per hour speed limit. Commuters in our neighborhood also report traffic backing up on 133rd Street during the morning rush hour. They also report long waits to turn onto 133rd Street from High Drive and then further on to State Line or Mission Road. Installing traffic cessation and mitigation measures on High Drive/132nd Street, such as roundabouts, stop signs, narrowed lane markings or speed humps would be advised in the Wilshire Place and possibly Waterford neighborhoods as well. Even without ANY additional development, residents on High Drive/132nd Street need traffic cessation measures implemented!
We request any development plan proposed for areas adjacent to Wilshire Place should mitigate these issues in several ways. First, the City should reject higher density plans. Second, the City should reject any plan that would connect the project (either directly or through an immaterial offset) to the High Drive entrance to our neighborhood, thereby making High Drive/132nd Street a through street, possibly all the way to 135th Street. Any egress points from the development should be offset to the maximum extent possible from the existing entrance to High Drive (heading north from 133rd Street), and also from Canterbury (the western entrance to our neighborhood). Third, any project should be designed so that traffic primarily exits the new development onto Pawnee Lane or 135th Street, rather than onto 133rd Street.

Property Values

The neighborhoods surrounding 133rd Street, as well as the existing commercial projects to the west along the 135th Street corridor, are almost entirely high-end residential and commercial developments. We feel very strongly that any new development should add to the property values of existing homes and enhance our overall community. While there are some very good elements to the proposed project, including the single family homes and certain apartment buildings designed in the style of the Villa Milano apartments (located to the south of 135th Street), we believe the plan is too dense. Most troubling, the current plan also calls for four story structures in the northeast portion of the development which will tower over the skyline of Wilshire Place’s east side. The design of these structures is inconsistent with the existing buildings in our area, and completely out of character with the high-end, residential feel of the neighborhood. If any structures of this type are to be built, they should be sited along 135th Street, where their more commercial style appeal could be more appropriate. As a follow up to our first point on traffic, we are extremely concerned about High Drive/132nd Street becoming even busier and creating a greater market discount to the value of these homes. This in turn hurts nearby comparable home values and the subdivision as a whole.

Community Amenities

Leawood’s excellent parks, trails and green area buffers are one of the primary draws to our area. We are concerned that Gezer Park would be overwhelmed with so many additional residents in such a small area. We understand that multi-family developers maximize revenues by developing and operating higher-density developments, and we are concerned about overwhelming what currently exists. We urge the Planning Commission and the City not to approve any plan that will add hundreds or even a thousand residential units into this area without proportionate expansion of parks, trails and green area buffers.

Conclusion

The plot of land under consideration represents one of the last large pieces of land in the city. We believe the City should insist on a truly beneficial and exciting development that adds to property values and the amenities our citizens enjoy. We understand Oddo Development will tell you their plan is the highest and best use for this piece of property. However, the city and planning commission has been taking the long view with respect to this corridor and we feel compelled to ask why the city should rush to approve a plan that is currently incompatible with the surrounding area and out of favor with its neighbors. We are confident that given time, better options will develop. We look forward to seeing the land between State Line Road and Pawnee Lane responsibly developed. We would not oppose development plans that are consistent with the existing neighborhoods and retail venues. However, we respectfully suggest that the current project as proposed by Oddo Development be rejected.
Sincerely,
Wilshire Place Homes Association, Inc. Board of Directors

(abstained from signing due to a personal conflict)
Matthew Winston

Quentin Cole

William M. Johansen, Jr.

Scott Fehnel

Appendix A

Question 1 from the June 2020 Wilshire Place Survey of Homeowners

I __________________ the proposed development.

Answered: 115  Skipped: 0

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<th>ANSWER CHOICES</th>
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115
August 21, 2020

Leawood City Council
Leawood Planning Commission

Cornerstone Presbyterian Church supports the proposed Cameron’s Court development as introduced to us by Oddo Development Company on August 11, 2020 (site plan attached). A key aspect of this revised site plan that leads to Cornerstone’s endorsement is that there is only a limited extension of Kenneth Road between 133rd Street and 135th Street.

Cornerstone is not in favor of a development plan that includes a full extension of Kenneth Road between 133rd and 135th Streets. A full extension would present a substantial financial burden to Cornerstone without any appreciable benefit. Cornerstone’s current ingress and egress from both the north (133rd St), and the south (private drive from 135th Street) are sufficient for our traffic needs, and the revised site plan would be compatible with Cornerstone’s traffic flow. In addition, full extension of Kenneth Road will result in the needless destruction of a lengthy stand of mature trees that contribute to the beauty and value of adjacent properties. Furthermore, the increased traffic along a fully extended Kenneth Road would unnecessarily detract from the park-like setting of Cornerstone’s grounds that so many of our neighbors enjoy on a daily basis.

In addition to the changes to Kenneth Road as shown in the 08.11.20 site plan, Cornerstone’s endorsement of the development plan is contingent upon:

- Assurance that additional water will not back up on our site due to the development (no-rise certificate)
- Assurance from Oddo Development and Leawood that Cornerstone’s existing private drive from the south will remain private and that Cornerstone will not have to make improvements to this road.

Oddo Development has verbally agreed to both of these provisions.

Cornerstone is proud to make our home in Leawood and we look forward to welcoming our new neighbors in Cameron’s Court.

Sincerely,

Lance Hodges
Executive Director

Cornerstone Presbyterian Church
13300 Kenneth Road, Leawood, KS 66209
913.738.5250 / www.cornerstoneks.org

Making disciples who love God, love people, and serve others.
I would like to add my support for this development project as well. I am not related or associated with the developers. I live at 3381 W 132nd Place in Whilshire Place. My home backs up to 133rd street directly across the street from the site, and as such I will be materially impacted by any future development of the site.

While I would love for this site to remain undeveloped as would most all homeowners in close proximity, it's obvious that some sort of mixed use development will inevitably occur at this site. I want to applaud the developers for prioritizing the maintenance of 133rd street with two rows of single family housing. This is the absolute best possible buffer to be offered by a potential developer to ensure the housing values along 133rd street are maintained as well as the safety of those of us already living on 133rd St.

I would like to ensure that the housing proposed stays in the $600,000+ range as communicated by the developer, and that the single family housing is the first phase of the project if approved, to provide the necessary buffer for those of us in the area before the rest of the development is initiated.

Matthew has offered multiple positives associated with this development in his email below, of which I won't repeat but I agree with, I believe this proposal provides the best path forward to development of this site while taking into account the current homeowners in the immediate area.

Jerry Baber
3381 W 132nd Place
Leawood, KS 66209

----- Forwarded Message -----
From: Matthew Winston <mrockwin@gmail.com>
To: Jerry Baber <jbaber1000@yahoo.com>
Sent: Friday, August 21, 2020, 08:24:17 AM CDT
Subject: Fwd: 49-20 Cameron’s Court - Public Hearing

Here is what I sent.

Begin forwarded message:

From: Matthew Winston <mrockwin@gmail.com>
Date: August 21, 2020 at 7:15:47 AM CDT
To: planning@leawood.org, richards@leawood.org
Cc: peggyd@leawood.org, debraf@leawood.org, andrewo@leawood.org, mlarson@leawood.org, jimr@leawood.org, chucks@leawood.org, lisah@leawood.org, jcain@leawood.org, jamesa@leawood.org
Subject: 49-20 Cameron's Court - Public Hearing
Good morning,

I'm writing to this group to voice my support for Oddo Development and the current plan 49-20 Cameron’s Court listed on the planning commission’s agenda for 8/25/2020.

For full disclosure, I am related (cousins) through marriage to Rick Oddo. I do not have any other affiliation or involvement with Oddo Development or Cameron’s Court plan. I do have a heavily weighted opinion as I live on 133rd street and my backyard faces the center of Cameron’s Court residential development area. I’m sure you will hear from many who’s aim it is to stop any development of this area. They do not have the big picture in mind and won't support anything other than keeping the land vacant. Please do not forget there are well over 500 homes in the impacted area surrounding this land. I led the effort a few years ago and collected over 500 signatures from those surrounding houses in opposition to a plan by Continental Properties. We all know support is often not as vocal as opposition. Many support this and just won’t make the effort to share their views of support. I would also remind you of what you already know: silence does mean approval.

We have an opportunity to have a local developer complete an appropriate and economically viable project on this land that will compliment the city and its overall appeal. Please do what is right for the city and residents of Leawood and approve this plan.

Here are my main points of support:

1. The addition of two rows of single family houses is a welcomed buffer between the line of houses in Wilshire Place and the apartments planned for this development.
2. The look and finish of the first phase of apartments to the south of the single family houses seems to compliment the high end finish needed to match the current builds in the City of Leawood.
3. Moving all of the mixed use, retail, and office buildings to Stateline Road and 135th Street is the right location. The lack of success of many of the existing building along 133rd street give an example of what not to do. Please don’t push for a repeat of what has failed time and time again.

I do want to clearly state this will add to the through traffic in Wilshire Place and the surrounding subdivisions. The city must be prepared to quickly react and make immediate changes to direct traffic towards 135th Street, Stateline Road, and Mission Road and keep this traffic from seeking short cuts though the surrounding subdivisions. Speed bumps, police enforcement, and even potentially cutting streets to form cul-de-sacs should be part of your immediate solutions as traffic through our subdivision will cause problems to an otherwise quiet area. Please do not wait too long to initiate these traffic calming measures. Oddo Development is pushing for offset streets from the phase 2 area of apartments instead of a direct connect to High Drive. THIS IS A MUST. Having a straight shot will cause even more of the traffic issues I have previously mentioned. Please do not ask Oddo Development to change the offset street to a straight connection to High Drive.

On a final note, Kenneth Road does not need to cut straight through to 133rd Street. Stateline Road and 135th Street are designed to handle much more traffic than they currently see. Both streets are fairly quiet even during peak traffic times. Please be sure there is a focus to allow for immediate access and exits using these main roads which would further eliminate the need for Kenneth Road to connect straight through to 133rd Street.

In closing, I’m available to clarify any points I’ve made and I look forward to working with this committee and the city council members as we finally let this land be developed and work together to keep the surrounding subdivisions family friendly, safe, and quiet while we complete the development of the City of Leawood.

Best wishes as you navigate this plan and thank you for all you do.

Matthew Winston
3289 W 132nd Place
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Hello,

My family and I are residents of the Wilshire Place subdivision. In the past few months we have been watching with a great deal of concerns how Oddo Development's plan for land development between State Line and Pawnee Lane (btw. 133 and 135 Streets) is being presented as a "great deal" for Leawood.

I would like to register my opposition for the current plan for the following reasons. Please use Aug 25th meeting to address these issues, if possible:

1) Creating high density apartment rentals does not take into the account existing infrastructure in place. What about all the services, such as electrical, sewage, water, broadband? How that will be addressed with potentially hundreds new residents moving into the area? What about other city services - police, EMT, libraries? Is there data where these issues are being reviewed?

2) I believe that additional pressure on current schools is not being considered at all. Mission Trail Elementary, Leawood Middle, Blue Valley North are already at capacity. How exactly the school district is supposed to absorb hundreds of new students that will move in? Please share some data on new students. How many are expected? Has BV school district been consulted on mitigation, etc.

3) One of the reasons that we picked Leawood as a place to live was a sense of community, with single-family homes and backyards where kids can play safely. Creation of a high-density apartments goes against that. I believe we all share a vision of Leawood is as a tight-knit community, where we know our neighbors and not a high-density rentals with a never ending tenant turnover.

4) I have not seen any strong data to confirm any need for additional commercial development in the area. With so many businesses closing, do we really need another office park? Just need to take a look at Village of Seville Shopping Center (133rd St and State Line) - an underutilized shopping area built 10 years ago. It has has very little appeal and still struggling to attract shoppers. Why are we building more retail or office space, if there is already an overcapacity.

It is clear that Leawood's strength as a community is in traditional one family homes. Please consider this when you make your decision.

Sincerely,

Boris Naronov

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
From: Cathy Gunja <csgunja@att.net>
Sent: Sunday, August 23, 2020 10:36 PM
To: peggy@leawood.org; Committees - City Council; Planning and Development General Email
Subject: Cameron's Court Development Proposal for 133rd Street in Leawood

I am writing to express my strong opposition to the Cameron's Court development that has been proposed between 133rd and 135th Streets and Pawnee to State Line Road.  I live at 13288 High Drive.  The proposed development is simply too dense and will drastically effect the traffic on 133rd and High Drive.  During this COVID-19 pandemic any traffic study that has been conducted is not a true representation.  One of the reasons that I moved from Overland Park to Leawood 7 years ago was because of Leawood's strong zoning standards and to make a wise investment in property and my standard of living.

Please reject the current project as proposed by Oddo Development.

Thank you for your excellent work in keeping the quality of living and investing in Leawood high.

Sincerely Yours,

Cathy Gunja
13288 High Dr.
Leawood, KS  66209
913-469-3607

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
This letter is to submit my comments regarding the proposed development between 133rd and 135th Streets called Cameron's Court, which I understand will be on the agenda during the August 25 Planning Commission hearing. I attended the developer’s webinar meeting in June and reviewed the development’s proposed plans, at least as they existed at that time. My opinion of the development are below:

I **strongly oppose** the proposed apartment buildings and multi-family units. The large number of multi-family units is simply not in keeping with the environment of the local community which attracted my family to the area. The proposed development would contain more residences as Wilshire Place, Waterford, and Royse subdivisions, combined, in an area with a smaller footprint than any of those subdivisions. I worry that the influx of students from Cameron’s Court would overwhelm Mission Trail Elementary, the quality of which was one of the primary factors attracting us to Wilshire Place.

At the webinar meeting, the developer regularly argued that the market will only support multi-family residential at the present time. However, I would rather the city xxxxxxxxbe patient and await the right type of development than rush to develop the land in a manner damaging to the local community and school.

I **approve** of the proposed single-family homes along the south side of 133rd Street (not the multi-family units along 135th) and the proposed commercial development along State Line Road between 133rd and 135th St.

I appreciate your time and reading my thoughts on the new development.

Sincerely,

Michael Schaefer
13248 Falmouth
Leawood, Kansas 66209
mpscha@gmail.com
Cell: 816-877-6221

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
I live in Waterford and wanted to raise some concerns about the Cameron Court development --

1) While the commercial segment on the east side seems to be expected and reasonable considering the surrounding area, the density in the multiple residential sections doesn't seem in line with the feedback from the interactive online commenting platform Leawood offered several years ago.

2) The apartment clubhouse is sitting exactly where a "regional attraction" was supposed to be according to previous documents. I don't know what a regional attraction is, but I had envisioned an attempt to provide some active engagement for the growing senior community with maybe a combo of pickleball courts, bocce, croquet and lawn bowling facilities.

3) Again I thought the overall 135th corridor plan feedback was pretty clear on a balanced green space mix. We certainly expected to see housing there, but this is packed full west of the church.

4) The entry to the clubhouse creates a high traffic intersection at High Drive and 133rd. And that ultimately mandates traffic lights and means that 132nd through Waterford is going to see a huge increase in traffic. 132nd may have always been planned as a collector/feeder but I don't think it was designed with the level of density we are seeing in this planned development in mind. It looks like you would have to cut it off if this goes through

--
Dylan Goodwin | 3201 W 132nd St., Leawood, KS 66209
croquetnetwork.com | 913.636.7231
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
To the Commission:

Thank you for the opportunity to submit comments on the proposed development.

1) The proposed development varies greatly from the previous planning concepts and efforts that have been presented to the public for the 135th street corridor. The design lacks details that were used at previous 135th street developments such as setbacks, right of way berms, bike/walkways, etc.

2) The proposed resident density of the project may be one of the highest for any Leawood development.

3) The proposed buildings will be some of the highest, if not the highest, in Leawood.

4) There has always been a paucity of neighborhood parks in Leawood. This development greatly increases population without proportionately adding park space. Over use of public park areas greatly diminishes their value.

5) In most respects the Commission acts as a coordinating agency that would consult and coordinate with other entities, such as Blue Valley school board, and water, storm & sanitary agencies, and highway agencies. This development has significant impacts on all the existing facilities and requires new facilities.

6) The development density will greatly increase the stormwater load. The general flow of the system is to the north through the Leawood South subdivision area, which has existing capacity issues.

7) The Commission must consider the cost to the City (unless reimbursed by the Developer) for utilities and street infrastructure including stormwater improvements, traffic lights/signals.

8) Phase 1 59 lot area is a very bland, repetitive design that does not resemble Leawood historical standards.

9) Can we assume the proposed plan has been through an administrative review to ensure that all Leawood codes, standards, and design guidelines have been followed? If not, the Commission, and the public are spending time reviewing a non-compliant plan.

Thank you
John Kelley
Currently serving on Waterford Homes Association board.
12800 Howe, Leawood
jkkelley016@gmail.com
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Hi Richard,

I am a homeowner in Waterford and would like to express my opposition for building the proposed Cameron’s Court. I understand there is a meeting tomorrow night via Zoom, however I wanted to provide the City of Leawood my feedback before the meeting. I am concerned this development will not benefit our existing community. Instead, the development will increase traffic, over fill our schools and parks, and create more store fronts when we already have so many open store fronts, even prior to Covid-19. There are better options for the community! I appreciate your attention to this matter.

Thank you,

Natalie Brown

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August 25, 2020

Chairman Elkins & Members of the Planning Commission
City of Leawood
4800 Town Center Drive
Leawood, Ks 66211

Dear Chairman Elkins & Members of the Planning Commission:

Thank you very much for your service to the City of Leawood, and for taking the time to read these comments. I have been a resident of the city of Leawood since 2008, and I am writing to express 6 areas of community wide concern regarding the proposed Cameron’s Court development along the 135th Street corridor. While the development of the land in question can, and should be, of benefit to the city, the developers who improve the land, and the residents already living in the area, the applicant’s proposal creates some significant concerns that need to be addressed.

1) Traffic Concerns & Trip Determinations:

The proposed project road area currently has some of the lowest graded traffic flow along the corridor, according to city staff. Extensive remediation would need to be undertaken by the developers to alleviate the outlined problems, let alone improve the traffic challenges we already experience in the area. As proposed, the project will have at completion potentially nine (9) points of ingress and egress (and one emergency access) of which eight would be considered major: three on 133rd, four on 135th, and one on Stateline/Kenneth. Of the eight major intersections, the State Line/Kenneth intersection may well prove to be the most problematic. This main entry corridor, identified as 134th Street on L-5, serves the bulk of the hotel/office/retail square footage and will most likely be a controlled, demand type intersection. This will present motorists with three controlled intersections in the short space of less than one half mile. Without continuous synchronization, an accordion effect will be imposed on those wishing to go northbound or southbound, compounding the existing conditions.

Based upon the limited information available certain assumptions regarding traffic impact can be drawn from readily available sources such as the Institute of Traffic Engineers (I.T.E.). The proposed development includes the following; a 122 room hotel, 662 multifamily residences, 59 single family dwellings, and 282,244 square feet of office space and 122,620 square feet of retail space. Using the information from the source listed above, the total trip ends for the development could be just
over 26,754 per day thus having a dramatic impact especially on 133rd, Stateline, Pawnee Lane, and 133rd/Mission intersection.

<table>
<thead>
<tr>
<th>Land use</th>
<th>Base rate</th>
<th>Amount</th>
<th>Trip ends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel</td>
<td>8 per Room</td>
<td>122 rooms</td>
<td>976</td>
</tr>
<tr>
<td>Office*</td>
<td>12 per 1,000 SF</td>
<td>282.244 SF</td>
<td>3,387</td>
</tr>
<tr>
<td>Multifamily</td>
<td>7 per DU</td>
<td>662 DU</td>
<td>4,634</td>
</tr>
<tr>
<td>Single Family</td>
<td>10 per DU</td>
<td>59 DU</td>
<td>590</td>
</tr>
<tr>
<td>Gen. Merch**</td>
<td>140 per 1000 SF</td>
<td>122.62 SF</td>
<td>17,167</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>26754</td>
</tr>
</tbody>
</table>

(* This base rate increases to 200 per 1000 SF for financial institutions and 35 per 1000 SF for medical.)  
(** This base rate increases to 350 w/o drive through for restaurants or 500 per 1000 SF for restaurants with drive through.)

This estimate of total trip ends is for this project alone, let alone the impact on the area from the other 3 developments along the corridor that have already been approved by the city, and are currently underway.

Lastly, concerning the traffic impact, a hazard to the safety and wellbeing of the surrounding neighborhoods already exists due to the significant volume of cut-thru traffic, by motorists avoiding the traffic controls the city currently has in place along State Line and 135th Street both. An addition to the traffic flow the size of Cameron’s Court, as is currently proposed, can only exacerbate the problem to unsafe levels.

2) Zoning Considerations:
   There appears to be an insufficient buffer area between Cameron’s Court and the neighborhoods of Greenbrier, The Enclave, Wilshire Place, and to some degree Waterford and Leawood South. It would be beneficial for those neighborhood residents if the applicant would redesign Tract B to provide an extension of Phase One to the easterly limits of the project near the Cornerstone Church. Provisions could still be made for the High Drive extension. This would be similar to the zoning addressed south of 135th between Kenneth and Mission where the Mixed Use is separated from the low density residential by a buffer of medium density residential as shown in the 2019 Comprehensive Plan Update.

3) Storm water remediation:
   Storm water management is already a challenge for many of the property owners and residents in the area. A review of the proposed project area shows that it is of an “area of undetermined flood hazard” (FEMA 2020) likely due to the fact it is an
open agricultural plot of land. The Leawood Storm water map shows two private ponds (capacity is unknown) located within the property lines. These two ponds help in the retention of storm water and snow melt runoff and the undisturbed nature of the area appears to assist in the prevention of flooding into the nearby residential areas. The proposed project does show (AS101, AS102) a number of retention ponds, but again, with an unknown capacity. To remediate the effects of potential runoff from the parking areas, new streets, and driveways (sheet flow) a comprehensive engineering plan should be undertaken by the developer. This will prevent neighborhood flooding as well as assist in the city’s storm water management program.

4) Prudent Development of the Corridor:

Presently, the City has already approved, and construction in part is underway on three other developments along the corridor. These three developments include, in one fashion or another, everything of note in the Cameron’s Court proposal...Single Family, Multifamily, Commercial Office, Retail, Hotel & Hospitality, etc. With so many worthwhile projects already underway, is it prudent to approve yet another project for the impacted area prior to seeing the results of those projects? Perhaps even after these developments are completed, we will find that there is still a need for something similar to the applicant’s proposal, however wouldn’t it be sensible to let the other projects reach completion, rather than guessing about the impact prematurely?

5) Developer Demeanor:

On June 12th, the Developer held a meeting regarding this application at their Villa Milano property. Despite the city’s request that the meeting be held outdoors, in order to practice safe social distancing in light of the Coronavirus pandemic, the meeting was held indoors, with no option to participate out on the Villa Milano pool deck, as had been assured to the interested residents in the area. Additionally, I have been advised by city staff that a request for a traffic study revision from the applicant had been sent last week, and as of yesterday afternoon that request has yet to be acknowledged. These are just two examples of concerning demeanor on the part of the applicant, others exist. I believe this begs the question...is this really the partner that the city, and its resident’s want for the development of this parcel?
6) Leawood’s Distinctive Character:

In 2019, the Governing Body affirmed a vision for the City and stated that:

“Leawood prides itself on being a safe, attractive community, which values its distinctive character. The citizens of Leawood are civic-minded and are an important component in shaping Leawood’s future. As the City of Leawood looks to the future, it will continue to maintain the residential property values, promote neighborhood-oriented commercial developments and quality mixed use developments, *offer a variety of high-quality residential neighborhoods, sustain environmental sensitivity, retain natural landscapes and provide public open space. With this vision, as articulated in a comprehensive plan, the City of Leawood will continue to grow with distinction*.

I wonder, does the applicant’s proposal offer the City and its residents something that is “distinctively Leawood”, or would it be just as easily developed anywhere, leaving this portion of Leawood indiscernible from other cities, and abandoning the distinctiveness that makes our city the best place to live in the metro?

In closing, I would like to thank Brian Scovill, Leawood City Engineer, and Richard Sanchez, Planning Director, for their time and assistance during this process. I would also like to thank you, Chairman Elkins, as well as the rest of the Planning Commission, for taking the time to read this letter and investigate these concerns.

Sincerely,

Chad Summers
2608 W. 131st Street
Leawood, KS 66209
(913) 238 3412
chadcsummers@yahoo.com
From: Lisa Harrison
Sent: Tuesday, June 16, 2020 8:57 AM
To: Kimberly Schaefer
Cc: Chuck Sipple
Subject: Re: Cameron's Court

Kimberly--
Thank you for reaching out and sharing your thoughts. I will share them with other members of the governing body.

Per your comment below-- I would encourage you to check the City's website a few days before our twice a month Council meetings (1st & 3rd Monday) to see if this topic is on the agenda. (In July, we meet a day later, after the 4th of July weekend.)

I only receive the agenda a few days before we meet.

Stay well--

Lisa Harrison
City of Leawood
Council Member Ward 3
LisaH@Leawood.org
913.317.9688

From: Kimberly Schaefer <kmschaefer@gmail.com>
Sent: Monday, June 15, 2020 8:09 PM
To: Lisa Harrison
Subject: Cameron's Court

Hi Lisa,
My name is Kim Schaefer and I am a Waterford resident. I am writing about the proposed development between 133rd and 135th Street, Cameron's Court. I attended the interactive meeting review and viewed the proposed plans for Cameron's Court. My opinion of the development are below:

1. I do not want apartment buildings or multi-family units to be built in the area.
2. I do not want High Drive to be connected to any development in the area, even though the current plan does not connect high drive, the connecting road is very close to high drive. It will greatly increase the traffic on high drive/132nd Street.
3. I approve of the single-family home development, not the apartment or multi-family home development.
4. I approve of the commercial development plan on State Line Road between 133rd and 135th St.

I appreciate your time and reading my thoughts on the new development. Please let me know if there are any Leawood meetings coming up discussing the property. I would like to attend.

Sincerely,

Kim Schaefer
3301 W. 132nd Street
Leawood, KS 66209

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
I am vehemently OPPOSED to the construction of high density apartments and a hotel as outlined in the Cameron’s Court development.

Susan Beggs
12821 Sagamore Road
Leawood, KS 66209

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Leawood Planning Commission,

I am an extremely concerned Leawood resident. I have lived here 10 years and love the way Leawood looks and is run as it is. Please do not approve this huge development in our city. I am not opposed to development, but this plan adds way too many residences, especially of the multi-family variety. This development would crowd our schools, increase traffic in our area, increase crime, and put more a lot more stress on our city resources. I do not pay these property tax rates to live next to hotels and apartments. Leawood is special and a great place to live because we have a limited number of these types of buildings. You will be turning us into what Overland Park has become, I do not view that as a positive move. When my husband and I moved here with our toddler 10 years ago we agreed the higher tax rates were worth it because Leawood is so beautiful and we could tell it was well taken care of. We specifically chose NOT to live in Overland Park because we could see the planning commission there has no problem with allowing the overcrowding of their streets, schools and public resources. Our children, we have 3 now, attend these schools, play in these parks and ride their bikes on these roads and trails. We feel safe using these resources because this area is well maintained and we view this as a safe place for them. Adding more commercial businesses, a hotel and multi-family residences, will no doubt change this. I urge you to oppose this development and ask for revisions that include fewer multi-family units and no hotel. This is NOT what Leawood needs. This is NOT what your taxpayers want.

Sincerely,

Kerry Newell
12502 Granada Lane
Leawood, KS

Sent from my iPhone
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
From: Trish Harris <tharris2749@gmail.com>
Sent: Tuesday, August 25, 2020 6:22 PM
To: Planning and Development General Email
Subject: Cameron Court

Concerns about the huge increase in traffic on 133rd street.
Concerns about impact on schools and parks.

Sent from my iPhone

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Traffic is currently a disaster at peak hours in that general vicinity.. will 135th ve widened?
Sent from my iPhone
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To whom it may concern,

I wanted to let you know that our household is against Cameron's Court development on 135th (Case number 49-20) and the various mixed use developments on Kenneth/ 135th. We live in the Waterford neighborhood and are against the changes to the area. These proposed changes are shown to bring additional single family units, assisted living, townhouses, hotels, apartments and Retail/ office space. We currently have plenty of unoccupied units available at Town Center (Park Place, same school district), unoccupied office space, unoccupied retail space and available housing at senior living facilities. Please strongly consider holding off on approving these developments in light of the changes COVID has made to the landscape of the housing market, Senior Living community, retailers and office space. This area does not need or want these changes to occur especially in current times.

The current residents are against the proposal for the area.

Thank you in advance for your consideration.

Sarah Cole

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To whom it may concern,

I just wanted to follow up to my email yesterday. I watched the public hearing despite some of the presentations having technical difficulties. I would kindly ask that the RCL Highest and Best Use report be updated to a recent time frame (not year old data) with appropriate market findings to be included in the report. Additionally, I kindly ask that updated traffic studies would be required before approval.

Thank you in advance for making these updated resources available for public viewing.

On Tue, Aug 25, 2020 at 4:50 PM Sarah Cole <sarahkathrynb@gmail.com> wrote:

To whom it may concern,

I wanted to let you know that our household is against Cameron's Court development on 135th (Case number 49-20) and the various mixed use developments on Kenneth/135th. We live in the Waterford neighborhood and are against the changes to the area. These proposed changes are shown to bring additional single family units, assisted living, townhouses, hotels, apartments and Retail/office space. We currently have plenty of unoccupied units available at Town Center (Park Place, same school district), unoccupied office space, unoccupied retail space and available housing at senior living facilities. Please strongly consider holding off on approving these developments in light of the changes COVID has made to the landscape of the housing market, Senior Living community, retailers and office space. This area does not need or want these changes to occur especially in current times.

The current residents are against the proposal for the area.

Thank you in advance for your consideration.

Sarah Cole

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
My husband and I are opposed to the Cameron Court plan for development as it stands now. Too many apartments means too many cars and our infrastructure (roads) is not equipped for that. Also, the quality of life we moved into the area to find will be forever changed. Please consider a vote against this.

Amy Brown
J. Scott Brown
Verona Gardens

Sent from my iPad
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Ricky,

Thank you for your call and follow up.

I wanted to follow up with our conversation for you to pass the comments to the commissioners.

As discussed I understand development and growth is essential in maintaining the health of the city. Providing places for us to enjoy is welcomed, even with less than stunning vacant buildings and additional traffic it may cause. I am appreciative of your services and the commissioners public service to our city. My husband is actually a real estate developer and I work for a family portfolio of land all over North America. We are both familiar with these forums and dealing with the public. You all deserve medals.

My husband and I live in the Waterford neighborhood, we have rented a house for multiple years as we have kids in blue valley north and weren’t ready to buy a home. We love where we live. We are the target audience of putting down roots into the area and it’s certainly dependent on having approval of unwanted development into the area. The additional traffic the development will bring is not something I am interested in. It will not be “very little” as the Otto team has deemed. If the plan is approved, all of the now pre teens will learn to drive with the approximately additional 27,000 daily trips the traffic study identifies will bring to 133rd.

I kindly ask that if you don’t daily drive on 133rd please think about us while you vote. I hope you deny case 49-20. Thank you again for your time and consideration.

Thanks again Ricky for dealing with all the additional emails. The next door app is full of comments about this case! Thanks again

Sent from my iPhone

On Aug 27, 2020, at 11:35 AM, Sarah Cole <sarahkathryn@gmail.com> wrote:

Richard, Sorry I missed your call. I tried you back. Call me again if you would when you are finished with your meetings today.

Thanks again!

On Thu, Aug 27, 2020 at 10:53 AM Sarah Cole <sarahkathryn@gmail.com> wrote:
Thanks so much Richard,

I am wondering while the city is recommending this to be denied. What would make the commissioners deny it? If people logged on to the September meeting, would that show people are against this?

Sent from my iPhone

On Aug 27, 2020, at 10:46 AM, Richard Sanchez <richards@leawood.org> wrote:

Hello Ms. Cole,

Thank you for your response.

The summaries of the studies can be located online within the packet of information for the case. If you would like any additional information, other than the summaries, you may have to contact the developer/architect and see if they will release that information to you.

Please let me know if you have any additional questions.

Thank you,

Ricky Sanchez | Planner II
913.663.9164
richards@leawood.org

From: Sarah Cole <sarahkathrynb@gmail.com>
Sent: Wednesday, August 26, 2020 6:14 PM
To: Richard Sanchez <richards@leawood.org>
Subject: Re: Case 49-20 (Cameron's Court) Continued to September 9, 2020
Richard,

I don’t want to speak at the hearing. I can appreciate development to the area as I believe growth is inevitable. How do we access the Trans system traffic report and parking study? It is impossible to believe with the proposed changes that 133rd will have minimal traffic added?

Thank you in advance

Sent from my iPhone

On Aug 26, 2020, at 3:03 PM, Richard Sanchez <richards@leawood.org> wrote:

Good Afternoon,

Due to technical difficulties last night, the live stream to the Planning Commission meeting was interrupted. City Staff are working to fix those issues so that they may no longer occur in the future.

Case 49-20 (Cameron’s Court) has been continued to the September 9th Planning Commission meeting.

Again, if you wish to speak at the Public Hearing for Case 49-20, please respond to this email stating that you would like to do so.

If you have any questions regarding the meeting last night or if you would like to make comments at the meeting, please feel free to call or email me.

Thank you,

<Ricky Sanchez | Planner II>
913.663.9164
richards@leawood.org
Richard Sanchez

From: Missy Houser <missy.houser@yahoo.com>
Sent: Sunday, August 30, 2020 9:36 AM
To: Peggy Dunn; Committees - City Council
Cc: Planning and Development General Email; ICE: Jim Houser
Subject: Case 49-20 Cameron’s Court

Mayor Peggy J. Dunn
City Council of Leawood
4800 Town Center Drive
Leawood, KS 66211

Re: Cameron’s Court Development Proposal for 133rd Street in Leawood

Dear Mayor Dunn and City Council,

We are Wilshire Place homeowners and are writing to express concerns surrounding the proposed Cameron’s Court development by Oddo Development.

As a homeowner in Wilshire Place, our neighborhood will be directly affected by the proposed development. We understand the land will be developed at some point and are hopeful it will be done in a manner that will provide additional amenities and enhance our existing neighborhoods and city. However, after reviewing the Cameron Court plans and listening to Mr. Rick Oddo present the Cameron Court plan on 2 separate occasions (1. To the Wilshire Place HOA and 2. to the Leawood Planning Commission), we strongly believe that the current plan is NOT a good fit with our community and furthermore that some of the information Mr. Oddo provided in his presentations was misleading.

We understand that Oddo Development commissioned a traffic study for a 24-hour period during the last week of June 2020. We don’t believe this traffic study accurately reflects the normal traffic pattern for our area. The study was conducted on a summer day during a global pandemic. Kids were NOT in school and many people were working out of their homes. People who would typically be commuting to/from school and/or work were NOT on the roads on this day. With two major contributors to our traffic patterns affected when the study was conducted, we believe this study should not be accepted as a representative snapshot and would be a detriment to our neighborhood if it is used as a benchmark. We currently have excessive traffic in this area and using an inaccurate traffic study for planning purposes would negatively impact the quality of life and property values.

In Mr. Oddo’s presentation to the Leawood Planning Commission on 8/25/2020, he stated he had “2 out of 3 HOAs approval, and the third HOA was split.” We believe this statement is FALSE. We are assuming he is referring to the 3 neighboring HOAs: Wilshire Place, Greenbrier of Leawood and The Enclave. We find it very concerning that he is reporting misinformation and speaking on behalf of the HOAs. For the record, Wilshire Place has NEVER taken a vote on the proposed Cameron’s Court Development. Wilshire Place did have its residents take a survey and of those who responded 80% were OPPOSED. We ask that you speak with the HOAs directly to find where we stand and do not rely on Mr. Oddo to speak for the HOAs.

Additionally, we are concerned about our schools which are already crowded. While Mr. Oddo claims that the single family homes, villas and apartments will not bring an influx of children to our schools, we don’t agree with this statement. He claims that the single family homes will be bought by “empty nesters” and the apartments/villas will be rented by “divorcees and single professionals who travel.” We moved to this area and bought a home in Wilshire Place specifically to send our children to Mission Trail Elementary, Leawood Middle School and Blue Valley North High School. They are some of the top public schools in the area and are a significant draw for those that move to this neighborhood. We believe Cameron’s Court could attract 1000+ new residents including many school age children that our schools are not equipped to handle.

Finally, one of the benefits to living in Leawood are the amazing parks and walking/biking paths. We are so lucky to have Gezer Park next door to Wilshire place. Residents and non-residents enjoy it daily. However, we believe the proposed
Cameron’s court plans, specifically the additional 600+ high density apartments that will bring over 600+ residents, will overwhelm and over crowd Gezer Park, the current paths and the green space we have. We ask that the Planning Commission and the City approve a plan that will proportionately expand parks, trails and green buffers as additional residences and commercial spaces are built.

We look forward to the land along 133rd Street being developed. However, we strongly believe that Oddo Development’s Cameron’s Court is NOT the right development for our community. We hope that Leawood will choose a development that adds to the property values and that will make our already great city even better. Thank you for taking the time to hear our concerns and for all you do for The City of Leawood and its residents.

Sincerely,

Jim and Missy Houser

13217 Canterbury Road
Leawood, KS 66209

cc: City Planning Commission

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Mr. Richard's, Please share with the mayor, council members and development department members. I am writing to express my opinion of this massive development. We moved to Leawood 30 years ago due to it's high quality suburban lifestyle. This huge development with 660 apartments is not suitable for suburbia, especially considering the likelihood that the apartment development alone could mean 1,000 or more additional automobiles and trucks on our already overcrowded roads around State Line and 135th Street. We do not need more apartments in Leawood, as they are certainly building so many in South Overland Park, that many of Leawood's will sit empty. Developers are overbuilding in our area due to the former federal administration providing them with ridiculous financial incentives. Do the developers care about our quality of life or simply making profit? Please think long and hard about the purpose of this project and how it will gobble up much of the precious remaining land in our city. Is this a project worthy of that land and does it meet the quality expectations of your citizens,? Will it EVER be seen as a high quality addition to our city? Of course not! Does it meet the expectations of those of us living in this part of the city? No way! Will it compare favorably with the surrounding outstanding neighborhoods? No! Please ask yourselves why this project is suitable in our fair city. Our citizens don't want it, and we don't need the extra tax base that is likely being promised by them. It is simply an a terrible idea for Leawood. Leawood is a historically unique city with lovely well-planned, livable, uncrowded, and low-crime neighborhoods - why would you want to destroy that peace, serenity and beauty simply to fill a developer's goal to make money? This is terribly unfair to those of us who chose a quiet, family-oriented city to raise our families. Why would we want a project of this size? What a monstrosity! Why would our elected representatives want to place burdens on taxpayers and the Blue Valley School District? And why do you want to change the sweet, beautiful cultural family that is Leawood? There's a huge need for more single family homes in our area of Leawood where homes sell on the first day in our neighborhoods, often via bidding wars. While single family homes or villas are certainly appropriate for this project, apartments are not. In another 30 years the apartments will likely be rundown and difficult to rent. Then blight sets on and negatively affects the value of the surrounding homes, and the tax base will decline. Please vote no on this project and require single family or villa type housing. Thank you, Julie Sherriff 12336 Pembroke Lane Leawood Get Outlook for Android

Mr. Richard's, Please share with the mayor, council members and development department members.

I am writing to express my opinion of this massive development. We moved to Leawood 30 years ago due to it's high quality suburban lifestyle. This huge development with 660 apartments is not suitable for suburbia, especially considering the likelihood that the apartment development alone could mean 1,000 or more additional automobiles and trucks on our already overcrowded roads around State Line and 135th Street. We do not need more apartments in Leawood, as they are certainly building so many in South Overland Park, that many of Leawood's will sit empty.

Developers are overbuilding in our area due to the former federal administration providing them with ridiculous financial incentives. Do the developers care about our quality of life or simply making profit? Please think long and hard about the purpose of this project and how it will gobble up much of the precious remaining land in our city. Is this a project worthy of that land and does it meet the quality expectations of your citizens,? Will it EVER be seen as a high quality addition to our city? Of course not! Does it meet the expectations of those of us living in this part of the city? No way! Will it compare favorably with the surrounding outstanding neighborhoods? No!
Please ask yourselves why this project is suitable in our fair city. Our citizens don't want it, and we don't need the extra tax base that is likely being promised by them. It is simply an a terrible idea for Leawood.

Leawood is a historically unique city with lovely well-planned, livable, uncrowded, and low-crime neighborhoods - why would you want to destroy that peace, serenity and beauty simply to fill a developer's goal to make money? This is terribly unfair to those of us who chose a quiet, family-oriented city to raise our families.

Why would we want a project of this size? What a monstrosity! Why would our elected representatives want to place burdens on taxpayers and the Blue Valley School District? And why do you want to change the sweet, beautiful cultural family that is Leawood?

There's a huge need for more single family homes in our area of Leawood where homes sell on the first day in our neighborhoods, often via bidding wars. While single family homes or villas are certainly appropriate for this project, apartments are not. In another 30 years the apartments will likely be rundown and difficult to rent. Then blight sets on and negatively affects the value of the surrounding homes, and the tax base will decline. Please vote no on this project and require single family or villa type housing.

Thank you,

Julie Sherriff
12336 Pembroke Lane
Leawood

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Good morning Wayne-
Great to hear from you-- and I hope all is well with you in your corner of the world.  I'm attending Rotary meetings in person only sporadically, and miss our big gathering days!

Thank you for sharing your thoughts and concerns.  Hearing from our neighbors and residents is an important part of the process.

Stay well!
LH

Lisa Harrison
City of Leawood
Council Member Ward 3
LisaH@Leawood.org
913.317.9688

DEAR LISA AND CHUCK,

I have been a resident of Leawood since 1980 and have always been proud to say so. One reason has been the manner in which the City Council protects its citizens. One area of that protection is manner in which zoning regulations and building regulations are administered.

As presented to the City, I am against the ODDO Development. I reside at 12845 Cambridge Road and feel that the development will adversely affect me and my neighbors. Given the other developments under consideration for 135th Street and
Kenneth Road, the ODDO Development is just too much. I ask that the Council and the other involved city departments seek a reduction in development size and that the developers be required to meet all requirements in the city’s codes.

Thanks for your time and attention,

Wayne Starr

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Mr. Sanchez and the Commission
Regarding the Cameron Court development, Case 49-20, Planning Commission meeting of August 25, 2020. I attended the 08/25 meeting on Youtube.
As a member of the Waterford Homes Assoc Board, I did not receive, nor any other WHA board member and Sentry Mgt, received the Interact notice for Cameron Court meeting. Waterford lots are within 500 feet of the current proposed development. Therefore, another Interact meeting should be held.

I request Zoom access and to be able to speak to the PC on Sept 9th, and any extension.
I request the pptx presentation the Developer used at the 08/25 meeting, be made available to me and all the public.
I request the study referred to by Bob Regnier and used during the meeting be made available to the public.
These presentations should not be regarded as accurate facts and are debatable relative to changing existing codes/guidelines.
I agree with the Board member that “there is a lot to unpack here”.
However I am very surprised the Comm. members did not have more comments or questions, and did not push back on the Developer’s primary messages that the Comm. Staff was not doing their job properly, and that the Leawood Codes, guidelines, and previous 135th St planning concepts are invalid or outdated.

Respectfully
John M. Kelley III
12800 Howe
Leawood, KS 66209
jkelley016@gmail.com

On Tue, Aug 25, 2020 at 7:26 AM Richard Sanchez <richards@leawood.org> wrote:

Hello Mr. Kelley,

Thank you for submitting your letter to the Planning Department. Staff will add the letter to the public record, which will be reviewed by the Planning Commission and the Governing Body once the case is to be heard.

CASE 49-20 (Cameron’s Court) is scheduled to be heard at the August 25th Planning Commission meeting. City Hall is currently closed to the public. The Planning Commission will be livestreamed on the City’s YouTube channel. The link will be available on the City’s website before the meeting. If you want to make a statement during the public hearing, you may do so via Zoom.
To the Commission:

Thank you for the opportunity to submit comments on the proposed development.

1) The proposed development varies greatly from the previous planning concepts and efforts that have been presented to the public for the 135th street corridor. The design lacks details that were used at previous 135th street developments such as setbacks, right of way berms, bike/walkways, etc.

2) The proposed resident density of the project may be one of the highest for any Leawood development.

3) The proposed buildings will be some of the highest, if not the highest, in Leawood.
4) There has always been a paucity of neighborhood parks in Leawood. This development greatly increases population without proportionately adding park space. Over use of public park areas greatly diminishes their value.

5) In most respects the Commission acts as a coordinating agency that would consult and coordinate with other entities, such as Blue Valley school board, and water, storm & sanitary agencies, and highway agencies. This development has significant impacts on all the existing facilities and requires new facilities.

6) The development density will greatly increase the stormwater load. The general flow of the system is to the north through the Leawood South subdivision area, which has existing capacity issues.

7) The Commission must consider the cost to the City (unless reimbursed by the Developer) for utilities and street infrastructure including stormwater improvements, traffic lights/signals.

8) Phase 1 59 lot area is a very bland, repetitive design that does not resemble Leawood historical standards.

9) Can we assume the proposed plan has been through an administrative review to ensure that all Leawood codes, standards, and design guidelines have been followed? If not, the Commission, and the public are spending time reviewing a non-compliant plan.

Thank you

John Kelley
Currently serving on Waterford Homes Association board.

12800 Howe, Leawood

jkelley016@gmail.com
Mayor Peggy J. Dunn  
City Council of Leawood  
4800 Town Center Drive  
Leawood, KS 66211

Re: Cameron’s Court Development Proposal for 133rd Street in Leawood

Dear Mayor Dunn and City Council,

We are Wilshire Place homeowners who live near 133rd Street and strongly oppose the intended development, Cameron’s Court.

During the last meeting, Mr. Oddo showed a slide indicating that 2 of 3 neighborhoods supported the proposal while a third was split. First and foremost, Wilshire Place was not split, with 80% opposing the plan. Our community letter included the results of the neighborhood survey. We were surprised to see that the other neighborhoods supported the plan, so we called the Greenbrier HOA management company (MAK Management). The managing partner, Megan Klemanski, stated the Greenbrier HOA had not supported the plan on any level and were meeting this past Friday (after the planning commission meeting) to discuss the planned development. Clearly, Mr. Oddo’s statement was a misleading statement intending to sway the planning commission if he was referring to the three HOA’s that border 133rd Street.

Furthermore, the Wilshire Place neighborhood (172 homes) is larger than both Greenbrier (98 homes) and the Enclave at Cedar Point (24 homes) combined. With 80% of Wilshire Place opposed to the plan, only 9 homes in the other neighborhoods would have to be opposed to the plan for a majority of homes to be opposed. It is evident that Mr. Oddo does not have the community support that he claims.

While we are not opposed to future development south of Wilshire Place, Cameron’s Court would be detrimental to our community. I do not believe the claim that only a handful of kids will come out of the planned 4-story apartment complexes. A quick look at nearby Weston Point and Wynnewood Farms on 133rd St. in Overland Park will dispel this notion. Because of our Blue Valley schools, families with children will move in. Nearby Mission Trail Elementary is already at capacity, and had to move its early childhood classes out of the building; there is simply no more room. When asked about this during our initial neighborhood meeting with Mr. Oddo, he claimed that those students could just attend a different school.

Traffic is already heavy during certain periods of the day along 133rd as people bypass congestion on 135th St. Adding high density apartments will significantly increase the traffic on 133rd, as well as on High Drive as it meanders through Wilshire Place and Waterford to Mission Road. From a safety perspective, High Drive is already dangerous for children in our community. I do not trust any traffic survey conducted since the pandemic started with schools closed, businesses closed, etc…

We do not believe that Mr. Oddo is concerned with the best interests of Leawood and ask the committee to reject the planned development, Cameron’s Court.

Sincerely,
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
As a Leawood resident who lives very close to where this development is proposed I am vehemently opposed to it. The traffic down 135th is already unbearable during rush hour. The schools that these residences would feed into are already overcrowded and bursting at the seams. These high rise apartments are eye sores.

The data presented to the planning commission was over a year old (June 2019) and pre-pandemic. The public deserves more recent data and the planning commission owes it to Leawood residents to get that before they even consider voting on this matter.

Adrianna Knighton

Sent from my iPhone
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
From: Patty Bennett <pbennett@leawood.org>
Sent: Wednesday, September 2, 2020 7:10 AM
To: Debbie Brenner <debbieb@leawood.org>
Subject: FW: More information regarding the Leawood's meeting on the proposed "Cameron Court" development...

From: Lisa Harrison <lisah@leawood.org>
Sent: Tuesday, September 1, 2020 4:43 PM
To: Randal Leimer <rjleimer@sbcglobal.net>
Cc: Patty Bennett <pbennett@leawood.org>
Subject: Re: More information regarding the Leawood's meeting on the proposed "Cameron Court" development...

Randal-
Thank you for reaching out.
Hearing from our neighbors and residents is an important part of this whole process.

When a plan comes before the Governing Body, I will be sure to look carefully at traffic implications as you are not the first to mention this concern.

Stay well!

Lisa Harrison
City of Leawood
Council Member Ward 3
LisaH@Leawood.org
913.317.9688

From: Randal Leimer <rjleimer@sbcglobal.net>
Sent: Tuesday, September 1, 2020 4:34 PM
To: Lisa Harrison
Subject: FW: More information regarding the Leawood's meeting on the proposed "Cameron Court" development...

Hello Lisa. As you know, Karen and I live on 132nd Street in The Waterford Subdivision. We are extremely concerned about the additional traffic and use on 132nd Street that will be caused by this proposed development. 132nd Street is already heavily used by "cut through" traffic to avoid the lights, etc., and many motorists frequently speed up to 50 MPH at times. This is already a problem, and this new development will
greatly exacerbate the situation. We believe that some dramatic measures must be taken to mitigate the impact of this additional traffic. While 132nd street may be a “collector” street, it was never intended as a highway for collecting traffic from surrounding neighborhoods. Many children play in these yards and sidewalks along this street. Please let me know what can be done to help allay these problems.

Many thanks, rjl

Randal J. Leimer, Esq.
Executive Vice President & General Counsel
Great Plains Developments, LLC
4400 Shawnee Mission Parkway, Suite 202
Fairway, Kansas  66205
913.384.2900 office
rjleimer@greatplainsdevelopments.com
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Dear Mr. Sanchez,

We are a resident in Pembroke Court at 119th and State Line. We have seen the number of residences projected for the development at Kenneth Road and 133rd at Cameron Court.

We are OPPOSED to this extreme number of apartments for that area or any area of Leawood--845 Apartments!! On Cameron Court --the 845 apartments is incongruous with the rest of the city's look and living environment--TOO DENSE!! TRAFFIC and CROWDING the public school in the area are also big concerns.

The Kenneth Road development of 59 Single family, 140 Townhouses is reasonable and fits the Leawood image. On the 160K Retail and 400 K office space-- the question-- if it is needed as we still have spaces not fulfilled with retail and office in Leawood,(and the Kenneth site has retail and office space) And this pandemic is changing the dynamics of shopping. Leawood has a certain personality in the Kansas City area. These new developments are veering away from that image.

On Kenneth Road the Townhouses (140), the apartments (183), bed assist (84), 4iK Retail and 82 K office is about as dense as Leawood should develop.

The old HYVee site still has empty spaces and so does the large free standing space at 133rd & State Line (Office Depot site).
spaces in Price Chopper strip mall has spaces and does Town Center.

Leawood is a city of low density, suburban community. Please do not change that footprint.

Thank you.

Frank and Donna Missimer
12200 Sagamore Rd
Leawood, KS 66209

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
TO: CITY OF LEAWOOD PLANNING COMMISSION
RE: CAMERON’S COURT REQUEST FOR APPROVAL OF REZONING AND PRELIMINARY PLAN/PLAT, Case No 49-20
DATE: SEPTEMBER 3, 2020

We live at 2212 W. 131st Street, in Enclave at Cedar Pointe, a lovely, newly developed residential community immediately north of the commercial portion of the proposed Cameron’s Court development.

We watched the beginning of the public hearing for this proposed development during the August 25, 2020 Planning Commission meeting, prior to interruption by technical difficulties. In the meeting, Oddo Development referred to a market study that was not included in the meeting packet. Thanks to Leawood’s very helpful planning staff, we have now had the chance to review the RCLCo Highest and Best Use Analysis (Analysis) submitted by Oddo Development in support of its request for re-zoning and approval of its Preliminary Plan for Cameron’s Court.

The Analysis concludes that there is no market support for office or commercial development in this area of Leawood in the near, mid or long-term. Yet the Cameron’s Court preliminary plan proposes office buildings, a convenience store and a funeral home as part of its commercial development, in clear contradiction to the Analysis that Oddo Development itself submitted. In fact, the only retail development supported by the Analysis is limited neighborhood retail (p.5), which is consistent with the vision of the 135th Street Community Plan.

We believe that the preliminary plan for Cameron’s Court, as submitted, does not meet the requirements of the Leawood Development Ordinance, nor the guidelines and vision of the 135th Street Community Plan. The preliminary plan for Cameron’s Court is lackluster and uninspiring, at best. We believe the City of Leawood, and the neighborhoods surrounding the proposed Cameron’s Court development deserve much better.

The developer and its marketing firm’s claim, that a mixed-use development with public open space as envisioned by the 135th Street Community Plan is not viable, is belied by looking north to our neighbors in Prairie Village. There, a consortium of the Johnson County Parks and Recreation District staff and board (“JCP RD”), the City of Prairie Village, Van Trust Real Estate, and the Johnson County Board of Commissioners (“BOCC”) cooperated to create the Meadowbrook Park Master Plan. Select members of these organizations were invited to be a part of an Advisory Group that was created to help expedite the project. This Advisory Group also included Prairie Village staff, Planning Commissioners and citizen representatives from Prairie Village and Overland Park. The project was further expedited by holding the first ever Joint Officials Meeting that included the JCP RD board, Prairie Village City Council, Prairie Village Planning Commission, and BOCC. The officials provided feedback on the Guiding Principles for the project, public meeting and survey input, stakeholder input, and the initial concepts.
proposed. Crediting an efficient process and effective decision making by all officials, the overall project took just over 5 months to complete. [https://jcprd.com/276/Meadowbrook-Park-Master-Plan](https://jcprd.com/276/Meadowbrook-Park-Master-Plan).

Meadowbrook Park consists of Meadowbrook’s two upscale, maintenance-provided [residential neighborhoods](https://example.com) that are a mix of single family homes, twin villa homes, luxury apartments, and a senior living complex. An inn and restaurant are centrally located in a garden alongside a lake. It is truly a visionary gem.

We oppose Oddo Development’s request for re-zoning and approval of the proposed preliminary plan and plat because Leawood deserves better than another convenience store, uninhabited commercial buildings, a funeral home and the rest of the lackluster plan proposed by the developer. Leawood should rise to the unique occasion presented by the development of this land. Prairie Village met the challenge – can Leawood?

We appreciate the opportunity to submit these comments.

Mark McGrory
Ginevera Moore
2212 W 131st Street
Leawood, KS  66209
IMPORTANT LEGAL DESCRIPTION:

THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 29 DEGREES 32 MINUTES 21 SECONDS, A CHORD BEARING OF 17 DEGREES 44 MINUTES 30 SECONDS WESTLY AND HAVING A DISTANCE OF 374.77 FEET TO A POINT OF CURVATURE ON THE EAST RIGHT OF WAY LINE OF PAWNEE LANE AS PLATTED IN MARKET SQUARE CENTER, A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

EXECUTIVE DEED:

ALL THAT OF THE SOUTHWEST CORNER OF SAID LTE, BEING EIGHTY (08) FEET SOUTHLY AND BEING EIGHTY (08) FEET WESTLY FROM THE SOUTHWEST CORNER OF SAID LTE.

CAMERON'S COURT RP-2 ZONING LEGAL DESCRIPTION:

THAT PARCEL OF LAND COMPRISING THE SOUTHWEST CORNER OF SAID LTE, TOGETHER WITH ALL RIGHTS AND APPURTENANCES INCIDENT THERETO, BEING THE SOUTHWEST CORNER OF SAID LTE.

IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KS.

OWNER/DEVELOPER:

CAMERON'S COURT RP-2 ZONING LEGAL DESCRIPTION:

THAT PARCEL OF LAND COMPRISING THE SOUTHWEST CORNER OF SAID LTE, TOGETHER WITH ALL RIGHTS AND APPURTENANCES INCIDENT THERETO, BEING THE SOUTHWEST CORNER OF SAID LTE.

OWNERS/DEVELOPERS:

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OWNERS/DEVELOPERS:

CAMERON'S COURT RP-2 ZONING LEGAL DESCRIPTION:

THAT PARCEL OF LAND COMPRISING THE SOUTHWEST CORNER OF SAID LTE, TOGETHER WITH ALL RIGHTS AND APPURTENANCES INCIDENT THERETO, BEING THE SOUTHWEST CORNER OF SAID LTE.
Body may approve replacement of trees larger than 12 inch caliper by replacing 50% of those.

### QUANTITY OF TREES REQUIRED USING MINIMUM TREE SIZE

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<thead>
<tr>
<th>SITE AREA</th>
<th>ENTRANCE AREA</th>
<th>COMMERCIAL OFFICE AREA</th>
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<td>ENTRANCE AREA</td>
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**Site Area:**
- ENTRANCE AREA
- COMMERCIAL OFFICE AREA
- ENTRANCE AREA

**Tree Replacement Required Under The Landscaping Development Ordinance:**

- Trees larger than 12 inch caliper to be removed in accordance with the 12 inch caliper tree required by the Landscaping Development Ordinance.
- A minimum of 50% of each tree species to be replaced.
- Trees must be replaced with trees of equal or greater dimensions within 5 years of removal.

**Site Area:**

- ENTRANCE AREA
- COMMERCIAL OFFICE AREA

SEE LANDSCAPE PLANS FOR TREE REPLACEMENT INFORMATION

**City Staff:**
- Plan any area not subject to tree replacement.

**Prepared By:**
- SURVEY 488 20-028 9

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**135TH & STATETLINE, LEAWOOD, KS**

**SCALE:**
- 1:200

**PREPARED BY:**
- SCHLAGEL
TOTAL TREES REMOVED TOTAL TREES REMOVED \n1354 1354 \nTOTAL TREES REMOVED COMPARED TO TOTAL TREES REMOVED \n183 183 \n\nTREE REPLACEMENT REQUIRED PER LEAWOOD DEVELOPMENT ORDINANCE 14.4.1.3.8 \nMinimum height 12 inch caliper tree must be removed from site and replaced with a 3.1 inch caliper replacement. \nAfter the amount of paving within the tree replacement area is determined, the amount of tree replacement required will be calculated based on this amount of paved area. \nBody may approve replacement of trees larger than 12 inch caliper by replacing 60% of these qualifying replacement trees. \n\nSITE AREA \nREPLACEMENT TREES REQUIRED BASED ON PLAT AREA \nWHERE TREE REMOVAL IS REQUIRED PER LEAWOOD DEVELOPMENT ORDINANCE SECTION 14.4.1.3.8 \nQUANTITY OF TREES REQUIRED USING MINIMUM TREE SIZE \n
INDICATES TREES TO BE REMOVED \nINDICATES TREES TO BE REPLACED

1354 TREES
1354 TREES
LANDSCAPE DATA:

16-4-7.2 LANDSCAPING REQUIREMENTS SINGLE FAMILY

REQUIREMENT
FRONTAGE = 151 FEET

LANDSCAPE PROVIDED
1 SHADE TREE PER 35 FEET
151/35 = 4 SHADE TREES

LANDSCAPE REQUIRED
1 SHADE TREE PER 35 FEET
151/35 = 4 SHADE TREES

CANTERBURY STREET  (RESIDENTIAL CLASSIFICATION)

336/35 = 10 SHADE TREES

B) PERIMETER LANDSCAPING ADJACENT TO PUBLIC R.O.W.

3,205/35 = 63 SHADE TREES

16-4-7.2 LANDSCAPING REQUIREMENTS SINGLE FAMILY

REQUIREMENT
FRONTAGE = 238 FEET

LANDSCAPE PROVIDED
1 SHADE TREE PER 35 FEET
238/35 = 7 SHADE TREES

LANDSCAPE PROVIDED
1 SHADE TREE PER 35 FEET
238/35 = 7 SHADE TREES

PAWNEE LANE (COLLECTOR CLASSIFICATION)

2,205/35 = 63 SHADE TREES

LANDSCAPE REQUIRED
1 SHADE TREE PER 35 FEET
4 SHADE TREES

LANDSCAPE REQUIRED
1 SHADE TREE PER 35 FEET
4 SHADE TREES

PLAN
3
PREPARED BY:
9

L1.0
PREPARED BY:
9

HIGH DRIVE (COLLECTOR CLASSIFICATION)

4,061/35 = 116 SHADE TREES

LANDSCAPE PROVIDED
1 SHADE TREE PER 35 FEET
4 SHADE TREES

LANDSCAPE REQUIRED
1 SHADE TREE PER 35 FEET
4 SHADE TREES

151/35 = 4 SHADE TREES

4 SHADE TREES
LANDSCAPE DATA

1. Landscape design shall be performed by the landscape architect. The landscape architect shall be licensed in the State of Kansas and shall comply with the City of Leawood Standards.

2. The landscape design shall be complete and ready for review. The landscape architect shall review the landscape installation to determine compliance with the City of Leawood Standards. Approval shall be granted by the City's Plan Commission or the Director of Public Works.

3. The landscape design shall be reviewed by the City of Leawood for compliance with the City's landscape and screening requirements. The landscape architect shall be responsible for locating all utilities prior to commencing the landscape installation. The landscape architect shall be aware of any discoloration on the plans due to cable markings, drain field locations, or other issues.

4. All tree and shrub plantings shall be approved prior to installation. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

5. All plant material shall comply with the City of Leawood Standards. The landscape architect shall be responsible for reviewing the landscape installation to determine compliance with the City of Leawood Standards. All additional tree plantings shall comply with the City of Leawood Standards.

6. All landscape plantings shall be properly spaced and maintained. The landscape architect and owner shall be responsible for locating all utilities prior to commencing the landscape installation. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

7. All turf areas shall be sodded unless indicated on the plans. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

8. All trees shall have a min. 3 ft. dia. area that has 3" min. depth of soil. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

9. All shrubs to be utilized for screening shall be 36" height at time of planting. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

10. All trees shall meet the size requirements of the City of Leawood Standards. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

11. Landscaping shall be installed in accordance with the approved plans. When the landscape installation meets the City of Leawood Standards, the landscape architect and owner shall be responsible for reviewing the landscape installation. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

12. Installation and maintenance of landscaping shall comply with the City of Leawood Standards. All additional tree plantings shall comply with the City of Leawood Standards.

13. All landscape plantings shall comply with the City of Leawood Standards. The landscape architect shall be responsible for reviewing the landscape installation to determine compliance with the City of Leawood Standards. All additional tree plantings shall comply with the City of Leawood Standards.

14. The landscape architect shall be responsible for locating all utilities prior to commencing the landscape installation. The landscape architect shall be aware of any discoloration on the plans due to cable markings, drain field locations, or other issues.

15. All additional tree plantings shall comply with the City of Leawood Standards. The landscape architect shall be responsible for reviewing the landscape installation to determine compliance with the City of Leawood Standards. All additional tree plantings shall comply with the City of Leawood Standards.

16. The landscape architect shall be responsible for complying with the City of Leawood's size requirements. Undersized trees shall be rejected.

17. The landscape architect shall be responsible for locating all utilities prior to commencing the landscape installation. The landscape architect shall be aware of any discoloration on the plans due to cable markings, drain field locations, or other issues.

18. All additional tree plantings shall comply with the City of Leawood Standards. The landscape architect shall be responsible for reviewing the landscape installation to determine compliance with the City of Leawood Standards. All additional tree plantings shall comply with the City of Leawood Standards.

19. All landscape plantings shall comply with the City of Leawood Standards. The landscape architect shall be responsible for reviewing the landscape installation to determine compliance with the City of Leawood Standards. All additional tree plantings shall comply with the City of Leawood Standards.
TABLE B. EXISTING TREE CALIBER FOR REPLACEMENT

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<tr>
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TOTAL CALIBER INCHES OF TREES TO BE REPLACED: 9,996

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SITE AREA: 40.21 AC. (ACRES)

TOTAL CALIBER INCHES OF TREES TO BE REPLACED: 9,996

REPLACEMENT TREES REQUIRED BASED ON URBAN DEVELOPMENT ORGANIZATION (UDO) TRUNK DIAMETER STANDARDS:

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TABLE C. EXISTING TREE CALIBER FOR REPLACEMENT

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TOTAL CALIBER INCHES OF TREES TO BE REPLACED: 9,996

NEW TREES REQUIRED BASED ON URBAN DEVELOPMENT ORGANIZATION (UDO) TRUNK DIAMETER STANDARDS:

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TABLE E. EXISTING TREE CALIBER FOR REPLACEMENT

<table>
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<tr>
<th>QTY.</th>
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<tbody>
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<td>4,806</td>
<td>CAL. IN.</td>
</tr>
<tr>
<td>3,385</td>
<td>CAL. IN.</td>
</tr>
<tr>
<td>218</td>
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TOTAL CALIBER INCHES OF TREES TO BE REPLACED: 9,996

NEW TREES REQUIRED BASED ON URBAN DEVELOPMENT ORGANIZATION (UDO) TRUNK DIAMETER STANDARDS:

<table>
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<tbody>
<tr>
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<td>24 ORNAMENTAL TREES</td>
</tr>
<tr>
<td>1.5</td>
<td>32 ORNAMENTAL TREES</td>
</tr>
</tbody>
</table>
Preliminary Stormwater Management Plan

prepared for

CAMERON’S COURT
MXD Zoning – Overall Development
135th Street and Stateline Road
Leawood, KS

Initial Submittal: May 19, 2020
Revised: August 12, 2020

Schlagel & Associates Project 20-028

prepared by

SCHLAGEL & ASSOCIATES, PA
Lenexa, Kansas

With subconsultants

Oddo Development
Lenexa, Kansas
EXECUTIVE SUMMARY

Schlagel & Associates, PA is submitting Cameron’s Court residential/commercial mixed-used development project for preliminary development plan approval on behalf of our client, Oddo Development, and this Preliminary Storm Water Management Study in support of the applications. This report has been prepared to address permitting requirements and provides preliminary design calculations of the required storm water detention and BMP facilities.

The overall approximate 120 acre, mixed-use develop is made up of a western phase, 75-acre site is a proposed single-family and multi-family subdivision with associated infrastructure, and an eastern phase, 43 acre commercial development with associated infrastructure on an existing row crop, pasture, and woods combination land description. The overall development area lies in the Blue River Watershed. In the western portion, on-site wetlands include an existing riverine that is located at the southeast corner of the western residential phase and bi-sects the two proposed development uses, a decommissioned freshwater detention basin at the north center of the site western phase, and a decommissioned freshwater emergent wetland at the northeastern portion of the western phase. In regards to the eastern commercial phase, no existing wetlands and/or riverine features are identified within that development area. Detention will be provided to limit post-developed flows to at or below existing flow rates for the 10-, and 100-year return events, with emergency overflow routing provided. Due to the nature of the development being bisected by a large north/south tributary of the Little Blue River, which generally isolates the western, residential phase from the eastern commercial phase, we have calculated water quality requirements for each phase individually. For the western, residential portion we have calculated a required level of service of 5.3 and on the eastern, more intense commercial phase we have calculated a required level of service of 6.7. The Water Quality Level of Service for the development has been preliminarily proposed to be obtained through use of best management practices, including native vegetation area, maintained vegetation areas within the stream corridor, extended dry detention, extended wet detention, proprietary devices, native vegetated swales, and various combinations of these practices in sequence with each other.
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- Location Map/Current Aerial Photo
- NRCS Soil Survey
- National Wetland Inventory Map
- FEMA Firmette
- KS Watershed Map

**APPENDIX B – SUPPORTING CALCULATIONS**
- Existing Drainage Area Map
- Proposed Drainage Area Map
- Proposed BMP Plan
- Level of Service Calculations
- HydroCAD Model Output

* * * * *
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<td>2-2</td>
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<td>4.2.1a – West Phase - Proposed Cover Conditions</td>
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<td>4.2.1b – East Phase - Proposed Cover Conditions</td>
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<td>4.3.1a - West Phase - Pre-Detention Site Peak Flow Summary</td>
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<td>4.3.1b - East Phase - Pre-Detention Site Peak Flow Summary</td>
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<td>4.4.1a – West Phase Pre-Detention Site Volume Summary</td>
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<tr>
<td>4.4.1b – East Phase Pre-Detention Site Volume Summary</td>
<td>4-4</td>
</tr>
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<td>4.6.1 Pre-Detention Site Volume Summary – Combined Commercial/Residential</td>
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* * * * *
1.0 GENERAL INFORMATION
Cameron’s Court is a proposed mixed used development with associated infrastructure located in Section 26, Township 13, and Range 25 at the north-west corner of the 135th Street and Stateline Road intersection in Leawood, Johnson County, Kansas. This overall approximate 120 acre development consists of a 75 acre western, residential (single family and multi-family) and a 43 acre eastern commercial phase (office/retail). The western phase is proposed to be developed with a combination of 59 single family lots and a multi-family apartment complex with 34 multi-story apartment buildings, with associated infrastructure and landscaping and the eastern phase is proposed to be developed with a combination of commercial uses, including commercial business/office buildings, hotels and convenience store with gas sales along with the associated parking and site infrastructure. The western phase is currently a combination of AG (Agriculture) and SD-0 (Business-Office) and the entire eastern phase is currently zoned (SD-0) (Business-Office). The entire area is preliminarily proposed to be planned and redeveloped into one master-planned MXD District (Mixed Use District) to create a mixture of residential, commercial retail and commercial office use areas within this corridor between 133rd Street and 135th Street, extending between Pawnee and State Line Road.

1.1 OBJECTIVE
The intent of this report is to provide information pertaining to the existing and proposed watersheds, provide a conceptual analysis of detention and level of service requirements, and address permitting requirements. Detention will be provided to limit the proposed site peak discharge rate to that of the existing site peak discharge rate for the 10- and 100-year storm events. The site will be required to meet the City of Leawood’s storm water quality objectives, and calculations are included to determine the improvements required. This study provides information as required in the Leawood Stormwater Ordinance and the City of Leawood’s adopted requirements and subsidies.

1.2 METHODOLOGY
and the City of Leawood Municipal Code were utilized in preparation of this document and site watershed analysis. Watersheds for the site were defined according to soil cover and type and tributary area. Soil cover was determined from inspection of the site and aerial photography. A soil survey for the project area obtained from the NRCS online portal was utilized in determining soil types on-site and can be found in Appendix A. Watershed sizes were determined from topographical survey of the existing conditions, aerial photography, and the proposed site layout. Times of concentration were compiled according to NRCS TR-55 Urban Hydrology for Small Watersheds (1986) methodology for sheet flow, shallow concentrated flow, and channel flow. Travel times for channel flows were determined using the length and velocity of the open channel. HydroCAD version 10.0 was used to model the runoff. All storm events were modeled using SCS 24 hour Type II distributions for the 10-year, and 100-year storm events.
2.0 EXISTING CONDITIONS ANALYSIS

The existing site is predominantly agricultural and consists of row crops, pasture, and wooded ground cover in good condition. Runoff is conveyed to four discharge points by sheet, shallow concentrated, and channel flow. The surrounding streets are improved roadways with existing public storm sewer infrastructure in place. There are no improved channels or storm sewer systems on the project site. A riverine stream segment is located at the south-west corner of the site and is depicted in the Wetlands Inventory Exhibit in Appendix A.

2.1 EXISTING SOIL CONDITIONS

On-site soils data was retrieved via a USDA NRCS Custom Soil Resource Report obtained from the Web Soil Survey online portal. The soils report is presented in Appendix A. The report indicates that the following soils are located on-site.

- 7051 – Kennebec Silt Loam, Frequently Flooded; Moderately Well Drained, Low Runoff Class, Non-Hydric, Hydrologic Soil Group B, 3.9% of Site
- 7251 – Grundy Silt Loam, 1-3 Percent Slopes; Somewhat Poorly Drained, Non-Hydric, Hydrologic Soil Group C/D, 50.2% of Site
- 7462 – Oska-Martin Silty Clay Loam, 4-8 Percent Slopes; Well Drained, Medium, Runoff Class, Non-Hydric, Hydrologic Soil Group D, 11.7% of Site
- 7525 – Chillicothe Silty Loam, 2-5 Percent Slopes; Moderately Well Drained, Low Runoff Class, Non-Hydric, Hydrologic Soil Group D, 34.1% of Site

2.2 TRIBUTARY AREAS

The existing tributaries are provided in Appendix B. The site release points have been identified as Release Points 1 through 4 (R#1, R#2, etc.). These designations correspond with the watershed model located in Appendix B.

2.3 CURVE NUMBER AND TIME OF CONCENTRATION

The existing curve numbers and time of concentrations for each sub-area have been established based on the procedures outlined in NRCS TR-55 Urban Hydrology for Small Watersheds (1986). Existing curve numbers were based on aerial photography, site inspection, and the soil types present on site. A composite curve number for each sub-area
was determined. The predevelopment condition of this site includes a row crop, woods, and pasture combination. These areas can be seen in an aerial AIMS map provided in Appendix A. Table 2.3.1 summarizes the curve numbers for each of the sub-areas.

Time of concentration flow paths were based on sheet flow, shallow concentrated flow, and channel flow conditions. Sheet flow lengths were limited to 100 feet, or where a grade break occurred. Flow was then considered shallow concentrated flow. The Existing Drainage Area Map presented in Appendix B illustrates the time of concentration flow paths utilized in the analysis. Times of concentration for each sub-area are presented in Table 2.3.1, and detailed calculations are included with the HydroCAD summary in Appendix B.

**Table 2.3.1a Existing Cover Conditions – Western Phase**

<table>
<thead>
<tr>
<th>Catchment</th>
<th>Outfall</th>
<th>Row Crops</th>
<th>Pasture</th>
<th>Woods</th>
<th>Total Area</th>
<th>Tc</th>
<th>Composite CN</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-EDA-1</td>
<td>R#1 (NW)</td>
<td>8.765 ac</td>
<td>0.000 ac</td>
<td>0.393 ac</td>
<td>9.158 ac</td>
<td>13.3 min</td>
<td>88.5</td>
</tr>
<tr>
<td>W-EDA-2</td>
<td>R#2 (N)</td>
<td>4.842 ac</td>
<td>0.860 ac</td>
<td>1.959 ac</td>
<td>7.661 ac</td>
<td>11.4 min</td>
<td>84.9</td>
</tr>
<tr>
<td>W-EDA-3</td>
<td>R#3 (E)</td>
<td>28.556 ac</td>
<td>9.479 ac</td>
<td>2.344 ac</td>
<td>40.380 ac</td>
<td>19.5 min</td>
<td>86.2</td>
</tr>
<tr>
<td>W-EDA-4</td>
<td>R#5 (SW)</td>
<td>16.756 ac</td>
<td>0.000 ac</td>
<td>1.378 ac</td>
<td>18.134 ac</td>
<td>12.4 min</td>
<td>88.1</td>
</tr>
<tr>
<td>Whole Site (Sum)</td>
<td>58.919 ac</td>
<td>10.339 ac</td>
<td>6.075 ac</td>
<td>75.333 ac</td>
<td>---</td>
<td>86.8</td>
<td></td>
</tr>
</tbody>
</table>

**Table 2.3.1b Existing Cover Conditions – Eastern Phase**

<table>
<thead>
<tr>
<th>Catchment</th>
<th>Outfall</th>
<th>Row Crops</th>
<th>Pasture</th>
<th>Woods</th>
<th>Total Area</th>
<th>Tc</th>
<th>Composite CN</th>
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</thead>
<tbody>
<tr>
<td>E-EDA-1</td>
<td>R#1 (NW)</td>
<td>3.960 ac</td>
<td>1.686 ac</td>
<td>4.618 ac</td>
<td>10.264 ac</td>
<td>13.4 min</td>
<td>82.1</td>
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<tr>
<td>E-EDA-2</td>
<td>R#2 (SW)</td>
<td>11.525 ac</td>
<td>3.222 ac</td>
<td>17.541 ac</td>
<td>32.288 ac</td>
<td>12.6 min</td>
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<td>Whole Site (Sum)</td>
<td>15.485 ac</td>
<td>4.908 ac</td>
<td>22.159 ac</td>
<td>42.552 ac</td>
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<td>81.7</td>
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### 2.4 EXISTING FLOW RATES

Existing flow rates were determined based on the above, identified parameters (Time of Concentration, Soil type and Cover Conditions) for the 10-year and 100-year design storms. Comparison of the Peak flow rates for the existing and proposed conditions are presented in Table 4.2.1, and detailed calculations are included with the HydroCAD summary in Appendix B.
3.0 AGENCY REVIEW
Permitting requirements of the following agencies were reviewed as part of the existing conditions analysis.

3.1 CORPS OF ENGINEERS REVIEW
The north/south riverine tributary of the Blue River is centrally located and generally bisects the western and eastern phases of the proposed development areas and is identified as a Waterway of the U.S. per the USGS Topographic Map for the project location. The proposed development is anticipated to stay north/south drainage feature and has identified stream corridor within the development plans to accommodate. Coordination regarding any necessary permitting and potential impacts to the riverine and wetland areas will be addressed as project phasing progresses. A National Wetland Inventory Map provided in Appendix B.

3.2 FEMA REQUIREMENTS
A future conditions 1% Annual Chance of Flood Hazard Zone X is located at the south-east portion of the site along the riverine flow path, as depicted per FEMA Flood Insurance Rate Map Panel No. 20091C0085G. The proposed development is anticipated to stay outside of the referenced north-south drainage tributary via the established stream corridor restrictions and no FEMA requirements are anticipated for the project at this time. Please see the attached FEMA Firmette in Appendix A.

3.3 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
All land disturbance activities will be permitted in accordance with the City of Leawood, KS specifications as well as the Kansas Department of Health and Environment and National Pollution Discharge Elimination System (NPDES) requirements. NPDES and NOI Applications will be made with the future permitting of the site in compliance with local, state and federal guidelines.

* * * * *
4.0 PROPOSED STORM WATER MANAGEMENT ANALYSIS

The proposed development will generally maintain the existing site drainage patterns with the addition of on-site detention and BMP facilities to provide post development runoff control and water quality level of service. Runoff from the interior of the site will be conveyed to proposed on-site extended dry detention basins (EDDB) and extended wet detention basins (EWDB) and/or underground detention chambers as defined with the final design of the project. A site plan detailing the preliminary locations and drainage areas of the proposed basins is presented in Appendix B. An on-site enclosed storm sewer is proposed to capture and convey the site runoff to the proposed detention facilities.

4.1 TRIBUTARY AREAS

The proposed tributary areas are provided in Appendix B. The proposed drainage areas have been delineated to convey runoff volumes necessary to meet requirements for runoff control and level of service by use of the on-site detention and BMP facilities. BMP facilities are discussed in section 4.5 of this report. Site release points generally remained unchanged from the existing conditions. These designations correspond with the watershed model located in Appendix B.

4.2 CURVE NUMBER AND TIME OF CONCENTRATION

The proposed curve numbers and time of concentrations for each sub-area have been established based on the procedures outlined in NRCS TR-55 Urban Hydrology for Small Watersheds (1986). Proposed curve numbers were based on inspection, and the soil types present on site. General ground cover including single-family and multi-family residential and commercial office/retail and pervious and impervious cover types for the proposed conditions were considered and a composite curve number for each sub-area was determined. Curve numbers for the proposed conditions were based on 1/4-acre and 1/8-acre residential development cover and commercial development cover respective to the proposed overall land use. Hydrologic soil group D was used for the site per the USDA NRCS Custom Soil Resource Report presented in Appendix A. The proposed cover conditions are shown in appendix B. Table 4.2.1a and Table 4.2.1b summarizes the curve numbers for each of the sub-areas in the post-development, proposed cover condition phase.
Time of concentration flow paths were based upon sheet flow, shallow concentrated flow, and reach flow conditions. Sheet flow lengths were limited to 100 feet. Flow was then considered shallow concentrated flow until a detention basin, or storm sewer was reached at which point the flow was modeled as a pipe reach. Table 4.2.1 summarizes the time of concentration for each sub-area. Detailed calculations of the composite curve numbers and times of concentration can be found in Appendix B and the proposed flow paths utilized in the time of concentration calculations are presented in appendix A.

**Table 4.2.1a West Phase - Proposed Cover Conditions**

<table>
<thead>
<tr>
<th>Catchment</th>
<th>Outfall</th>
<th>Single Family (ac)</th>
<th>Multi Family (ac)</th>
<th>Total (ac)</th>
<th>Tc (min)</th>
<th>Composite CN</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-PDA-1</td>
<td>R#1 (NW)</td>
<td>4.032</td>
<td>0.000</td>
<td>4.032</td>
<td>5.0</td>
<td>87.0</td>
</tr>
<tr>
<td>W-PDA-2</td>
<td>R#2 (N)</td>
<td>8.612</td>
<td>13.053</td>
<td>21.665</td>
<td>5.0</td>
<td>90.0</td>
</tr>
<tr>
<td>W-PDA-3</td>
<td>R#3 (E)</td>
<td>4.247</td>
<td>40.192</td>
<td>44.439</td>
<td>5.0</td>
<td>91.5</td>
</tr>
<tr>
<td>W-PDA-4</td>
<td>R#5 (SW)</td>
<td>0.855</td>
<td>4.341</td>
<td>5.196</td>
<td>5.0</td>
<td>91.2</td>
</tr>
<tr>
<td>Whole Site (Sum)</td>
<td></td>
<td>17.75</td>
<td>57.59</td>
<td>75.333</td>
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<td>90.8</td>
</tr>
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</table>

**Table 4.2.1b East Phase - Proposed Cover Conditions**

<table>
<thead>
<tr>
<th>Catchment</th>
<th>Outfall</th>
<th>Commercial (ac)</th>
<th>Total (ac)</th>
<th>Tc (min)</th>
<th>Composite CN</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-PDA-1</td>
<td>R#1 (NW)</td>
<td>8.889</td>
<td>8.889</td>
<td>5.0</td>
<td>95.0</td>
</tr>
<tr>
<td>E-PDA-2</td>
<td>R#2 (SW)</td>
<td>33.663</td>
<td>33.663</td>
<td>5.0</td>
<td>95.0</td>
</tr>
<tr>
<td>Whole Site (Sum)</td>
<td></td>
<td>42.55</td>
<td>42.552</td>
<td>---</td>
<td>95.0</td>
</tr>
</tbody>
</table>

### 4.3 PROPOSED FLOW RATES

Proposed flow rates were determined for the 10-year, and 100-year design storms. Comparison of the Peak flow rates for the existing and proposed conditions are presented in Tables 4.3.1a and 4.3.2b, detention routing calculations are not included in the site runoff rates presented in Table 4.3.1, and detailed routing calculations can be found in the referenced Hydrocad Report in Appendix B.
Table 4.3.1a West Phase - Pre-Detention Peak Flow Summary – HydroCAD Calculations (Flows in CFS)

<table>
<thead>
<tr>
<th>Outfall</th>
<th>10-YR</th>
<th>100-YR</th>
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</thead>
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<tr>
<td></td>
<td>EX</td>
<td>PROP</td>
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<tr>
<td>W-R#1</td>
<td>48.65</td>
<td>27.21</td>
</tr>
<tr>
<td>W-R#2</td>
<td>40.41</td>
<td>154.29</td>
</tr>
<tr>
<td>W-R#3</td>
<td>171.44</td>
<td>326.21</td>
</tr>
<tr>
<td>W-R#4</td>
<td>98.97</td>
<td>37.59</td>
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<tr>
<td>SITE TOTAL</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

Table 4.3.1b – East Phase - Pre-Detention Peak Flow Summary – HydroCAD Calculations (Flows in CFS)

<table>
<thead>
<tr>
<th>Outfall</th>
<th>10-YR</th>
<th>100-YR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX</td>
<td>PROP</td>
</tr>
<tr>
<td>E-R#1</td>
<td>47.39</td>
<td>67.62</td>
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<tr>
<td>E-R#2</td>
<td>152.88</td>
<td>256.10</td>
</tr>
<tr>
<td>SITE TOTAL</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

4.4 DETENTION ANALYSIS

City of Leawood codes require detention and runoff control for the 10-, and 100-yr storm events. The runoff hydrographs used to determine the peak flow volumes for each tributary area were determined using TR-55 methodology and HydroCAD Version 10.0 and are presented in Tables 4.4.1a and 4.4.1b. The difference in hydrograph volumes for the proposed and existing conditions was utilized to estimate the total detention volumes required across the site relative to the release points to reduce flows to at or below the existing conditions. Multiple onsite detention facilities are proposed to meet the associated peak flow reduction requirements. Final design and sizing will be completed with the final storm water management report. Complete hydrograph routing and model output can be found referenced Hydrocad Report in Appendix B.
### Table 4.4.1a West Detention Volume Summary—HydroCAD Calculations (Volumes in AC-FT)

<table>
<thead>
<tr>
<th>Outfall</th>
<th>10-YR</th>
<th>100-YR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX PROP CHANGE</td>
<td>EX PROP CHANGE</td>
</tr>
<tr>
<td>W-R#1</td>
<td>3.091 1.326  -1.765</td>
<td>4.938 2.134  -2.804</td>
</tr>
<tr>
<td>W-R#2</td>
<td>2.387 7.696  5.309</td>
<td>3.905 12.109  8.204</td>
</tr>
<tr>
<td>W-R#4</td>
<td>6.120 1.893  -4.227</td>
<td>9.778 2.956  -6.822</td>
</tr>
<tr>
<td>SITE TOTAL</td>
<td>--- ---</td>
<td>2.982 ---</td>
</tr>
<tr>
<td>TOTAL DETENTION VOLUME PROVIDED</td>
<td>8.8 AC-FT</td>
<td></td>
</tr>
</tbody>
</table>

### Table 4.4.1b East Detention Volume Summary—HydroCAD Calculations (Volumes in AC-FT)

<table>
<thead>
<tr>
<th>Outfall</th>
<th>10-YR</th>
<th>100-YR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX PROP CHANGE</td>
<td>EX PROP CHANGE</td>
</tr>
<tr>
<td>E-R#1</td>
<td>2.942 3.567  0.625</td>
<td>4.931 5.409  0.478</td>
</tr>
<tr>
<td>SITE TOTAL</td>
<td>--- ---</td>
<td>4.881 ---</td>
</tr>
<tr>
<td>TOTAL DETENTION VOLUME PROVIDED</td>
<td>6.6 AC-FT</td>
<td></td>
</tr>
</tbody>
</table>

#### 4.5 LEVEL OF SERVICE ANALYSIS

A level of service analysis has been completed with this report. Worksheets 1 and 2 from The Manual of Best Management Practices for Stormwater Quality, published by the Mid-America Regional Council and the American Public Works Association (MARC BMP Manual) have been completed and are included in Appendix B. In the western, residential phase, existing and proposed curve numbers of 87 and 91 were determined, respectively, resulting in a required level of service of 5.3. In the eastern, commercial office/retail phase, existing and proposed curve numbers of 82 and 95 were determined, respectively, resulting in a required level of service of 6.7. Best management practices including established native vegetation, extended dry detention, extended wet detention, proprietary devices, native vegetation swales, and various combinations of these practices in sequence are proposed to meet the required level of service for the development. The proposed detention facilities will function as extended dry or wet detention basins to treat runoff from a storm water quality perspective, as well as a storm water quantity control facility. Full design of extended dry and wet detention facilities and all storm water quality features will be completed with the final stormwater management report as the proposed project progresses.
and phases are submitted. Final design shall be in accordance with the associated design procedure forms as detailed by the MARC BMP Manual. Completed best management practice worksheets for the proposed development are presented in Appendix B.

4.6 COMBINED DETENTION ANALYSIS

Detention analysis for the entire combined residential and commercial development is provided at the request of city staff. Table 4.6.1 details the combined volume analysis for the entire proposed development.

Table 4.6.1 Pre-Detention Site Volume Summary – HydroCAD Calculations (Volumes in AC-FT)

<table>
<thead>
<tr>
<th>Outfall</th>
<th>10-YR</th>
<th>100-YR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EX</td>
<td>PROP</td>
</tr>
<tr>
<td>R#1 - Res</td>
<td>3.091</td>
<td>1.326</td>
</tr>
<tr>
<td>R#2 - Res</td>
<td>2.387</td>
<td>7.696</td>
</tr>
<tr>
<td>R#3</td>
<td>12.928</td>
<td>16.593</td>
</tr>
<tr>
<td>R#4</td>
<td>6.120</td>
<td>1.893</td>
</tr>
<tr>
<td>R#1 - Com</td>
<td>2.942</td>
<td>3.567</td>
</tr>
<tr>
<td><strong>SITE TOTAL</strong></td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>TOTAL DETENTION VOLUME PROVIDED</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As shown in Table 4.6.1, the detention volume provided exceeds the overall the volume increase associated with the proposed improvements. Full basin and BMP design will be addressed with final development plans and associated submittals.

* * * * *
5.0  SUMMARY AND RECOMMENDATIONS

The proposed development of this approximate 120-acre site within the City of Leawood by Oddo Development has preliminarily proposed to incorporate storm water quality (BMP’s) and storm water quantity (detention) controls. We have allotted space throughout the proposed development plan to accommodate the proposed facilities with the final design of the project. Detention for the 10-, and 100-year events is proposed for the site with emergency overflow conveyance provided. Additionally, the required Water Quality Level of Service 5.3 in the western, residential family phase and Level of Service of 6.7 in the eastern, commercial office/retail phase is preliminarily planned to be obtained through use of best management practices, including native vegetation extended dry and wet detention, propriety devices, native vegetation swales, and combinations of these practices in sequence. As with the proposed detention facilities, the water quality features will be located throughout the development and the final design of each respective feature will be incorporated into the final design and layout of each respective phase of the development. With the water quality/quantity features preliminarily incorporated into the overall development plan to restrict post-development flow rates to calculated pre-development rates in the 10-year and 100 year storm events, the preliminarily planned project should be able to be constructed from storm water perspective without any adverse impacts on the existing public storm sewer system that serves this overall development area.

*   *   *   *   *

*   *   *   *   *
Richard Sanchez

From: Henry Klover <henry@klover.net>
Sent: Friday, August 14, 2020 2:23 PM
To: Richard Sanchez
Cc: Rick Oddo; Curtis Holland; Patrick Reuter; Justin Campbell
Subject: Cameron’s Court
Attachments: 135th & Kenneth Shared Parking Analysis.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Rickard

In response to your request for the parking study to justify the 1.46 minimum ratio for the residential parking, attached is the parking study done for the South side of 135th and Kenneth project. It a shared parking study, but the analysis on page 4 on residential parking is the description of the actual parking usage for 51st and Main and Mission Farms, which we provided to Trans systems and still applies. The basic analysis is the actual demand with the stabilized properties was closer to 1.35 ratio, even though half of the units were 2 bedroom.

The calculated ratio for Cameron’s Court is below and based on the Developers (Oddo’s) typical requirements came out almost the same at calculated overall ratio of 1.38 to 1.44 stalls/unit. Since the desired ratios were so close to the previous recommended study we left the minimum at the 1.46 stalls/unit ratio.

Cameron’s Court phase 2 (East of High Drive) have a 25% two bed to 75% one bed range which at 322 units = 81 two beds and 241 one beds.

Typically Developers residential parking requirements: 1.25 stall/one bed and 1.75 stalls/two bed which equals

Phase 2 (East of High Drive)
241 x 1.25- 1bed: 301.25
81 x 1.75- 2bed: 141.75 stalls
= 443 stalls / 332 units or 1.38 stalls/ unit.

Parking provided 581 / 322 or 1.80 stalls/unit.

Cameron’s Court phase 3 (West of High Drive) have a 39% two bed to 61% one bed range which at 340 units = 132 two beds and 208 one beds.

Phase 3 (West of High Drive)
208 x 1.25- 1bed: 260 stalls
132 x 1.75 -2bed: 231 stalls
= 491 stalls / 340 units or 1.44 stalls/unit.

Parking provided 507 / 340 or 1.49 stalls/unit.

The actual provided parking is higher then the 1.46 minimum ratio and considering both developments have similar desired parking ratios, that were obtained separately, shows the parking ratio is logical and adequate.
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Memorandum

To: Mr. Rick Lashbrook  
Leawood 135, LLC  
P.O. Box 26170  
Overland Park, KS  66225

From: Jeff Wilke, PE, PTOE

Date: November 1, 2018

Project No.: P101180207

Subject: 135th & Kenneth Shared Parking Analysis

In accordance with your request, TranSystems has completed a shared parking analysis for the proposed mixed-use development at the southwest corner of 135th Street and Kenneth Road in Leawood, Kansas. The study included an analysis of parking demand for the proposed land uses. The concept of shared parking is described in a publication titled Shared Parking, published by the Urban Land Institute (ULI). Shared parking is defined as the use of a parking space to serve two or more individual land uses without conflict or encroachment. The key goal of a shared parking analysis is to find the balance between providing adequate parking, land area, and resources dedicated to parking.

Proposed Development

The proposed development includes a mixture of residential, office and retail land uses. The southern portion of the site, generally south of 137th Street, includes 118 twin villas. The northern portion of the site includes the mixture of land uses. Several buildings are proposed with apartments, commercial, and assisted living facilities. The main access driveway for the development will run north/south, bisecting the northern portion of the site. The main driveway creates two separate mixed-use areas, referred to in this analysis as the northeastern and northwestern portions of the site.

The parking areas for the two northern portions of the site were designed independently, to provide ample parking for each area. The northeastern portion includes a 100-space parking garage below the assisted living facility to be used by residents, employees, and visitors to the facility. The northeastern portion also includes a 302 surface parking spaces. The northwestern portion of the site includes 182 garage parking spaces for apartment residents (one per unit). There will also be 162 surface parking spaces to be shared by the office and retail uses, as well as some apartment residents and visitors.

The proposed development is currently in the planning stages and the specific tenants of the commercial areas are not known at this time. Based on input from the developer’s design team, several assumptions were made about the types uses anticipated. The team anticipates the retail uses as being specialty retail and service needs with some small café, local coffee shop, deli, and small restaurants included for the needs of the residential and office land uses. The sizes of these businesses range from 1,500 to 4,000 square feet. Based on this input, the table on the following page indicates the land uses and sizes assumed for the shared parking analysis.
135th & Kenneth Mixed-Use Development
Proposed Land Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>Land Use</th>
<th>Intensity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Restaurant</td>
<td>6,000 Square Feet</td>
<td>Family Restaurant</td>
<td>6,000 Square Feet</td>
</tr>
<tr>
<td>Retail</td>
<td>9,000 Square Feet</td>
<td>Retail</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td>Office</td>
<td>10,000 Square Feet</td>
<td>Office</td>
<td>72,000 Square Feet</td>
</tr>
<tr>
<td>Apartments</td>
<td>182 Units</td>
<td>Apartments</td>
<td>0 Units</td>
</tr>
<tr>
<td>Assisted Living</td>
<td>0 Units</td>
<td>Assisted Living</td>
<td>84 Units</td>
</tr>
</tbody>
</table>

Parking Requirements

The Leawood Development Ordinance (LDO) requires certain parking ratios by zoning district. For a mixed-residential and commercial district, 2.0 parking spaces are required per residential unit, plus 3.0 spaces per each 1,000 square feet of lease space. The table below summarizes the parking supply and LDO parking requirements.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>LDO Minimum Required Parking Spaces</th>
<th>Parking Supply</th>
<th>Excess (Shortage)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Garage Parking Spaces</td>
<td>Surface Parking Spaces</td>
<td>Total Spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Garage Parking Spaces</td>
<td>Surface Parking Spaces</td>
<td>Total Spaces</td>
</tr>
</tbody>
</table>

Northwestern Portion

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>Garage Parking Spaces</th>
<th>Surface Parking Spaces</th>
<th>Total Spaces</th>
<th>Excess (Shortage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments</td>
<td>182 Units</td>
<td>364</td>
<td></td>
<td></td>
<td>(95)</td>
</tr>
<tr>
<td>Commercial</td>
<td>25,000 Square Feet</td>
<td>75</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>439</td>
<td>182</td>
<td>162</td>
<td>344</td>
</tr>
</tbody>
</table>

Northeastern Portion

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>Garage Parking Spaces</th>
<th>Surface Parking Spaces</th>
<th>Total Spaces</th>
<th>Excess (Shortage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>98,000 Square Feet</td>
<td>294</td>
<td></td>
<td></td>
<td>(60)</td>
</tr>
<tr>
<td>Assisted Living</td>
<td>84 Units</td>
<td>168</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>462</td>
<td>100</td>
<td>302</td>
<td>402</td>
</tr>
</tbody>
</table>

The LDO requirements are for individual land uses and do not account for shared parking. Given the mixture of land uses proposed for the development, it is likely that the peak parking demands for the land uses will not coincide. The land uses are located within close proximity; therefore, shared parking is applicable for the proposed development. The LDO states that parking requirements may be modified on a project basis with supporting documentation. The following section includes a shared parking analysis for the proposed development.
Shared Parking Analysis

In general, methodologies outlined in *Shared Parking* were used to perform the analysis. The parking demand was estimated for each land use in the proposed development based on weekday base parking ratios from *Shared Parking*, average weekday peak parking demand from *Parking Generation* published by the Institute of Transportation Engineers (ITE), or from local data for similar land uses. These ratios indicate the peak accumulation of vehicles at the peak hour for a single land use.

Next the ratios for each land use were multiplied by a percentage for each hour of the day to indicate hourly variations in the demand for parking. Similarly, seasonal variations are accounted for by applying a different percentage for each month of the year. The ratios and variations used in the analysis were obtained from *Shared Parking*, and are included with the analysis files in the Appendix at the end of this memorandum. The percentages used for the hourly and seasonal variations in this analysis are a weighted average of the visitor/guest and employee percentages.

**Retail Rates**

According to *Shared Parking*, the Community Shopping Center is the smallest retail category available to estimate parking demand, with a base parking ratio of 3.6 spaces per 1,000 sf of leasable space. This category includes all retail that is less than 400,000 square feet. The retail portion of the proposed development is much smaller at 29,000 square feet, and is anticipated to be specialty type stores. These types of specialty stores typically do not generate as much traffic as a drug store or grocery store, which is categorized in the same land use.

Given that the Community Shopping Center land use does not accurately describe the retail component of the proposed development, another source was used to determine an appropriate base ratio for parking demand. *Parking Generation* provides an average peak parking demand for a Shopping Center land use on a weekday of 2.55 spaces per 1,000 sf. This average ratio is likely higher than the demand for parking in the proposed development, however it provides for a conservative analysis of shared parking conditions.

**Office Rates**

The office land use would not be expected to be used as densely as other general office buildings. The types of offices anticipated are professional offices such as law firms or stock brokers. They would generally have small staff sizes, individual office work areas, and conference rooms. Due to these factors, the generic base parking ratio of 3.6 spaces per 1,000 sf from *Shared Parking* of was not utilized for the analysis. Instead the average peak parking demand for a suburban Office Building land use from *Parking Generation* was used. This ratio is 2.84 spaces per 1,000 sf of leasable space.

**Apartment Rates**

The base parking rate of 1.65 in *Shared Parking* does not differentiate between the numbers of bedrooms included in each apartment, which can have an effect on parking demand. Seventy-six percent of the apartment units in the proposed development are one bedroom units, which would be expected to have a lower demand for parking than a two bedroom unit. The base parking ratio used for the apartment land use in this analysis is
1.46 spaces per unit. This ratio was obtained from the 85th percentile for suburban apartments from *Parking Generation*. This ratio exceeds one space per unit for one bedroom units, and two spaces per unit for two bedroom units.

The development team provided data from several recent projects in the metropolitan area for additional perspective on the appropriate base parking ratio for apartments. Data was collected by EPC Real Estate Group from their developments at 51 Main in Kansas City, Missouri, and from the Village at Mission Farms in Overland Park, Kansas. At 51 Main, a ratio of 1.3 spaces per unit was provided and found to have a surplus of 10 percent at peak times. The parking garage for the Village at Mission Farms provided a 1.6 ratio, equating to one space per unit for one bedroom units and two spaces per unit for two bedroom units. The garage was found to have a parking surplus of roughly 20 percent during peak times. The actual demand is closer to a 1.35 ratio, even though more than half of the units consist of two bedrooms. It should be noted that there are surface parking spaces available at Mission Farms outside the garage.

For this shared parking analysis, the base parking ratio for the apartments in the northwestern portion was reduced from 1.46 to 0.46 spaces per unit, as one parking space per unit will be provided in the 182 garage parking spaces below the apartments. These garage spaces will not be shared with other land uses. A few apartment residents not parking in the garage spaces and apartment visitors will share the surface parking spaces. The base parking ratio for the assisted living in the northeastern portion was reduced to 0.28 spaces per unit, as 100 spaces are provided in the garage below the assisted living facility. These garage spaces will not be shared with other land uses.

**Captive Demand**

*Shared Parking* states that some reduction of customer parking needs occurs in a mixed-use development due to patronage of multiple land uses. These patrons are referred to as “captive” since they are already present at the site for another land use. Residents of the proposed development who visit the restaurants or shops would be considered captive, as they do not add to the demand for parking. This is the same for office workers at who shop or go to restaurants in the development. There is also potential for nearby residents, especially in the twin villas to walk to the restaurants or shops. Given these considerations, a reduction of 12 percent was applied to the base ratios for the restaurant and retail land uses to account for captive demand. The 12 percent reduction matches the average percentage of internally captured trips indicated in the traffic impact study for the proposed development.

**Assumptions**

Several factors in the analysis should be noted. First, the northeastern and northwestern portions of the site were analyzed separately as to not share parking across the main access drive. Second, the parking garage spaces are not included in the supply for the shared parking analysis as they will not be shared spaces.

**Results**

The results of the analysis indicate that the parking supplies for the northeastern and northwestern portions are projected to be sufficient for all times of the year. The most critical time periods are projected to be during the middle of the day in December. The peak parking demand of 300 spaces for the northeastern portion of the site
is projected to occur at 11:00 A.M. in December. At that time the surface parking in the northeastern portion of
the site is projected to be 99 percent occupied. The peak parking demand of 150 spaces for the northwestern
portion of the site is projected to occur at 7:00 P.M. in December. At that time, the 162 surface spaces are
projected to be 93 percent occupied. This analysis correlates with the fact that December is the peak month for
most retail business because of holiday shopping. This analysis indicates that the parking supply can be effectively
shared to accommodate the proposed land uses at all times of day, throughout the year.

Summary
The mixed-use portion of the proposed development will provide fewer parking spaces than the LDO requires,
however the requirements are based on isolated, individual land uses. The LDO allows for modifications to the
parking requirements on a project basis with supporting documentation. Given the mixture of land uses
proposed for the site within a close proximity, shared parking is applicable for this development. The Shared
Parking Analysis indicates that the parking supply can be effectively shared to accommodate the proposed land
uses at all times of day, throughout the year.
Cameron’s Court Traffic Impact Study

135th Street and State Line Road
Leawood, Kansas

Prepared for:
Oddo Development Company, Inc.

Prepared by TranSystems
August 2020
August 13, 2020

Mr. Rick Oddo  
Oddo Development Company, Inc.  
15431 West 100th Terrace  
Lenexa, KS 66219

Re: Cameron’s Court Traffic Impact Study  
135th Street and State Line Road  
Leawood, Kansas

Dear Mr. Oddo:

In response to your request and authorization, TranSystems has completed a traffic impact study for the proposed residential and commercial development generally located along the north side of 135th Street between State Line Road and Pawnee Lane in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system.

Included in this study is a discussion of the anticipated impact of the proposed development on the adjacent street network and identified improvements to mitigate deficiencies for the following scenarios:

- Existing Conditions
- Existing plus Approved Development Conditions
- Existing plus Approved plus Proposed Residential Development Conditions
- Existing plus Approved plus Proposed Full Development Conditions
- Future Year 2040 Conditions

We trust that the enclosed information proves beneficial to you and the City of Leawood in this phase of the development process. We appreciate the opportunity to be of service to you and will be available to review this study at your convenience.

Sincerely,

TRANSYSTEMS

By: ________________________________    By: ________________________________
Jeffrey J. Wilke, PE, PTOE                                         Emma Martin, EIT

Enclosure
Introduction
TranSystems has completed this traffic impact study for the proposed residential and commercial development to be located generally located along the north side of 135th Street between State Line Road and Pawnee Lane in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system. The location of the project relative to the major streets in the area is shown on Figure A-1 in Appendix A.

In addition to a description of the proposed development and the surrounding transportation infrastructure, this study includes trip generation estimates, trip distribution estimates, capacity analyses, and a summary of findings.

Proposed Development Plan
The proposed development includes a variety of land uses which will be constructed in phases. The initial phases of the development will include residential land uses to the west of Kenneth Road. Later phases of the development will include commercial land uses, such as retail, office, hotel, and a gas station with a convenience store located to the east of Kenneth Road. A copy of the proposed site plan for the development is included on Figure A-2 for reference.

The residential phases include single-family and multi-family land uses. Along the south side of 133rd Street there are 56 single-family homes which will be accessed from two proposed site driveways (Site Drives 2 and 3). The multi-family units are separated into an eastern and western portion, which is divided by a new street named High Drive. High Drive is to be a collector type street running between 133rd and 135th Street. The proposed High Drive will intersect 133rd Street at an existing curb cut, roughly 375 feet west of the existing High Drive intersection. There are 340 proposed multi-family units to the west of High Drive, and 322 units to the east of High Drive. The two multi-family developments will each have gated entries. The western portion is accessed from three proposed driveways; one on Pawnee Lane, one on 135th Street that aligns with Chadwick Street, and an internal driveway that intersects proposed High Drive. The eastern portion will be accessed from two proposed driveways along 133rd Street, an internal driveway intersecting Kenneth Road north of 135th Street, and two internal driveways that intersect proposed High Drive.

The commercial phases of the proposed development include the area generally bounded by Kenneth Road on the west, 135th Street on the south, State Line Road on the east, and 133rd Street on the north. Four new driveways will provide access to the commercial land uses. An internal driveway will intersect Kenneth Road north of 135th Street, aligning with the internal drive to the eastern portion of the multi-family development. Two proposed driveways are to be located along 133rd Street. One proposed driveway will be the east leg of the existing signalized 133rd Street and State Line Road intersection. While the intersection is signed as 133rd Street, the intersection is actually offset roughly 740 feet south of Leawood’s 133rd Street and State Line Road intersection. For the purposes of this study, the two intersections are referred to as the N. 133rd Street and S. 133rd Street intersections.
Study Area
To assess the impacts of the proposed development, the intersections listed below were identified for study during the A.M. and P.M. peak hours of a typical weekday.

- 133rd Street and Mission Road
- 133rd Street and Pawnee Lane
- 133rd Street and Canterbury Road
- 133rd Street and High Drive
- 133rd Street and State Line Road (North intersection)
- 133rd Street and State Line Road (South intersection)
- 135th Street and State Line Road
- 135th Street and Kenneth Road
- 135th Street and Chadwick Street
- 135th Street and Pawnee Lane
- 135th Street and Mission Road
- Site Driveways

Surrounding Land Uses and Street Network
The development site currently consists of undeveloped land with agricultural land uses. There is an existing church located between the commercial and multi-family residential land uses, which is not part of the development site and will remain. The church is accessed from the north leg of the 135th Street and Kenneth Road intersection and from a driveway on 133rd Street. North of the development site, there are several neighborhoods of single-family homes. Directly to the east and west of the site, there are commercial developments. Currently the area south of the site across 135th Street is undeveloped land, except for a church. However an approved mixed-use development has been approved in the southwest corner of 135th Street and Kenneth Road.

The existing street network characteristics are summarized below in Table 1. It should be noted that the segment of 133rd Street between Mission Road and State Line Road has intermittent bike lane markings where there are no designated left-turn lanes.

<table>
<thead>
<tr>
<th>Street</th>
<th>Functional Classification</th>
<th>Number of Lanes</th>
<th>Speed Limit</th>
<th>Median</th>
</tr>
</thead>
<tbody>
<tr>
<td>135th Street</td>
<td>Arterial</td>
<td>4-lane</td>
<td>45 mph</td>
<td>Raised Median</td>
</tr>
<tr>
<td>State Line Road</td>
<td>Arterial</td>
<td>5-lane</td>
<td>40 mph</td>
<td>Raised Median south of 133rd Street</td>
</tr>
<tr>
<td>Mission Road</td>
<td>Arterial</td>
<td>4-lane</td>
<td>35 mph</td>
<td>Raised Median between 135th and 133rd Streets</td>
</tr>
<tr>
<td>Pawnee Lane</td>
<td>Collector</td>
<td>2-lane</td>
<td>Not Posted</td>
<td>None</td>
</tr>
<tr>
<td>133rd Street</td>
<td>Collector</td>
<td>3-lane</td>
<td>35 mph</td>
<td>None</td>
</tr>
<tr>
<td>Kenneth Road</td>
<td>Collector</td>
<td>2-lane</td>
<td>35 mph</td>
<td>None</td>
</tr>
</tbody>
</table>
Traffic Counts
Turning-movement traffic volume counts were collected at some of the study intersection on Thursday, June 30, 2020, from 7:00 to 9:00 A.M. and from 4:00 to 6:00 P.M. Based on the data, the A.M. peak hour generally occurs between 7:15 and 8:15 A.M. along 135th Street and between 8:00 and 9:00 A.M. along 133rd Street. The P.M. peak hour generally occurred between 4:30 and 5:30 P.M.

Turning-movement traffic volume counts were adjusted and balanced to account for the abnormal traffic volumes due to the COVID-19 pandemic. In general, traffic counts collected on June 30, 2020 were increased by 33 percent during the A.M. peak hour and 10 percent during the P.M. peak hour. To develop these adjustment factors, the traffic counts were compared to previous counts within the study area. The turning-movement traffic volume counts along 135th Street at Mission Road, Pawnee Lane, and State Line Road were provided by Operation Green Light. Counts at the 135th Street and Kenneth Road intersection were obtained from the traffic impact study for the approved development. In general, traffic counts collected on June 30, 2020 were increased by 33 percent during the A.M. peak hour and 10 percent during the P.M. peak hour. The existing lane configurations, traffic control devices, and peak hour traffic volumes have been illustrated on Figure A-3.

Analysis
The scope of analysis for the assessment of the proposed development’s impact on the surrounding transportation system is based in large part on the recommended practices of the Institute of Transportation Engineers (ITE), as outlined in their Traffic Engineering Handbook. ITE is a nationally-recognized organization of transportation professionals with members from both private and public sectors. The analysis of the proposed development's impact included development of trip generation and trip distribution estimates as well as a traffic operations assessment for each study scenario. Each of the analysis methodologies and findings are described in the subsequent sections.

Trip Generation
Trip generation estimates were prepared using the Institute of Transportation Engineer’s Trip Generation, 10th Edition. Table 2 on the following page shows the expected trips to be generated by the proposed development. Additional information related to trip generation is included in Appendix B.

The commercial portion of the proposed development includes office, retail, hotel, and convenience store land uses. Therefore, it can be assumed that when the development is fully built out, some of the retail trips will be from the office workers and hotel patrons. These trips are said to be internal trips, because the origin and destination of the trips are within the development site. The NCHRP 8-51 internal capture estimation tool was used to determine the number of trips internal to the site. The internal trips were not applied to the external street system.

Pass-by traffic occurs when drivers stop at the proposed development while in route to their final destination. Pass-by traffic is common for gas stations and retail land use. A pass-by percentage of 76% was assumed for the gas station/convenience store, and a pass-by percentage of 34% was applied to the external shopping center trips during the P.M. peak hour only. These pass-by rates were obtained from
the ITE Trip Generation Handbook. No pass-by percentage is provided for A.M. peak hour shopping center trips.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Intensity</th>
<th>ITE Code</th>
<th>Average Weekday</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td>In</td>
</tr>
<tr>
<td><strong>Residential Land Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td>In</td>
<td></td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>56</td>
<td>units</td>
<td>210</td>
<td>610</td>
<td>45</td>
</tr>
<tr>
<td>Multi-Family Housing (Western Low-Rise)</td>
<td>340</td>
<td>units</td>
<td>220</td>
<td>2,530</td>
<td>153</td>
</tr>
<tr>
<td>Multi-Family Housing (Eastern Low-Rise)</td>
<td>322</td>
<td>units</td>
<td>220</td>
<td>2,394</td>
<td>145</td>
</tr>
<tr>
<td><strong>Subtotal Residential Development Trips</strong></td>
<td>5,534</td>
<td></td>
<td>343</td>
<td>82</td>
<td>261</td>
</tr>
<tr>
<td><strong>Commercial Land Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Office Building</td>
<td>282,244</td>
<td>sf</td>
<td>710</td>
<td>2,903</td>
<td>292</td>
</tr>
<tr>
<td>Hotel</td>
<td>122</td>
<td>key</td>
<td>310</td>
<td>951</td>
<td>56</td>
</tr>
<tr>
<td>Shopping Center</td>
<td>116,450</td>
<td>sf</td>
<td>820</td>
<td>6,668</td>
<td>211</td>
</tr>
<tr>
<td>Super Convenience Store</td>
<td>6,170</td>
<td>sf</td>
<td>960</td>
<td>5,168</td>
<td>584</td>
</tr>
<tr>
<td><strong>Subtotal Commercial Development Trips</strong></td>
<td>15,012</td>
<td></td>
<td>961</td>
<td>611</td>
<td>350</td>
</tr>
<tr>
<td><strong>Subtotal Full Development Trips</strong></td>
<td>21,224</td>
<td></td>
<td>1,306</td>
<td>693</td>
<td>613</td>
</tr>
<tr>
<td>Internal Trips</td>
<td>-</td>
<td></td>
<td>64</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>External Trips</td>
<td>-</td>
<td></td>
<td>1,422</td>
<td>759</td>
<td>663</td>
</tr>
<tr>
<td>Pass-by Trips (Shopping Center)</td>
<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Pass-by Trips (Convenience Store)</td>
<td>-</td>
<td></td>
<td>444</td>
<td>222</td>
<td>222</td>
</tr>
<tr>
<td><strong>Total Full Development Trips</strong></td>
<td>21,224</td>
<td></td>
<td>978</td>
<td>537</td>
<td>441</td>
</tr>
</tbody>
</table>

**Trip Distribution**

The estimated trips generated by the proposed development were distributed onto the street system based on the trip distributions summarized on the next page in Table 3. These distributions are based on existing travel patterns in the area, expected service area of the development, and engineering judgment. The detailed distribution patterns through the study intersections are shown in Appendix B.
### Table 3
#### Trip Distribution

<table>
<thead>
<tr>
<th>Direction To/From</th>
<th>Residential Percentage</th>
<th>Commercial Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>West on 133rd Street</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>East on 135th Street</td>
<td>15%</td>
<td>20%</td>
</tr>
<tr>
<td>West on 135th Street</td>
<td>30%</td>
<td>25%</td>
</tr>
<tr>
<td>North on State Line Road</td>
<td>30%</td>
<td>25%</td>
</tr>
<tr>
<td>South on State Line Road</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>North on Mission Road</td>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td>South on Mission Road</td>
<td>5%</td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

---

**Traffic Operation Assessment**

An assessment of traffic operations was made for the scenarios listed below.

- Existing Conditions
- Existing plus Approved Development Conditions
- Existing plus Approved plus Proposed Residential Development Conditions
- Existing plus Approved plus Proposed Full Development Conditions
- Future (Year 2040) Conditions

The study intersections were evaluated using the Synchro traffic analysis software package. Calculations were performed based on the methodologies outlined in the *Highway Capacity Manual (HCM)*, 6th Edition, which is published by the Transportation Research Board. The operating conditions at an intersection are graded by the “level of service” experienced by drivers. Level of service (LOS) describes the quality of traffic operating conditions and is rated from “A” to “F”. LOS A represents the least congested condition with free-flow movement of traffic and minimal delays. LOS F generally indicates severely congested conditions with excessive delays to motorists. Intermediate grades of B, C, D, and E reflect incremental increases in the average delay per stopped vehicle. Delay is measured in seconds per vehicle. **Table 4** on the subsequent page shows the upper limit of delay associated with each level of service for signalized and unsignalized intersections.

While LOS measurements apply to both signalized and unsignalized intersections, there are significant differences between how these intersections operate and how they are evaluated. LOS for signalized intersections reflects the operation of the intersection as a whole. Unsignalized intersections, in contrast, are evaluated based on the movement groupings which are required to yield to other traffic. Typically, these are the left turns off of the major street and the side-street approaches for two-way stop-controlled intersections. At unsignalized intersections lower LOS ratings (D, E and F) do not, in themselves, indicate the need for additional improvements. Many times there are convenient alternative routes to avoid the longer delays. Other times the volumes on the unsignalized approaches are relatively minor when
compared to the major street traffic, and improvements such as traffic signal installation may increase the average delay to all users of the intersection.

<table>
<thead>
<tr>
<th>Level of Service (LOS)</th>
<th>Signalized</th>
<th>Unsignalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>≤ 10 Seconds</td>
<td>≤ 10 Seconds</td>
</tr>
<tr>
<td>B</td>
<td>≤ 20 Seconds</td>
<td>≤ 15 Seconds</td>
</tr>
<tr>
<td>C</td>
<td>≤ 35 Seconds</td>
<td>≤ 25 Seconds</td>
</tr>
<tr>
<td>D</td>
<td>≤ 55 Seconds</td>
<td>≤ 35 Seconds</td>
</tr>
<tr>
<td>E</td>
<td>≤ 80 Seconds</td>
<td>≤ 50 Seconds</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 80 Seconds</td>
<td>&gt; 50 Seconds</td>
</tr>
</tbody>
</table>

The decision to install a traffic signal, which is often considered when lower LOS ratings are projected, should be based on engineering studies and the warrants for traffic signal installation as outlined in the Federal Highway Administration’s Manual on Uniform Traffic Control Devices (MUTCD). Signals are typically not recommended in locations where there are convenient alternative paths, or if the installation of a traffic signal would have negative impacts on the surrounding transportation system.

The LOS rating deemed acceptable varies by community, facility type and traffic control device. Most communities in the region, such as Leawood, have identified LOS D as the minimum desirable goal for signalized intersections. However, at unsignalized intersections LOS E, or even F are often considered acceptable for low to moderate traffic volumes where the installation of a traffic signal is not warranted by the conditions at the intersection, or the location has been deemed undesirable for signalization.

Traffic queues were also evaluated as part of the analyses. Long traffic queues which extend beyond the amount of storage available, either between intersections or within turn lanes, can have significant impacts on operations. The projected vehicular queues were analyzed to ensure the analyses are reflective of the physical constraints of the study intersections and to identify if additional storage is needed for turn lanes.

**Existing Conditions**

The results of the Existing Conditions intersection analyses are summarized on the following page in Table 5. The study intersection was evaluated with the lane configurations, traffic volumes, and traffic control devices shown on Figures A-3 through A-5. The current signal timing and coordination plans for the study intersection were used for the analysis of the traffic signal in this scenario. Synchro output files are included in Appendix C.
Table 5
Intersection Operational Analysis
Existing Conditions

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Movement</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOS ¹</td>
<td>Delay ²</td>
</tr>
<tr>
<td>Mission Road and 133rd Street</td>
<td>Traffic Signal</td>
<td>B</td>
<td>16.9</td>
</tr>
<tr>
<td>Pawnee Lane and 133rd Street</td>
<td>Northbound Westbound Left-Turn</td>
<td>B</td>
<td>11.5</td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>7.7</td>
<td></td>
</tr>
<tr>
<td>Canterbury Road and 133rd Street</td>
<td>Southbound Eastbound Left-Turn</td>
<td>B</td>
<td>10.0</td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>7.8</td>
<td></td>
</tr>
<tr>
<td>E. High Road and 133rd Street</td>
<td>Southbound Eastbound Left-Turn</td>
<td>B</td>
<td>11.5</td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>7.8</td>
<td></td>
</tr>
<tr>
<td>State Line Road and N. 133rd Street</td>
<td>Traffic Signal</td>
<td>B</td>
<td>11.2</td>
</tr>
<tr>
<td>State Line Road and S. 133rd Street</td>
<td>Traffic Signal</td>
<td>A</td>
<td>9.4</td>
</tr>
<tr>
<td>State Line Road and 135th Street</td>
<td>Traffic Signal</td>
<td>D</td>
<td>52.0</td>
</tr>
<tr>
<td>Kenneth Road and 135th Street</td>
<td>Traffic Signal</td>
<td>A</td>
<td>3.5</td>
</tr>
<tr>
<td>Chadwick Street and 135th Street</td>
<td>Northbound Westbound Left-Turn</td>
<td>C</td>
<td>15.0</td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>9.9</td>
<td></td>
</tr>
<tr>
<td>Pawnee Lane and 135th Street</td>
<td>Traffic Signal</td>
<td>A</td>
<td>7.1</td>
</tr>
<tr>
<td>Mission Road and 135th Street</td>
<td>Traffic Signal</td>
<td>D</td>
<td>43.7</td>
</tr>
</tbody>
</table>

1 – Level of Service
2 – Delay in seconds per vehicle

The results of Table 4 indicates that all of the study intersections currently operate at acceptable levels of service except for the intersection of State Line Road and 135th Street. During the P.M. peak hour, the intersection operates at LOS E with 57.7 seconds of delay. This is due to high volumes of through traffic and a heavy southbound left-turn movement. Additionally, the 95th percentile queue for the southbound left-turn movement exceeds the length of the dual left-turn lanes.

To improve the LOS at this intersection, significant capacity improvements are needed. A third eastbound lane would need to be constructed through the State Line Road intersection, and possibly through other intersections to the east, to serve the heavy eastbound through volume. Such an improvement would require coordination with the Missouri Department of Transportation, as 135th Street becomes M-150 Highway to the east of State Line Road. These improvements have not been programmed and therefore are not included in the existing conditions analyses.
Existing plus Approved Development Conditions

The Existing plus Approved Development Conditions scenario includes the addition of traffic and improvements from the development proposed in the southwest corner of 135th Street and Kenneth Road. The development has been approved by the City of Leawood, but has not been constructed at the time of this study. The approved development trips and improvements were obtained from the traffic impact study for that development, completed by TranSystems in November 2018.

Improvements for the proposed development include construction of High Drive south of 135th Street, roughly 1,070 feet west of the Kenneth Road intersection. The 135th Street and High Drive intersection will be signalized. A westbound left-turn lane, eastbound right-turn lane, and three northbound lanes will be constructed at the intersection.

The results of the Existing plus Approved Development Conditions intersection analyses are summarized in Table 6. This study scenario considered the addition of traffic from the proposed development. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on Figures A-6 through A-8. The new traffic signal at High Drive was evaluated in this scenario with the same cycle lengths as the current coordination plans for the corridor. The Synchro output files are included in Appendix C.

Table 6
Intersection Operational Analysis
Existing plus Approved Development Conditions

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Movement</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>Mission Road and 133rd Street</td>
<td>Traffic Signal</td>
<td>B</td>
<td>16.0</td>
</tr>
<tr>
<td>Pawnee Lane and 133rd Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Northbound</td>
<td>B</td>
<td>11.5</td>
</tr>
<tr>
<td></td>
<td>Westbound Left-Turn</td>
<td>A</td>
<td>7.7</td>
</tr>
<tr>
<td>Canterbury Road and 133rd Street</td>
<td>Southbound</td>
<td>B</td>
<td>10.0</td>
</tr>
<tr>
<td></td>
<td>Eastbound Left-Turn</td>
<td>A</td>
<td>7.8</td>
</tr>
<tr>
<td>E. High Road and 133rd Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Southbound</td>
<td>B</td>
<td>11.5</td>
</tr>
<tr>
<td></td>
<td>Eastbound Left-Turn</td>
<td>A</td>
<td>7.8</td>
</tr>
<tr>
<td>State Line Road and N. 133rd Street</td>
<td>Traffic Signal</td>
<td>B</td>
<td>11.1</td>
</tr>
<tr>
<td>State Line Road and S. 133rd Street</td>
<td>Traffic Signal</td>
<td>A</td>
<td>9.3</td>
</tr>
<tr>
<td>State Line and 135th Street</td>
<td>Traffic Signal</td>
<td>E</td>
<td>56.3</td>
</tr>
<tr>
<td>Kenneth Road and 135th Street</td>
<td>Traffic Signal</td>
<td>A</td>
<td>2.5</td>
</tr>
<tr>
<td>High Drive and 135th Street</td>
<td>Traffic Signal</td>
<td>A</td>
<td>5.1</td>
</tr>
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</table>
Table 6 – Continued
Intersection Operational Analysis
Existing plus Approved Development Conditions

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Movement</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOS¹</td>
<td>Delay²</td>
</tr>
<tr>
<td>Chadwick Street and 135th Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northbound</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Westbound Left-Turn</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>16.6</td>
<td>E</td>
<td>41.6</td>
</tr>
<tr>
<td>B</td>
<td>10.5</td>
<td>C</td>
<td>19.5</td>
</tr>
<tr>
<td>Pawnee Lane and 135th Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Signal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>9.4</td>
<td>A</td>
<td>3.4</td>
</tr>
<tr>
<td>Mission Road and 135th Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Signal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>47.3</td>
<td>D</td>
<td>40.2</td>
</tr>
</tbody>
</table>

¹ – Level of Service
² – Delay in seconds per vehicle

As shown in the table, the study intersections are projected to operate within acceptable levels of service during the A.M. and P.M. peak hours with two exceptions. The 135th Street and State Line Road intersection is projected to operate at LOS E during both peak hours. Additionally, the 95th percentile queue for the southbound left-turn movement exceeds the length of the dual left-turn lanes. As mentioned in the existing conditions scenario, significant capacity improvements are needed. Given that such improvements are not programmed, they were not included in the Existing plus Approved Development Conditions analyses.

The intersection of 135th Street and Chadwick Street is projected to operate at LOS E with the addition of traffic from the approved development. The northbound traffic volumes on Chadwick Street are projected to be low, therefore no improvements are identified for this intersection. If delays are unacceptable to drivers, alternate routes are available by traveling on 137th Street to High Drive or to Pawnee Lane.

Existing plus Approved plus Proposed Residential Development Conditions
This scenario includes development trips from the residential portion of the proposed development. The proposed site driveways are included in the analysis. The City of Leawood does not have access management requirements, therefore the Kansas Department of Transportation’s (KDOT) Access Management Policy (AMP) was used as guidance for intersection spacing and turn lane requirements.

Pawnee Lane and Site Drive 1
Site Drive 1 will provide access to the western portion of the multi-family residential area. This full-access drive is to be located roughly 330 feet north of 135th Street, measured between centerlines. This location aligns with an existing commercial driveway along the west side of Pawnee Lane. Per AMP criteria, Pawnee Lane would be most similar to a Class E route, and the minimum spacing between unsignalized driveways for a 30 mph street is 125 feet. The drive is located 240 feet south of the adjacent driveway to the north, so the minimum spacing criteria is met. The intersection influence area on the north leg of the 135th Street and Pawnee Lane intersection is 155 feet, plus the queue storage length. The analysis results show that all southbound 95th percentile queues are 87 feet or less at full development, therefore Drive 1 is...
outside the influence area of the 135th Street intersection. Traffic volumes at the Site Drive 1 intersection are well below the warranting volumes for turn lanes. As such, no turn lanes are identified for this intersection.

133rd Street and Site Drive 2
Site Drive 2 will provide access to the single-family residential area. This full-access drive is to be located roughly 825 feet west of Pawnee Lane, measured between centerlines. This location aligns with an existing Canterbury Road along the north side of 133rd Street. Per AMP criteria, 133rd Street would be most similar to a Class D route, and the minimum spacing between unsignalized driveways is 200 feet. The drive is located 1,175 feet west of the next proposed site driveway (Site Drive 3), therefore the minimum spacing criteria is met. Drive 2 is also well outside the influence area of the adjacent intersections.

The traffic volumes at the 133rd Street and Site Drive 2 intersection will meet the AMP warrants for a westbound left-turn lane, but not for an eastbound right-turn lane. The AMP indicates that the minimum turn lane length is 135 feet for deceleration plus 50 feet for queue storage, totaling 185 feet plus appropriate taper. This turn lane can be provided by modifying the existing pavement markings on 133rd Street to create a left-turn lane and eliminate a short section of the bike lane, as has been done at adjacent intersections.

133rd Street and Site Drive 3
Site Drive 3 will also provide access to the single-family residential area. This full-access drive is to be located roughly 375 feet west of the proposed High Drive intersection, measured between centerlines. Therefore, the AMP minimum spacing criteria is met. Drive 2 is also well outside the influence area of the adjacent intersections.

The traffic volumes at the 133rd Street and Site Drive 3 intersection will meet the AMP warrants for a westbound left-turn lane, but not for an eastbound right-turn lane. The AMP indicates that the minimum turn lane length is 135 feet for deceleration plus 50 feet for queue storage, totaling 185 feet plus appropriate taper. This turn lane can be provided by modifying the existing pavement markings on 133rd Street to create a left-turn lane and eliminate a short section of the bike lane, as has been done at adjacent intersections. Given the distance from High Drive, a three-lane section with a center two-way left-turn lane would be appropriate for this location.

133rd Street and W. High Drive
High Drive is a new street that is proposed to be constructed through the development from 133rd Street to 135th Street. High Drive is to intersect 133rd Street at the location of an existing curb cut, which is offset roughly 375 feet from the existing High Drive intersection on 133rd Street. For the purposes of this study, the proposed High Drive intersection is referred to as W. High Drive, and the existing High Drive intersection is referred to as E. High Drive. At the south end, High Drive is to intersect 135th Street at the location of the signalized intersection in the approved development plan.
Given the intersection spacing, the AMP’s unsignalized intersection criteria is met. The AMP also has guidance on offset intersections in Table 4-9. The minimum offset distance is 225 feet along 35 mph roadways, so the minimum offset distance is exceeded.

The traffic volumes at the 133rd Street and W. High Drive intersection will meet the AMP warrants for a westbound left-turn lane, but not for an eastbound right-turn lane. The AMP indicates that the minimum turn lane length is 135 feet for deceleration plus 50 feet for queue storage, totaling 185 feet plus appropriate taper. This length will overlap with the left-turn lane length for the E. High Drive intersection. Given the spacing between intersections, the three-lane section with a center two-way left-turn lane should continue through this intersection. The Future Conditions operational analysis indicates that all left-turn queues at these intersections are projected to be no more than one vehicle in length. Therefore, short queues of one vehicle in the center two-way left-turn lane on 133rd Street will not restrict opposing traffic from entering the center left-turn lane at the adjacent intersection.

**High Drive and internal site driveways**

High Drive will be constructed as a two-lane undivided street with a speed limit no higher than 30 mph, which would be considered similar to a Class E route per the AMP. There are 3 internal site driveway connections proposed from High Drive to the multi-family areas on the east and west side of the street. The first intersection is spaced 220 feet south of High Drive, The next internal drive is spaced 350 feet from the drive to the north, and 270 feet from the next drive to the south. The southernmost internal drive is spaced 450 feet north of 135th Street. These spacings all meet the 125 foot minimum spacing per the AMP.

**133rd Street and Site Drive 4**

Site Drive 4 will provide access to the eastern portion of the multi-family residential area. This full-access drive is to be located roughly 375 feet east of E. High Drive and 660 feet west of Meadow Lane, measured between centerlines. This location meets the minimum spacing criteria.

The traffic volumes at the 133rd Street and Site Drive 4 intersection will meet the AMP warrants for a westbound left-turn lane, but not for an eastbound right-turn lane. The AMP indicates that the minimum turn lane length is 135 feet for deceleration plus 50 feet for queue storage, totaling 185 feet plus appropriate taper. This turn lane can be provided by modifying the existing pavement markings on 133rd Street to create a left-turn lane and eliminate a short section of the bike lane, as has been done at adjacent intersections. The center two-way left turn lane would terminate at Site Drive 4.

**135th Street and Kenneth Road**

The development will utilize the north leg of the 135th Street and Kenneth Road intersection for access to the eastern portion of the multi-family residential development. An internal drive to the multi-family site will intersect Kenneth Road approximately 300 feet north of 135th Street. The existing driveway for the church will continue north of the internal intersection as a private street.
According to the AMP, the development trips are projected to satisfy warrants for a westbound right-turn lane and an eastbound left-turn lane. Per the AMP, the westbound right-turn lane should have a minimum length of 250 feet plus appropriate taper, and the eastbound left-turn lane should have a minimum length of 315 feet plus appropriate taper.

The existing traffic signal at 135th Street and Kenneth Road operates without left-turn phasing for east/west traffic and split phasing for north/south traffic. It would be appropriate to include protected left-turn phasing for east/west traffic in conjunction with the addition of the eastbound left-turn lane. It would also be appropriate to provide north/south left-turn lanes to eliminate the split phased operation. The northbound approach should be restriped to provide a 150 foot left turn lane and a shared right-turn/through lane. A southbound left-turn lane should be provided with a minimum storage length of 250 feet plus appropriate taper.

**135th Street and High Drive**

The proposed portion of High Drive will intersect 135th Street at the signalized intersection that is to be constructed as part of the approved development to the south of 135th Street. The development trips are projected to satisfy warrants for a westbound right-turn lane and an eastbound left-turn lane. Per the AMP, the westbound right-turn lane should have a minimum length of 250 feet plus appropriate taper, and the eastbound left-turn lane should have a minimum length of 315 feet plus appropriate taper. A southbound left-turn lane should be constructed with a minimum length of 110 feet plus appropriate taper to allow for protected/permitted left-turn phasing for north/south traffic.

**135th Street and Chadwick Street**

An access point to the western portion of the multi-family area will be provided from 135th Street, aligning with Chadwick Street. An intersection has been planned for this location, as pavement is in place for an eastbound left-turn lane and a westbound right-turn lane. The pavement markings need to be modified in the existing lane to provide a westbound right-turn lane. Lengthy delays are expected at peak times for left-turn traffic from the side street. To separate this traffic from the right-turn traffic, a southbound left-turn lane should be constructed with a minimum length of 110 feet plus appropriate taper.

It should be noted that intersection sight distances were not measured in the field at the site driveways, however the terrain is fairly level and cursory observations from readily available photography indicate that sight distances at all proposed site driveways should be adequate. In roadway segments with horizontal curves, such as proposed High Drive, low landscaping should be planned that will not obstruct intersection sight distances.

The results of the Existing plus Approved plus Residential Development Conditions intersection analyses are summarized on the next page in **Table 7**. This study scenario includes the addition of traffic from the residential portion of the proposed development and the aforementioned improvements. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on **Figures A-9** through **A-11**. The new traffic signal at High Drive was evaluated in this scenario.
with the same cycle lengths as the current coordination plans for the corridor. The Synchro output files are included in Appendix C.

<table>
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As shown in Table 7, the study intersections are projected to operate within acceptable levels of service during the A.M. and P.M. peak hours with the aforementioned improvements, with two exceptions. The intersection of 135th Street and State Line Road is projected to operate at LOS E during the P.M. peak hour, as it does in the previous scenario. While LOS E is generally undesirable, it is worth noting that the increase in average delay per vehicle is only 0.9 seconds per vehicle more during the P.M. peak hour than it is in the Existing Conditions scenario. The 95th percentile queue for the southbound left-turn movement exceeds the length of the dual left-turn lanes, as it does in the previous scenarios.

While the delays for side street traffic are projected to be lengthy at the 135th Street and Chadwick Street intersection, the side street traffic volumes are projected to be below the minimum volume thresholds of the peak hour traffic signal warrant. As such, it is not likely that the intersection will satisfy traffic signal volume warrants. If delays are unacceptable to drivers, alternate routes are available by traveling on the existing and proposed street network to High Drive or to Pawnee Lane.

**Existing plus Approved plus Proposed Full Development Conditions**

This scenario includes development trips from the residential and commercial portion of the proposed development. Full build out of the proposed development will result in a significant increase in traffic to the surrounding street network and capacity improvements will be needed. The proposed site driveways for the commercial development are included in the analysis. The Kansas Department of Transportation’s (KDOT) Access Management Policy (AMP) was used as guidance for intersection spacing and turn lane requirements.
133rd Street and Site Drive 5
Site Drive 5 will provide access to the commercial area from 133rd Street. This full-access drive is to be located at an existing curb cut roughly 450 feet east of Pembroke Lane and 260 feet west of Overbrook Road, measured between centerlines. Per AMP criteria, 133rd Street would be most similar to a Class D route, and the minimum spacing between unsignalized driveways is 200 feet, therefore the minimum spacing criteria is met.

The traffic volumes at the 133rd Street and the Site Drive 5 intersection will meet the AMP warrants for a westbound left-turn lane, but not for an eastbound right-turn lane. An intersection has been planned at this location for some time and there is an existing left-turn lane with a 95 feet of storage. This storage length is less than the minimum turn lane length in the AMP. The turn lane cannot be extended without shortening the existing left-turn lane for Overbrook Road. It should be noted that the 95 feet of storage will contain the queues for the westbound left-turn movement.

133rd Street and Site Drive 6
Site Drive 6 will provide access to the commercial area from 133rd Street. This drive is to be located roughly 410 feet east of Overbrook Road and 410 feet west of State Line Road, measured between centerlines. This location aligns with an existing full-access commercial drive along the north side of 133rd Street. The minimum driveway spacing criteria of the AMP is met. Long queues of eastbound left-turn traffic from the signalized State Line Road intersection do nearly extend to the Site Drive 6 intersection during the P.M. peak hour. Therefore Site Drive 6 is within the influence area of the 133rd Street and State Line Road intersection. For that reason, Site Drive 6 is proposed to be a right-in/right-out access only to limit vehicular conflicts within the influence area.

S. 133rd Street and State Line Road
A new access point will be constructed as the west leg of the existing signalized S. 133rd Street and State Line Road intersection. Several lanes are needed to accommodate development traffic, which are listed below.

- Construct a northbound left-turn lane with a minimum length of 315 feet plus appropriate taper.
- Construct a southbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct three eastbound lanes with minimum lengths of 200 feet plus appropriate taper. The lanes are to be a left-turn lane, a shared right-turn/through lane, and a right-turn lane.

The shared lanes will require split phased operation for east/west traffic. While split phasing is generally not desirable, at intersections where there is little to no through volume on the side street, split phasing does effectively accommodate turning traffic.

135th Street and State Line Road
Long queues occur for the heavy southbound left-turn movement during the P.M. peak hour. To accommodate this volume, the left-turn storage capacity should be maximized. The existing dual left turn lanes should be lengthened to provide a minimum length of 325 feet plus appropriate taper.
135th Street
With the addition of development traffic, significant capacity improvements are needed along 135th Street. In the eastbound direction, 135th Street should be widened for three through lanes from High Drive through the State Line Road intersection. In the westbound direction, 135th Street should be widened for three through lanes from State Line Road to the start of the third lane at Pawnee Lane.

135th Street and Kenneth Road
Access to the commercial portion of the development will be provided from the north leg of the 135th Street and Kenneth Road intersection. A new internal drive will extend east from Kenneth Road at the intersection of the internal drive to the multi-family residential area. To accommodate development traffic, the eastbound left-turn lane will need to be lengthened to provide a minimum length of 400 feet plus appropriate taper.

The results of the Existing plus Proposed Full Development Conditions intersection analyses are summarized in Table 8. This study scenario considered the addition of traffic from the proposed development. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on Figures A-12 through A-14. The traffic signal timings were optimized for this scenario, but the existing cycle lengths were maintained. The Synchro output files are included in Appendix C.

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### Table 8 – Continued
Intersection Operational Analysis
Existing plus Approved plus Full Development Conditions

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1 – Level of Service  
2 – Delay in seconds per vehicle
As shown in the table, each study intersection is projected to operate within acceptable levels of service during the A.M. and P.M. peak hours with the aforementioned improvements except the intersection of 135th Street and Chadwick Street. Similar to the previous scenario, side street traffic volumes are projected to be below the minimum volume thresholds of the peak hour traffic signal warrant. As such, it is not likely that the intersection will satisfy traffic signal volume warrants. Alternate routes are available if delays are unacceptable to drivers.

The intersection of 135th Street and State Line Road is projected to operate acceptably with the aforementioned capacity improvements, however, the 95th percentile queue for the southbound left-turn movement exceeds the length of the dual left-turn lanes. The volume for this movement is projected to be extremely heavy, but there is limited space in the existing median to lengthen the left-turn lanes beyond what has been identified.

**Future (Year 2040) Conditions**

To estimate future conditions in year 2040 background traffic growth was assumed. An annual growth rate of two percent was applied to the existing traffic volumes for a conservative analysis. The additional background growth results in a very heavy volume of through traffic on 135th Street and on State Line. To support the increased volume and future development traffic, several improvements are necessary. These improvements are listed below and are included in the Future Conditions intersection analyses.

**State Line Road**
- Widen State Line Road for three through lanes in the southbound direction beginning at N. 133rd Street. The third lane will terminate as a southbound left-turn lane at 135th Street.

**N. 133rd Street and State Line Road**
- Construct a second eastbound left-turn lane.
- Widen 135th Street to have three through lanes in each direction.

**135th Street and State Line Road**
- Construct a third southbound left-turn lane.

**135th Street**
- Widen 135th Street for three through lanes in each direction throughout the study area.

**135th Street and Mission Road**
- Widen for two through lanes on Mission Road south of 135th Street.
- Construct a southbound right-turn lane.
- Construct a second eastbound left-turn lane.

The results of the Future Conditions intersection analyses are summarized on the following page in Table 9. The study intersections were evaluated with the lane configurations, traffic volumes, and traffic control devices shown on Figures A-15 through A-17. The traffic signal timings for the 135th Street corridor were optimized for this scenario. The Synchro output files are included in Appendix C.
The results shown in Table 9 indicate that all study intersections are projected to operate at an acceptable level of service in the future conditions scenario, with one exception. Several turning movements at the 135th Street and Chadwick intersection are projected to operate at LOS F during both peak hours. Traffic volumes in the Future Conditions scenario are projected to be below the minimum volume thresholds of the peak hour traffic signal warrant. There is developable land remaining on the south side of 135th Street near the Chadwick intersection. Additional development of this land could add enough traffic to satisfy warrants at some point in the future.

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<td>Eastbound Left-Turn</td>
<td>A</td>
<td>8.3</td>
</tr>
<tr>
<td></td>
<td>Westbound Left-Turn</td>
<td>A</td>
<td>8.0</td>
</tr>
<tr>
<td>Site Drive 3 and 133rd Street</td>
<td>Northbound</td>
<td>B</td>
<td>11.4</td>
</tr>
<tr>
<td></td>
<td>Westbound Left-Turn</td>
<td>A</td>
<td>8.0</td>
</tr>
<tr>
<td>W. High Road and 133rd Street</td>
<td>Northbound</td>
<td>B</td>
<td>11.2</td>
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<tr>
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<tr>
<td>E. High Road and 133rd Street</td>
<td>Southbound</td>
<td>C</td>
<td>16.6</td>
</tr>
<tr>
<td></td>
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<td>8.2</td>
</tr>
<tr>
<td>Site Drive 4 and 133rd Street</td>
<td>Northbound</td>
<td>B</td>
<td>13.5</td>
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<td>8.2</td>
</tr>
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<td>Site Drive 5 and 133rd Street</td>
<td>Northbound Left-Turn</td>
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<td>20.4</td>
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<td></td>
<td>Northbound Through/Right-Turn</td>
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<td></td>
<td>Westbound Left-Turn</td>
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<td>8.4</td>
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<tr>
<td>Site Drive 6 and 133rd Street</td>
<td>Northbound</td>
<td>B</td>
<td>11.0</td>
</tr>
<tr>
<td>State Line Road and N. 133rd Street</td>
<td>Traffic Signal</td>
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<td>15.3</td>
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<tr>
<td>State Line Road and S. 133rd Street</td>
<td>Traffic Signal</td>
<td>C</td>
<td>28.6</td>
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<tr>
<td>State Line and 135th Street</td>
<td>Traffic Signal</td>
<td>D</td>
<td>48.3</td>
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<tr>
<td>Kenneth Road and 135th Street</td>
<td>Traffic Signal</td>
<td>D</td>
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</tbody>
</table>
Summary

TranSystems has completed this traffic impact study for the proposed residential and commercial development to be located generally located along the north side of 135th Street between State Line Road and Pawnee Lane in Leawood, Kansas. The purpose of this study was to assess the impact of the proposed development on the surrounding transportation system.

The proposed development includes a variety of residential and commercial land uses which will be constructed in phases. The initial phases of the development will include residential land uses to the west of Kenneth Road. Later phases of the development will include commercial land uses, such as retail, office, hotel, and a gas station with a convenience store located to the east of Kenneth Road.

Analysis of existing conditions determined that the intersection of 135th Street and State Line Road is currently in need of substantial capacity improvements. The addition of development traffic from the approved development in the southwest corner of 135th Street and State Line Road will further increase delays at the intersection. The addition of traffic from the residential portion of the development will also incrementally increase delays at the intersection by a nominal amount.

To accommodate traffic generated by the residential portion of the proposed development, the following improvements are identified.

133rd Street and Site Drive 2
- Re-stripe the street for a westbound left-turn lane with a minimum length of 185 feet plus appropriate taper.
133rd Street
- Re-stripe the street as a three-lane roadway, with a center two-way left-turn lane from Site Drive 3 to Site Drive 4.

133rd Street and Site Drive 4
- Re-stripe the street for a westbound left-turn lane with a minimum length of 185 feet plus appropriate taper.

135th Street and Kenneth Road
- Construct an eastbound left-turn lane with a minimum length of 315 feet plus appropriate taper.
- Construct a westbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct a southbound left-turn lane with a minimum length of 250 feet plus appropriate taper.
- Restripe the northbound approach to provide a 150 foot left turn lane and a shared right-turn/through lane.
- Modify the traffic signal phasing to include protected left-turn phasing for east/west traffic and protected permitted left-turn phasing for north/south traffic.

135th Street and High Drive
- Construct an eastbound left-turn lane with a minimum length of 315 feet plus appropriate taper.
- Construct a westbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct a southbound left-turn lane with a minimum length of 110 feet plus appropriate taper.

135th Street and Chadwick Street
- Modify the pavement markings in the existing lane to provide a westbound right-turn lane.
- Construct a southbound left-turn lane with a minimum length of 110 feet plus appropriate taper.

Full build out of the proposed development will result in a significant increase in traffic to the surrounding street network. To accommodate traffic generated by the full build out of the proposed development, the following improvements are identified.

S. 133rd Street and State Line Road
- Construct a northbound left-turn lane with a minimum length of 315 feet plus appropriate taper.
- Construct a southbound right-turn lane with a minimum length of 250 feet plus appropriate taper.
- Construct three eastbound lanes with minimum lengths of 200 feet plus appropriate taper. The lanes are to be a left-turn lane, a shared right-turn/through lane, and a right-turn lane.
- Modify the traffic signal to include split phasing for east/west traffic and protected/permitted phasing for north/south left-turn traffic.

135th Street and State Line Road
- Construct additional storage length for the southbound dual left-turn lanes. Provide a minimum length of 325 feet plus appropriate taper.
135th Street
- Widen 135th Street for three through lanes in the eastbound direction from High Drive through the State Line Road intersection.
- Widen 135th Street for three through lanes in the westbound direction from State Line Road to Pawnee Lane.

135th Street and Kenneth Road
- Construct additional storage length for the eastbound left-turn lane. Provide a minimum length of 400 feet plus appropriate taper.

In the future, significant traffic growth is projected along the 135th Street and State Line Road corridors. To support future traffic growth and future development, the following improvements are identified.

State Line Road
- Widen State Line Road for three through lanes in the southbound direction beginning at N. 133rd Street. The third lane will terminate as a southbound left-turn lane at 135th Street.

N. 133rd Street and State Line Road
- Construct a second eastbound left-turn lane.
- Widen 135th Street to have three through lanes in each direction.

135th Street and State Line Road
- Construct a third southbound left-turn lane.

135th Street
- Widen 135th Street for three through lanes in each direction throughout the study area.

135th Street and Mission Road
- Widen for two through lanes on Mission Road south of 135th Street.
- Construct a southbound right-turn lane.
- Construct a second eastbound left-turn lane.
BACKGROUND & OBJECTIVES

Johnson County Management, LLC, has retained RCLCO (Robert Charles Lesser & co.) to conduct a highest and best use market analysis of its property located in Leawood Kansas. The property, which consists of approximately 117 acres, is located in the northeast quadrant of the intersection of 135th Street and State Line Road.

Key questions that this analysis has been attended to address includes:

► Who are the logical target market audiences for various residential and commercial land uses at the subject property?
► What is the potential depth of market demand for various potential residential and commercial land uses in the near-, mid-, and long-terms?
► What is the competitive set of comparables against which the subject property should be evaluated for each potential land use?
► Given an assessment of the positioning of the subject property within the context of the overall marketplace, in general, and strengths and weaknesses of the site, in particular, how should the site be positioned to capture its share of market demand?
► What product program, and development timing represents the optimal development scheme from a market perspective.
► Based on the above, what represents the optimal development program, including specific real estate products, segments, densities, timing, and phasing, etc., for the site?
EXECUTIVE SUMMARY

SCOPE OF WORK

To achieve the objectives above, RCLCO conducted the following analytical tasks:

► Physically examined the subject property and its surrounding land uses relative to quality, visibility, access, planned developments, views, and other relevant factors.

► Assessed the property’s strengths and challenges relative to its potential development as for-rent and for-sale residential and commercial real estate land uses oriented to a wide array of potential market audiences.

► Collected and analyzed demographic and socioeconomic data pertaining to the future demand for housing, office, hotel, and retail, including the most recent population, household, and employment growth forecasts; household income distributions; household sizes by age of householder; consumer spending power; etc.

► Compiled and analyzed relevant data regarding supply and demand trends for the candidate land uses under consideration.

► Utilizing the statistical data above and the actual sales/lease-up experience of other projects in the market, outline the relevant potential market audiences for the housing and commercial development at the subject site, and quantify the potential market demand (number of units/square footage/hotel rooms per year and required land consumption) for residential and retail development.

► Combine the results of the statistical demand analyses with those from the competitive market to understand the supply/demand relationship, i.e. the product/customer alignment or lack thereof.

► Conducted interviews with local real estate owners, landlords/operators, developers, homebuilders, public officials and other knowledgeable real estate professionals as well as using RCLCO’s extensive national experience consulting on large-scale master-planned communities across the country and local market knowledge to determine the likely future trajectory of the Leawood submarket in general, and the subject property’s positioning in the market.

► Based on an analysis of the above, prepared a development program including project scale, product/unit mix recommendations, pricing or other items including:
  » Renter/buyer segments, tenant types, etc., to whom various real estate product should be targeted;
  » Achievable rental/sales/room rates and absorption pace by year;
  » Recommended number of residential units and commercial space by tenure, density, and phasing;
  » Critical marketing factors and other key aspects impacting the development of the property.

► The following report includes a summary of our findings, conclusions and recommendations under the market study portion of the scope of work.
EXECUTIVE SUMMARY

KEY FINDINGS AND CONCLUSIONS

The City of Leawood is a highly desirable, predominantly residential enclave that serves as an attractive bedroom community to closer-in urbanizing suburban and urban employment center to the north of the subject property, including the College Boulevard Corridor, and the Country Club Plaza submarket and the Kansas City CBD.

For the foreseeable future (next 10-20+ years), this market will remain a largely drivable suburban location, with very limited opportunities for commercial office, retail or hospitality development. For-sale single-family detached, single-family attached (i.e. Twin Villas), and relatively low density (i.e., two- and three-story) rental residential land uses represent the highest and best real estate land uses at the subject property.

There is no near- or mid-term market support employment-oriented land uses, such as corporate build-to-suit or multitenant office space, as there is ample opportunity for these uses in existing established closer-in office cores in Johnson County. There may be some near- and mid-term demand for limited amount of professional/medical office space catering to local serving businesses (e.g., financial/tax/accounting services, real estate, and other quasi-retail operators). However, we understand that the property immediately across 135th street from the subject property was recently approved for approximately 128,000 square feet of retail and professional office, which will likely satisfy and near- or mid term demand.

Furthermore, the RCLCO analysis of demand-supply conditions in the challenging retail sector, indicates that there is insufficient depth of market for any significant amount of additional commercial retail space in the marketplace, given the oversupply of existing retail in the immediate vicinity of the subject property, low occupancy in existing multi-tenant retail centers, and generally tepid demand emanating from the local trade area.

There may be an opportunity for a neighborhood grocery anchor in the mid-term (5-10+ years), as residential density at, and around, the subject property gains critical mass; but it is important to note that Hy-Vee recently decided to abandon its functionally obsolete store on State Line Road immediately to the north of the subject property when it could not secure approvals for a new store elsewhere in the city. This store was recently converted to a school use, which provides additional evidence to support the conclusion that there is little demand for additional grocery/retail space in the market.

To the extent that there is a mid- or long-term market opportunity for some limited retail development at the subject property, this use should be oriented to the eastern edge of the site with direct access to, and visibility from, State Line Road. Conceptual zoning plans, like those contemplated in the 135th Street Community Plan, that call for vertically mixed-use development and/or higher density residential and/or commercial uses are not supportable in the overall Leawood marketplace, nor at the subject property, in the near-, mid-, or even in the long-term.

True vertically mixed-use development (e.g., ground floor retail with office or residential on top) requires that a) there is sufficient demand for all of the contemplated uses at the same time, as these uses necessarily have be built at the same time; and b) prices and rents are high enough to support the additional costs associated with building integrated multi-story buildings. Evidence from the RCLCO market analysis, and interviews with active market participants including builders, developers, and local managers and operators who considered high-density true vertical mixed-use development to be unrealistic and too high risk, indicates that neither of the conditions outlined above are likely to be met at the subject property any time soon. Based on this assessment, it appears that the 135th Street Corridor Plan, which was developed back in 2008, was overly optimistic both then, and in the current market environment of 2019, and is based more on wishful thinking than any realistic assessment of what the market can bear at the present time, nor into the foreseeable future in this location.

Accordingly, RCLCO believes that the highest and best market use for the subject property consist of the following uses:

► For-sale Single-family Detached Residential (large, medium and small lots)
► For-sale Single-family Attached Residential (twin villa and townhome)
► Rental Multifamily Residential (two- and three-story, surface parked)
► (limited) Neighborhood-serving Retail
► Please refer the balance of this report for a summary of our key findings and conclusions supporting these recommendations.
### SUMMARY MATRIX OF USES

**RCLCO PRODUCT PROGRAM RECOMMENDATIONS:**

<table>
<thead>
<tr>
<th>LAND USE/DEVELOPMENT TYPE</th>
<th>POSITIONING / TARGET MARKET</th>
<th>DENSITY</th>
<th>PRICING</th>
<th>SITE DEMAND (UNITS/SF)</th>
<th>NEAR-TERM POTENTIAL (3-5 YEARS)</th>
<th>NEAR-TERM POTENTIAL (6-10 YEARS)</th>
<th>NEAR-TERM POTENTIAL (11+ YEARS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Conventional For-Sale Single Family Detached Homes (Broad Market Appeal)</td>
<td>3-5 DU/Acre</td>
<td>From $200 / SF</td>
<td>50 to 60 Units / Year</td>
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<td>Luxury For-Sale Single Family Homes SFD and TH (Maintenance Free)</td>
<td>10-12 DU/Acre</td>
<td>$255 - $275 / SF</td>
<td>30 to 35 Units / Year</td>
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<td></td>
<td>Rental Apartments (Broad Market Appeal)</td>
<td>25-35 DU/Acre</td>
<td>$1.34 / SF</td>
<td>14 Units / Month</td>
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<td>STRONG</td>
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<td>Retail</td>
<td>Neighborhood Grocery Anchored</td>
<td>.250 FAR</td>
<td>$15 - $25 NNN</td>
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<td>Big Box Center</td>
<td>.300 FAR</td>
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<td>Lifestyle Center</td>
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<td>$22-$25 FS</td>
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<td>Professional/Medical Office</td>
<td>.250 FAR</td>
<td>$18-$22 FS</td>
<td>10,000 SF by 2023</td>
<td>LOW</td>
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<td>MODERATE</td>
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<td>Hotel</td>
<td>Business</td>
<td>.250 FAR</td>
<td>$125-$150 ADR</td>
<td>Not supportable</td>
<td>HIGH</td>
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</table>
ABOUT RCLCO
ABOUT RCLCO

Since 1967, RCLCO has been the “first call” for real estate developers, investors, the public sector, and non-real estate companies and organizations seeking strategic and tactical advice regarding property investment, planning, and development.

RCLCO leverages quantitative analytics and a strategic planning framework to provide end-to-end business planning and implementation solutions at an entity, portfolio, or project level. With the insights and experience gained over 50 years and thousands of projects—touching over $5B of real estate activity each year—RCLCO brings success to all product types across the United States and around the world.

Learn more about RCLCO at www.RCLCO.com.

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COMMUNITY & RESORT ADVISORY GROUP

TURN TO OUR TRUSTED MARKET KNOWLEDGE, EXTENSIVE INDUSTRY EXPERIENCE, AND CLIENT-FOCUSED SERVICE.

The RCLCO Community & Resort Advisory Group provides market and strategic analysis to developers, builders, landowners, and investors engaged in planned community, active retirement, and second home development. Clients seeking clarity on the depth of opportunity for development assets rely on us to recommend the optimal development program, pricing, product, and market segmentation strategies, as well as forecast sales absorption potential. RCLCO uses unique methodologies to understand the market in ways that can be directly applied to evaluating specific and targeted opportunities, thereby enhancing clients’ success with actionable market intelligence.

PRODUCT EXPERTISE
► Master-Planned Communities
► Traditional Neighborhood Developments
► Resort, Vacation, & Second Home
► Condo & Attached For-Sale Housing
► Single-Family Rental Communities
► Active Adult Communities
► Conservation Communities
► Infill Neighborhoods
► Senior Living Communities

SERVICES TO RELY ON
After 50 years studying community development, we know what questions to ask and what strategies to employ.
► Market & Financial Feasibility
► Market Positioning & Pricing Analysis
► Segmentation Strategy / Product & Development Programming
► Financial Modeling & Optimization Analysis
► Competitive Edge
► Repositioning & Reuse
► Acquisition Underwriting
► Consumer Insight
► Market Opportunity Analysis
► Entitlement Support: Fiscal & Economic Impact Analysis
► Amenity Program Strategies
MARKET & FINANCIAL FEASIBILITY

RCLCO brings cutting-edge market and financial analytics to underwrite proposed new development projects, optimize existing developments, and/or determine highest and best use. Whether it’s a large land asset, planned community, active adult retirement community, or resort development, our skilled professionals understand what’s working, where markets are going, and how to apply that knowledge to benefit our clients’ real estate projects. RCLCO’s work is distinguished by:

► Expertise: with more than 50 years of experience, we have a deep knowledge base that enables us to tailor a customized approach
► Benchmarking: we research trends, concepts, and product types across all geographic markets
► Market Depth: the industry’s best demand-forecasting tools are utilized to maximize each project’s absorption potential
► Macro View: we quantify regional growth dynamics to illustrate how your assets fit into the big picture
► Consumer Knowledge: our broad knowledge of consumer preferences, demographics, psychographics, and lifestyle trends drive land use recommendations
► Premium Potential: we identify who will pay more and why
► Clear, Concise, and Action-Oriented Deliverables: while other firms may provide off-the-shelf reports, we customize ours to be specific to your needs

SAMPLE PROJECT EXPERIENCE:

Master-Planned Community
Our market and financial analyses for Johnson Development Corporation assessed the highest and best use for Grand Central Park, a multiuse project near Houston. RCLCO recommendations included the optimal residential product program, as well as the scale, density, programming, and positioning for office, retail, entertainment, hospitality, and rental residential components.

Traditional Neighborhood Dev.
RCLCO performed a market analysis and provided development recommendations for the SayeBrook Community and Jackson Companies in Horry County, South Carolina.

Master-Planned Community
We provided numerous studies regarding residential product in The Woodlands community in Texas, including market analyses for resort-oriented, for-sale product, and a residential product opportunity analysis for the Town Center and East Shore districts.
MARKET POSITIONING & PRICING ANALYSIS

With RCLCO’s support, learn to understand your project in the context of the competitive landscape and its unique strengths and challenges. Optimally position your property in the market relative to price and demand, utilizing recommendations that are informed by:

- Decision-Making Tools: we take the guesswork out of pricing so you can make the best decisions
- Price Optimization: maximize pricing and absorption potential by leveraging our knowledge and analyses
- Financial Planning Tools: we assist you with business planning by predicting future revenues and the most likely sales and/or leasing pace

SAMPLE PROJECT EXPERIENCE:

Master-Planned Community
Terre Verde Group, LLC enlisted us to determine the impact of a large-scale resort amenity offering on pricing and absorption potential at the Windsong Master-Planned Community in Prosper, Texas.

Residential Community & Resort
RCLCO provided market research and development program recommendations for the Weyerhaeuser oceanfront community and resort on Vancouver Island’s west coast.

Active Adult Community
We performed a market feasibility analysis for Shea Homes regarding their Tegavah/Vista Verde properties in Maricopa County, Arizona.
RCLCO uses demographics, psychographics, competitor research, and analytical techniques to predict customer behavior and recommend development program strategies. We understand that the most successful segmentation strategies incorporate product lines that are differentiated from one another, not just by price and size, but also by the unique purchase motivations of diverse consumer segments. Because we evaluate thousands of different housing types across the nation each year, we can help you create the most effective builder program strategies.

Our segmentation strategies are defined by:

► **Strategic Approach:** your developments will stand the test of time with product programs that are sensitive to their environment and responsive to the lifestyles of their residents

► **Identifying Market Gaps:** our team identifies niche markets and product gaps, leading to superior outcomes in terms of pricing, absorption, and market share

► **Successful Launch:** utilize our services to launch new developments with a well-thought-out strategy based on research and analysis of home types and prices in your community, the competition, and target-buyer preferences

► **Keep it Fresh:** niche opportunities evolve over the life of a community; our on-going strategic involvement helps you stay current

**SAMPLE PROJECT EXPERIENCE:**

**Master-Planned Community**
RCLCO helped conceptualize the development program for Laureate Park for Lake Nona Property Holdings, LLC, in Orlando, Florida, driving sales from less than 100 per year to over 500 per year.

**Master-Planned Community**
We analyzed the market demand and ideal mix of residential uses regarding the River District in Charlotte, North Carolina, for Crescent Communities.

**Master-Planned Community**
RCLCO prepared a product segmentation strategy for Lakewood Ranch in Sarasota, Florida, that helped to dramatically increase market share and total annual sales.

**Master-Planned Community**
Rise Development Partners utilized our Market Analysis to expand their existing product program at the Cane Island MPC in Katy, Texas, to include offerings targeting underserved buyer segments.
FINANCIAL MODELING & OPTIMIZATION ANALYSIS

We’ll combine our revenue forecasts and cost estimates to prepare dynamic development pro forma analyses and other decision-making tools that help you:

► Understand Various Scenarios: RCLCO can help you quickly test the financial implications of development programs and positioning scenarios in an easy-to-understand report

► Maximize Returns: we use the power of linear optimization to determine the development program that maximizes your investment

► Outline Property Valuation: discounted cash flow is an important valuation tool for clients seeking a better understanding of the value of an asset (under diverse scenarios)

► Form Infrastructure Bonds: gain deeper insights as to the capacity of a project to support community development district financing

► Fine Tune Your Business Plan with Cycle Risk Analysis: RCLCO financial modeling determines the expected rates of return and net present value of your development under different assumptions, taking into consideration business cycles, real estate cycles, and future economic conditions

SAMPLE PROJECT EXPERIENCE:

Master-Planned Community
RCLCO prepared financial models to forecast the anticipated future performance of the Seldin community during the planning and entitlement phase.

Master-Planned Community
Connerton utilized RCLCO’s Linear Optimization model to fine-tune the development program for remaining acreage in order to drive higher financial returns.

Commercial Employment Center
We conducted a market and financial analysis to determine the highest and best use solution for a major new employment center in Frisco, Texas. The analysis included an assessment of a variety of development execution options (superpads vs. finished lots) and partnership structures.

Master-Planned Community
RCLCO evaluated the product program at Houston’s Sienna Plantation for an MPC Developer, and recommended an expansion of product offerings to penetrate underserved buyer segments and accelerate the sales pace. We developed a financial pro forma and optimized the product mix to maximize returns and net present value.
COMPETITIVE EDGE

Gain a competitive edge in the marketplace by utilizing RCLCO’s market, financial, and consumer insights, specifically:

► Market Sizing: we are highly experienced in quantifying the depth and future growth potential in new or underserved market niches
► Competitive Landscape Analysis: we can evaluate other players in the field, their strengths and weaknesses, capitalization approach, potential acquisitions, and more
► Defining New Concepts: RCLCO investigates existing product segmentation, points of departure, emerging niche opportunities, and responses to obsolescence
► Customer Definition: our revolutionary consumer research describes how real estate behavior is changing and how the corresponding appetite for “place” is evolving
► Business Plan Analysis: we model the optimal business plan for new or differentiated concepts, demonstrating where premiums are created or where risks linger unmitigated

SAMPLE PROJECT EXPERIENCE:

Master-Planned Community
RCLCO performed market sizing and a competitive landscape analysis for WestRock’s Charleston area communities in South Carolina.

Net-Zero Community Concept
RCLCO identified best practices in developing net-zero community concepts and product types to inform the market opportunity for a concept community in San Antonio, Texas.

Active Adult Community
RCLCO worked with On Top of the World to revitalize their product segmentation to reinvigorate sales.
REPOSITIONING & REUSE

RCLCO has an intimate knowledge of the market realities governing your ability to reposition real estate assets. We know what is needed to quantify both the enhanced revenue potential and added market risk from this reposition. The hallmarks of RCLCO’s approach to these analytical efforts include:

► Highest & Best Use Approaches: we start with an analysis of the full spectrum of repositioning efforts and then quickly hone in on what’s optimal
► Actionable Recommendations: our work results in specific, product-level recommendations (down to the feature and floorplan level)
► Quantification of Benefits and Risks: our recommendations are informed by a return on investment analysis and a quantification of market risk, recognizing that a “do nothing” solution has risk as well
► Full-Spectrum Product-Type Capabilities: we are among the few consulting resources in the industry that has detailed knowledge of every product type
► Valuation: with our guidance, understand the current and future value of each asset under various development program assumptions

SAMPLE PROJECT EXPERIENCE:

Golf Community
Suntrust Bank enlisted RCLCO’s advisory services for the Hasentree Golf and Residential Community in Wake County, North Carolina, providing repositioning strategies for the golf community at-large.

Master-Planned Community
RCLCO performed a market analysis regarding the Huntington Village master-planned community for British American in Ormond Beach, Florida.

Resort
RCLCO helped Pangea’s Edge Holdings with a strategic market analysis for Balsam Mountain Preserve, a 4,400-acre resort community in the mountains of Western North Carolina.
Investors and owner/operators turn to RCLCO for the thoughtful underwriting of every product type and forecasting of real asset performance. We support markets throughout North and South America, the Caribbean, and beyond.

Our work is distinguished by:

► Speed to Market: we quickly turn around a full competitive market analysis
► Streamlined, Action-Oriented Deliverables: clear guidance on performance/lease rate upside and escalation projections
► Qualitative Input: we offer a unique and nuanced understanding of both the challenges and the potential of the asset in question, as well as key competitive properties
► Personalized Underwriting Process: RCLCO can act as an extension of your acquisition team; for many of our clients we have standard data collection, analysis, and reporting templates, and a streamlined contracting process

SAMPLE PROJECT EXPERIENCE:

Second-Home Community
RCLCO provided an analysis and recommendations for Arendale Holdings, as part of the underwriting for the acquisition of a portfolio of eight resort and second-home communities, including The Cliffs.

Homebuilder
We performed an analysis and evaluation of dozens of residential community assets all across the U.S. as part of the buyer’s due diligence process.

Master-Planned Community
RCLCO helped Johnson Development Corporation understand the market potential of the Trinity Falls MPC in McKinney, Texas, during their acquisition due-diligence phase. We analyzed the upside potential with regard to sales pace as well as the opportunity to enhance sales through the delivery of an active adult community.
MARKET OPPORTUNITY ANALYSIS

The industry’s major players call on RCLCO to bring advanced data analysis and market forecasting to guide the selection of markets and submarkets for existing and new real estate concepts.

The hallmarks of RCLCO’s approach to these analytical efforts are:

► A Rigorously Analytical Methodology: our team utilizes the best predictive analytics around, identifying the optimal markets and submarkets by weighing a range of economic, demographic, and market data points

► Geography of Demand: we carefully analyze what is getting built, where, and with what expected impact on your plans and positioning

► Real-Time Feedback: our work gravitates toward custom databases and dashboards that serve as dynamic decision-making tools

► Strategic Results: we provide specific conclusions and recommendations relative to product concept, market positioning, consumer profiles, and geographic targeting

SAMPLE PROJECT EXPERIENCE:

Master-Planned Primary & Second Home Communities
RCLCO evaluated metro market areas and submarkets throughout the Southeast in support of Hines Interests Fund for residential community acquisition and development.

Single-Family Rental Communities
RCLCO helped identify opportunistic markets for the expansion of NexMetro’s single-family rental community concept. We created a market selection model that utilized key demographic and economic criteria deemed most predictive in identifying growth markets for their target customer.

Homebuilder
RCLCO helped Gracepoint Homes identify opportunistic submarkets and neighborhoods in the Dallas-Fort Worth and Houston markets to deliver for-sale, infill housing products ranging from 12 to 24 units per acre.
CONSUMER INSIGHT

Whether mining years of past research or conducting fresh direct consumer research (in the form of internet surveys, focus groups, and in-person/intercept interviews), we provide critical insight into your target customers’ likely reaction to a new offering, repositioning strategy, or new product concept. RCLCO has helped clients of every type understand consumer dynamics and apply them to their business. Our work in this area is defined by:

► A Unique Perspective: most research companies do not have the nuanced understanding of real estate and the expertise to conduct research and analyze the results with a team expert in land use matters
► Cost-Effective Approach: technology and improved work processes allow us to add this vital research step at a much lower incremental cost
► Actionable Conclusions: not just mindset observations, RCLCO translates consumer insights into program, pricing, and project recommendations to support complicated underwriting or drive product evolution

SAMPLE PROJECT EXPERIENCE:

Large Land Owner / Master-Planned Community / Active Adult Community
We conducted in-depth research with consumers in the U.S. and Canada to gauge interest in new community concepts for St Joe’s vast land holdings.

Age-Oriented Communities
RCLCO conducted national consumer research for Brookfield Residential to understand varying consumer preferences for a variety of age-oriented community concepts.

Resort
We conducted quantitative consumer research to identify key second-home buyer preferences for the purpose of quantifying demand as well as product and amenity programming at a proposed resort residential development in the Texas Hill Country.
RCLCO’s entitlement support includes fiscal and economic impact analysis that evaluates the impact of your projects on local and state economies and budgets. This analysis determines a land use’s net benefit contribution to a local government. Every land use creates revenue for a local government (in the form of property taxes, sales taxes, charges for services, etc.) as well as expenses (such as police, fire, roads, general government, parks, schools, and other services).

► FIVA Model: RCLCO’s proprietary modeling calculates these revenues and expenses to arrive at the net fiscal benefit to a local government

► Trusted Insight: The FIVA model provides insight and comfort to elected officials when making difficult votes on proposed projects, by providing a quantitative, independent analysis that forecasts the economic result of their decision

► Market Reality: our market studies offer key inputs into our impact analyses

► Multiple Applications: private clients seek entitlements, tax increment financing, and participation by public provision capital improvements

► Credibility: after 50 years in the space, we have achieved a high level of credibility with both governments and the private sector

SAMPLE PROJECT EXPERIENCE:

Master-Planned Community / Resort Second Home Community / Large Land Owner / Active Adult Development
RCLCO conducted in-depth fiscal and economic analyses for Russell Lands to demonstrate the contribution that lake resort and second home development makes to the local and regional economy.

Master-Planned Community
We conducted a fiscal and economic impact analysis for the Gran Central Park MPC in Conroe, Texas, for the purpose of obtaining critical public financing for a variety of infrastructure improvements.

Resort Second-Home Community
RCLCO prepared an analysis of the net fiscal and economic benefits of lake-oriented residential development (both primary and second homes) around Lake Martin in Alabama, working with local government and major land owner and developer Russell Lands.
AMENITY PROGRAM STRATEGIES

RCLCO helps clients determine the best amenity program strategies, recognizing that it is essential to make amenity investments consistent with consumer preferences in order to achieve the highest return. Our work on hundreds of engagements each year provides insight relative to the amenities that are most in demand and to which specific audiences. Key questions we are often called on to address include:

► Parks and Open Space: How much in the way of parks and open space should be included, and what premiums can be generated? What share of product should be in premium locations, and is it worth giving up buildable uplands?

► What to Build or Not: Although there is market support for golf, do the economics make sense? Will the premiums generated by golf be sufficient to justify the capital cost, and is demand sufficient to support ongoing operations and maintenance? What type of structure makes the most economic sense - public, private, or a hybrid?

► Sidewalks and Trails: Do we include sidewalks on both sides of the street, as well as walking or hiking paths, or would a more active fitness trail be preferable?

► We understand that a long-term development requires an ongoing amenity strategy. Having something new to talk about, even if small, generates interest and adds to the lifestyle of the development.

SAMPLE PROJECT EXPERIENCE:

Master-Planned Community
RCLCO prepared a strategic market analysis and provided development program recommendations for Sayebrook’s successful town center development, with a traditional neighborhood design, in Myrtle Beach.

Master-Planned Community
We provided market and case study analyses in order to successfully program the shopping, dining, and cultural center of Waterside at the Lakewood Ranch community.

Active Adult Community
RCLCO worked with Walton Development to determine the optimal amenity strategy for their planned active adult community (Panasoffkee Preserve), including whether or not golf could be financially feasible.
REGIONAL OVERVIEW & SITE ANALYSIS
KANSAS CITY IS A STABLE MARKET WHERE EMPLOYMENT DYNAMICS ARE REFLECTIVE OF THE NATION AS A WHOLE

The subject site is located in the Johnson County, home to a growing number of job opportunities in the Kansas City region. Historically, the Kansas City metropolitan statistical area (“MSA”) has experienced employment growth reflective of the nation as a whole. From 2012 to 2017, the MSA added approximately 18,250 new jobs per year, averaging a 2% annual growth rate.
THE KANSAS CITY MSA IS SHIFTING TOWARDS MORE KNOWLEDGE-BASED INDUSTRIES

The economic composition of the Kansas City MSA has been shifting over the past two decades, increasingly led by growth in the Professional & Business Services and Education & Health Services economic sectors. Three largest health systems (HCA Midwest, University of Kansas, and Children’s Mercy) are among the top ten employers in the region, with over 27,500 workers. Sprint Corp, headquartered in Overland has over 6,000 employees and is is the largest employer in Johnson County.

Looking forward, these two economic sectors are projected to be economic drivers in the MSA over the next decade. As the region shifts towards a more knowledge based economy, areas like Johnson County, with highly-educated populations are well positioned to capture an outsized share of future job growth.

Historical and Projected Employment Growth by Industry, 1990-2030;
Kansas City MSA
STRENGTHS
► Reputation and Visibility: Leawood is an established, desirable residential location for executives in Johnson County. Leawood is primarily a residential bedroom community serving many of the largest employment cores and lifestyle destinations located to the north of the subject property. The site has strong visibility from the heavily trafficked State Line Road.

CHALLENGES
► Distance from highway network: The subject site’s location at the southeastern edge of Leawood, is further from major highways than other new mixed-use communities in the area located to the northwest of the site, which could impact the viability of certain commercial components.

► Challenging local retail environment: Several shopping centers near the subject site along State Line Road are struggling with high vacancy rates. The availability of a large amount of vacant retail space nearby could create challenges for leasing activity at the subject site if the retail on-site is not anchored.

► Not an Established Employment Core: Leawood is not considered to be a viable employment core, and given the capacity for growth that exists in more established commercial and office submarkets, it is unlikely that employment related uses will migrate to this location anytime in the foreseeable future.

► State Line is a Bright Line: From a demographic and socioeconomic status perspective, State Line Road represents a significant psychological barrier, and while demand analyses radii drawn around the subject property crosses this state boundary line, in reality, there is relatively little crossover between the Kansas and Missouri portions of the market.
SITE IS CONVENIENT TO COLLEGE BOULEVARD, DOWNTOWN KANSAS CITY, AND OTHER EMPLOYMENT HUBS

Despite the fact that Leawood is not considered a viable employment submarket, the subject property is easily accessible to many established employment cores in the Kansas City region. Accordingly, there should be strong market support for households that are looking for residential options within a reasonable commuting distance from several of the region’s large employment cores, including:

► **College Boulevard:** Located an approximate 10 to 15 minute drive from the subject site, College Boulevard attracts significant concentrations of traditional office workers as well hotel/retail employees due to the presence of the Overland Park Convention Center.

► **South Johnson County:** Along Highway 69, there is a cluster of healthcare related employment with several hospitals, such as Blue Valley Hospital, Children’s Mercy Blue Valley, and Overland Park Regional Medical Center. Further west on 135th Street, there is another concentration of hospitals and related employment.

► **Downtown Kansas City:** One of the single-largest job cores in the region, Downtown Kansas City offers diverse types of employment, in such economic sectors as Professional Services, Government, Retail, and Hospitality.

► **Lenexa:** Home to a large concentration of manufacturing and logistics employment due to its strategic location at the intersection of Interstate 435 and Interstate 35. Lenexa has a large inventory of single-story business parks.

SOURCE: LEHD; Robert Manduca; RCLCO
ECONOMICS AND DEMOGRAPHICS

STRONG DEMOGRAPHICS IN LEAWOOD NEAR TOP OF KANSAS CITY REGION

- As a result of its attractive location near top performing schools and established residential neighborhoods, the area around the subject site is attractive to affluent households in the region.
- When compared to the Kansas City MSA, the age distribution for households living within Leawood skews older, with approximately 60% of households head by someone 55 years or older compared to 43% in the region as a whole. Within 3 miles of the subject site, the demographics more closely mirror the region as a result of younger households choosing to live along the emerging 135th St corridor in recently built apartment communities.
- Leawood has an average household income of $188,000, nearly double the $85,000 average in the region as a whole. Accordingly, the income distribution of the area reflects the higher average age of residents and the ability of the city to attract a large number of high-income households that are likely drawn to its desirable location.

Distribution of Households by Age, 2018;
Leawood and Kansas City MSA

Distribution of Households by Income, 2018;
Leawood and Kansas City MSA

SOURCE: Esri; RCLCO
RENTAL APARTMENT ANALYSIS
OVER THE PAST 6 YEARS THERE HAS BEEN A STEADY PACE OF NEW SUPPLY, HOWEVER, NET ABSORPTION HAS KEPT PACE WITH DELIVERIES DEMONSTRATING MARKET STRENGTH

The PMA, which is defined in Exhibit III-8 and encompasses Leawood and parts of Overland Park, has seen a steady supply of new rental apartment development in the last six years, during which approximately 3,500 new units delivered in the area.

Net absorption has kept pace with these deliveries, and vacancy rates have remained stable in the 5% to 7% range, which is consistent with the historic market average. While vacancies have fluctuated somewhat during years with many new deliveries, such as 2015 when over 1,100 units came to market, the submarket has typically absorbed these deliveries soon thereafter.

As new rental apartment development has occurred in the PMA, both asking rents and effective rents have experienced significant growth. In the past six years, asking rents in the PMA have increased by an average of 3.7% each year.

<table>
<thead>
<tr>
<th>Year</th>
<th>Units</th>
<th>Vacancy</th>
<th>Change in Inventory</th>
<th>Net Absorption</th>
<th>Vacancy</th>
<th>Effective Rent Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>1,400</td>
<td>8.0%</td>
<td>-350</td>
<td>1,400</td>
<td>8.0%</td>
<td>5.0%</td>
</tr>
<tr>
<td>2004</td>
<td>1,150</td>
<td>6.0%</td>
<td>100</td>
<td>1,150</td>
<td>6.0%</td>
<td>4.0%</td>
</tr>
<tr>
<td>2005</td>
<td>900</td>
<td>4.0%</td>
<td>-200</td>
<td>900</td>
<td>4.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>2006</td>
<td>650</td>
<td>2.0%</td>
<td>100</td>
<td>650</td>
<td>2.0%</td>
<td>2.0%</td>
</tr>
<tr>
<td>2007</td>
<td>400</td>
<td>0.0%</td>
<td>-100</td>
<td>400</td>
<td>0.0%</td>
<td>1.0%</td>
</tr>
<tr>
<td>2008</td>
<td>250</td>
<td>1.0%</td>
<td>-100</td>
<td>250</td>
<td>1.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>2009</td>
<td>150</td>
<td>0.0%</td>
<td>-100</td>
<td>150</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>2010</td>
<td>50</td>
<td>0.0%</td>
<td>-200</td>
<td>50</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>2011</td>
<td>0</td>
<td>0.0%</td>
<td>-100</td>
<td>0</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>2012</td>
<td>-50</td>
<td>0.0%</td>
<td>0</td>
<td>-50</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>2013</td>
<td>-100</td>
<td>0.0%</td>
<td>0</td>
<td>-100</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>2014</td>
<td>-150</td>
<td>0.0%</td>
<td>0</td>
<td>-150</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

SOURCE: CoStar; RCLCO
RENTAL APARTMENT SUPPLY

THE COMPETITIVE SET IS MADE UP OF GARDEN-STYLE COMMUNITIES WITH STANDARD FEATURES AND AMENITIES

RCLCO assessed numerous nearby properties along the 135th Street corridor in order to determine the optimal positioning for a new rental apartment community at the subject site. In general, the vast majority of new communities in the PMA are attracting professionals and former homeowners by offering larger floorplans with relatively low monthly prices compared to mortgage payments, comprehensive amenity packages with numerous social spaces, and high-end but not over-the-top unit finishes.

Within the competitive set, asking rents generally range from $1.15 to $1.24 per square foot. Villa Milano, the closest property to the subject site, is achieving the highest rents in the market at $1.29 per square foot (when adjusting for the included attached garage parking spaces at $150/month per space). This property offers unit finishes and amenities in line with the market but offers the largest average unit size east of Highway 69. Villa Milano appears to have found success in attracting a mature renter demographic in comparison to other communities in the PMA that are marketed towards a broad spectrum of renters.

<table>
<thead>
<tr>
<th>COMMUNITY NAME</th>
<th>YEAR BUILT</th>
<th>TOTAL UNITS</th>
<th>OCC. RATE</th>
<th>AVERAGE SIZE (SF)</th>
<th>AVERAGE ASKING RENT</th>
<th>AVERAGE ASKING $/SF</th>
<th>AVERAGE LEASE-UP PACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARIUM Overland Park</td>
<td>2015</td>
<td>402</td>
<td>94.0%</td>
<td>1,160</td>
<td>$1,349</td>
<td>$1.16</td>
<td>21 Units/Month</td>
</tr>
<tr>
<td>Adara Overland Park</td>
<td>2017</td>
<td>260</td>
<td>95.0%</td>
<td>1,125</td>
<td>$1,351</td>
<td>$1.20</td>
<td>15 Units/Month</td>
</tr>
<tr>
<td>Sovereign at Overland Park</td>
<td>2013</td>
<td>250</td>
<td>96.0%</td>
<td>1,131</td>
<td>$1,362</td>
<td>$1.20</td>
<td>16 Units/Month</td>
</tr>
<tr>
<td>The Ranch at Prairie Trace</td>
<td>2015</td>
<td>280</td>
<td>95.0%</td>
<td>921</td>
<td>$1,141</td>
<td>$1.24</td>
<td>16 Units/Month</td>
</tr>
<tr>
<td>The Fairways at Corbin Park</td>
<td>2011</td>
<td>276</td>
<td>96.0%</td>
<td>981</td>
<td>$1,129</td>
<td>$1.15</td>
<td>N/A</td>
</tr>
<tr>
<td>Corbin Greens Apartments</td>
<td>2014</td>
<td>228</td>
<td>91.0%</td>
<td>985</td>
<td>$1,174</td>
<td>$1.19</td>
<td>20 Units/Month</td>
</tr>
<tr>
<td>Residences at Prairiefire</td>
<td>2015</td>
<td>426</td>
<td>96.0%</td>
<td>1,047</td>
<td>$1,294</td>
<td>$1.24</td>
<td>20 Units/Month</td>
</tr>
<tr>
<td>Villa Milano</td>
<td>2015</td>
<td>290</td>
<td>94.0%</td>
<td>1,133</td>
<td>$1,459</td>
<td>$1.29</td>
<td>17 Units/Month</td>
</tr>
</tbody>
</table>

SOURCE: Axiometrics, CoStar, Interviews with Leasing Agents; RCLCO
Rental Positioning

An Adjustment Analysis was used to project likely price positioning at the Subject Site

- Each community surveyed has various strengths and weaknesses considered when determining pricing feasibility. In order to price units at the subject site, each comparable community was adjusted on factors including age, unit finishes, amenities, location, and proximity to retail.

- The adjustments assume that unit finishes and community amenities at the subject site will be superior to those of existing apartments in the market, and the property will be highly amenitized. The site is also assumed to have a strong location, a sense of place (due to planned open space and on-site retail), and to be a mix of unit types to appeal to a broad spectrum of prospective renters.

![Graph showing percent adjustment from comparable community to proposed subject site development]

- Percent Adjustment from Comparable Community to Proposed Subject Site Development

1 - ARIUM Overland Park
2 - Adara Overland Park
3 - Sovereign at Overland Park
4 - The Ranch at Prairie Trace
5 - The Fairways at Corbin Park
6 - Corbin Greens Apartments
7 - Residences at Prairiefire
8 - Villa Milano

Source: RCLCO
Rental Positioning

RCLCO believes the subject site can achieve top-of-market rents for the area

- Situated in Leawood and along the emerging 135th Street retail corridor, the subject site is an appealing residential location for a variety of household types, including young and mature professionals looking to live near the locations in which they work and play, as well as empty nesters looking for walkable urban living.

- Due to the demographics of the surrounding area, there is a compelling opportunity to introduce a rental apartment building that will appeal to a more affluent and mature segment of the population.

- RCLCO recommends that the unit mix be relatively equally divided between one-bedroom and two-bedroom units. The units at the subject site are positioned at $1.37 per square foot (in $Q4 2018), which is top-of-market due to likely product execution as well as the sense of place envisioned at the subject site.

- Based on conversations with knowledgeable market participants, and our own underwriting of multifamily projects in analogous locations/markets, these rents are likely to only support relatively low density two- and three-story garden-style construction with surface parking.

**Recommended Unit Mix by Building Type**

<table>
<thead>
<tr>
<th>Subject Site</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UNIT TYPE</strong></td>
</tr>
<tr>
<td>1BR</td>
</tr>
<tr>
<td>2BR</td>
</tr>
<tr>
<td>3BR</td>
</tr>
<tr>
<td>TOTAL/AVG.</td>
</tr>
</tbody>
</table>

**Linear Trend of Average Rent to Average Unit Size Relationship, October 2018; Competitive Set**

SOURCE: Axiometrics, CoStar, Interviews with Leasing Agents; RCLCO
DEMAND IS EXPECTED TO REMAIN HEALTHY, SUPPORTIVE OF 14 UNITS PER MONTH ABSORPTION PACE AT THE SUBJECT SITE

► To estimate potential absorption of rental apartments, RCLCO used a demographics-based demand model and examined households in the Primary Market Area (“PMA”), or the area from which most demand is expected to emanate. For the purpose of this study, RCLCO considered the PMA to be the area bounded by W 75th Street to the north, W 159th Street to the south, Pflum Road and Interstate 35 to the west and State Line Road to the east. Within this area, RCLCO considered factors such as age, income, tenure, turnover, and product preference to determine the number of households that are likely to rent new apartments.

► Using this approach, RCLCO estimated total demand for 635 new apartments in the PMA each year. In general, the majority of this demand is expected to come from young professionals, though there remain untapped opportunities to attract mature professionals and empty nesters as well.

► Currently, there is a sizable amount of projects under construction in the PMA set to deliver in 2019. There is also a significant number planned projects, including the 2,000+ unit Brookridge Country Club redevelopment, that may compete with the subject site. While certain years may experience a more competitive lease-up environment, RCLCO expects the supply and demand for multifamily apartments will remain in balance over the next five years. For information on the pipeline of new deliveries, please see Exhibit III-12.

► Assuming that the subject site offers phases of 260 rental apartment units, that two to three buildings deliver in the PMA in a similar time frame, and that the subject site captures its fair share of annual demand, RCLCO estimates it will achieve a monthly absorption pace of 14 units per month, resulting in a lease-up period of approximately 18-19 months per phase. In conversations with leasing professionals, the apartment market is highly seasonal and absorption pace may vary based on which month a project delivers.

► Please see Exhibits III and IV for detailed information on the apartment market and demand.
## Rental Market Audience Segments

<table>
<thead>
<tr>
<th>Description</th>
<th>POST-GRAD</th>
<th>YOUNG PROFESSIONAL</th>
<th>FAMILY</th>
<th>RENTER-BY-CHOICE</th>
<th>EMPTY NESTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Just completed degree, in first job or grad school, single</td>
<td>Well into career, singles and couples</td>
<td>Children at home, usually young children</td>
<td>Couples and singles, established wealth, rent due to life change or preference</td>
<td>Couple or single, active in community and socially</td>
</tr>
<tr>
<td>Motivated By...</td>
<td>Price-point, location, nightlife</td>
<td>Location, amenities, quality</td>
<td>Value-orientation, convenience, good schools</td>
<td>Nice finishes and amenities, convenience</td>
<td>Downsizing, urban-suburban living, nice finishes, convenience of renting</td>
</tr>
<tr>
<td>Moves from</td>
<td>College Housing</td>
<td>Shared housing with roommates and/or older less amenitized apartment community</td>
<td>N/A</td>
<td>Less amenitized apartment community, relocating from another metro area, moving out of single-family-detached home due to life change</td>
<td>Single-family-detached home in surrounding suburbs</td>
</tr>
<tr>
<td>Financial Status</td>
<td>$50,000</td>
<td>$110,000 (combined, lots of student loans)</td>
<td>$125,000 (waiting to buy home)</td>
<td>$140,000 (limited savings)</td>
<td>$150,000+ (saving for retirement)</td>
</tr>
<tr>
<td>Age Range</td>
<td>Early and mid 20’s</td>
<td>Late 20’s and 30’s</td>
<td>30’s and 40’s</td>
<td>Late 30’s, 40’s, 50’s</td>
<td>60’s, 70’s</td>
</tr>
<tr>
<td>Location Preferences</td>
<td>Walkable, affordable</td>
<td>Walkable, close to employment</td>
<td>Good school district, close to employment, retail</td>
<td>Walkable, sensitive to reputation</td>
<td>Walkable, urban-suburban locations</td>
</tr>
<tr>
<td>Unit Layout</td>
<td>2-BR roommates, 1-BR</td>
<td>1-BR, 1-BR+Den</td>
<td>2-BR, 3-BR</td>
<td>1-BR, 1-BR+Den, 2-BR</td>
<td>1-BR+Den, 2-BR, 3BR</td>
</tr>
<tr>
<td>Amenity Preferences</td>
<td>Pool, fitness, grill and lounge areas, pet amenities</td>
<td>Fitness, grill areas, lounge areas, pet amenities</td>
<td>Fitness, outdoor open spaces, pet amenities</td>
<td>Fitness, pet amenities, concierge services</td>
<td>Fitness, on-site storage, pet amenities, concierge</td>
</tr>
<tr>
<td>Most relevant comparable communities</td>
<td>Residences at Prariefire, The Ranch at Prairie Trace</td>
<td>Residences at Prariefire, The Ranch at Prairie Trace</td>
<td>Adara Overland Park, Sovereign at Overland Park, Corbin Park Apartments</td>
<td>Villa Milano, Residences at Prariefire</td>
<td>Villa Milano</td>
</tr>
<tr>
<td>Opportunity to capture</td>
<td>Large market segment but limited opportunity to capture; price sensitivity will preclude some from renting at subject site, location is not a strong fit as many may prefer to live closer to downtown Kansas City</td>
<td>Largest market segment, strong opportunity to capture; likely moving out of sub-par housing, ready for something new/nice but not ready to buy</td>
<td>Moderate market for multifamily rental at subject site, most will be relocating to the market and renting temporarily before buying, or are young families with preschool aged children</td>
<td>Moderate market segment but strong location for this audience; mixed-use, proximity to employment; high-end finishes</td>
<td>Moderate market of renters but strong location for audience; upscale suburban mixed-use environment near their existing social circles</td>
</tr>
</tbody>
</table>
FOR-SALE RESIDENTIAL ANALYSIS
GROWTH IN FOR-SALE RESIDENTIAL MARKET

TRANSACTION VOLUME IN JOHNSON COUNTY HAS SURPASSED PRE-RECESSION LEVELS, PRICE APPRECIATION HAS OCCURRED ACROSS ALL SALES BUT IS MORE PRONOUNCED IN NEW HOME PRICES

► Total transaction volume (new and resales) hit approximately 9,600 in 2017, nearly triple the sales volume in 2005-2006. The share of high value sales $600,000 and above also increased to a high of 5.7% in 2018 YTD.

► New home sales have reached their pre-recession levels in 2016-2017 of approximately 1,000 sales annually. The share of high value sales has had a similar pattern of price appreciation as total sales, and increased significantly to 12.6% of new home sales in 2018 YTD. However, the share of new home sales as a percentage of overall sales has fallen due to the overall increase in transaction volume in the county.

SOURCE: RealQuest
Meadowbrook Park is currently the top of market in the region with average sales above $1,700,000 ($435 per square foot). This community is currently selling and its first homes are under construction or recently completed. The master-planned, gated community is located on the site of a former golf course and offers unique park amenities.

Prairiefire Villas at Lionsgate and Village at Leawood are new construction communities near the top of market with average sales above $1,250,000 (above $280 on a per square foot basis). Prairiefire Villas is located near the subject site off of 135th Street and offers high-end homes adjacent to a golf course. Village of Leawood is located north of the subject site on 89th Street. Both communities offer high end finishes and similar sized homes (approximately 4,500 square feet).

The Enclave at Cedar Pointe is located just north of the subject site on 133rd Street. The community offers the smallest, most affordable homes with average size of approximately 2,600 square feet and sales around $550,000 ($206 per square foot).

Villas of Leabrooke Town Manor and Villas of Ironwoods are located near to 151st Street in Leawood and are priced similarly on a per square foot basis (around $220 per square foot). Although Villas of Ironwoods offers larger homes, the Village of Leabrooke offers unique amenities such as a sports court and fitness center.

Water's Edge is the bottom of market on a per square foot basis ($191). The community is the only actively selling, non-maintenance free community in the area.

| Subject Site |

**FOR-SALE RESIDENTIAL SUPPLY - SINGLE FAMILY DETACHED**

**MAP KEY**

<table>
<thead>
<tr>
<th>COMMUNITY</th>
<th>TYPE</th>
<th>YEAR OPENED</th>
<th>AVG. PRICE $/ SQ. FT.</th>
<th>AVG. MO. ABS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enclave at Cedar Pointe</td>
<td>Single Family Detached</td>
<td>2017</td>
<td>$547,210</td>
</tr>
<tr>
<td>2</td>
<td>Prairiefire Villas at Lionsgate</td>
<td>Single Family Detached</td>
<td>2018</td>
<td>$1,286,903</td>
</tr>
<tr>
<td>3</td>
<td>Villas of Leabrooke Town Manor</td>
<td>Single Family Detached</td>
<td>2017</td>
<td>$631,933</td>
</tr>
<tr>
<td>4</td>
<td>Villas of Ironwoods</td>
<td>Single Family Detached</td>
<td>2017</td>
<td>$826,065</td>
</tr>
<tr>
<td>5</td>
<td>Waters Edge</td>
<td>Single Family Detached</td>
<td>2017</td>
<td>$685,344</td>
</tr>
<tr>
<td>6</td>
<td>Meadowbrook Park</td>
<td>Single Family Detached</td>
<td>2017</td>
<td>$1,766,827</td>
</tr>
<tr>
<td>7</td>
<td>Village of Leawood</td>
<td>Single Family Detached</td>
<td>2018</td>
<td>$1,318,567</td>
</tr>
</tbody>
</table>

**SOURCE:** Google; sales agent interviews; Redfin; RCLCO
Whereas there are a number of comparable single family detached communities in the area surrounding the subject site, there are fewer comparable communities offering townhouse-style, single family attached product or condominiums.

Part of master-planned Meadowbrook Park, Parkside and the Reserve’s twin villas are currently the top of market in the region with average sales around $900,000 ($295 per square foot). This community is currently selling and its first twin villas were recently completed.

Villas of Metcalf Village and Parkview at the Wilderness are located south of the subject site in Overland Park, and consist of smaller, more affordably priced units (average sales around $435,000 at Villas of Metcalf Village and $235,000 at Parkview at the Wilderness).

The Enclave at Highland Villas is located adjacent to a senior care center and offers services and a wide variety of amenities catered to older homebuyers.

Capella (also part of the Meadowbrook Park master-planned community) is the only actively selling condominium community in the area. This 6-unit community offers large units with high-end finishes priced at approximately $1,450,000.

Parkway 133 is the only condo product within three miles of subject site and offers condo resales priced from $640,000.

### Map of Comparable For-Sale Residential Communities; Kansas City, KS

<table>
<thead>
<tr>
<th>COMMUNITY</th>
<th>TYPE</th>
<th>YEAR OPENED</th>
<th>PRICE</th>
<th>$/ SQ. FT.</th>
<th>AVG. MO. ABS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Enclave at Highland Villas</td>
<td>Townhome</td>
<td>2018</td>
<td>$618,070</td>
<td>$245</td>
<td>1</td>
</tr>
<tr>
<td>Villas at Metcalf Village</td>
<td>Townhome</td>
<td>2018</td>
<td>$433,363</td>
<td>$187</td>
<td>N/A</td>
</tr>
<tr>
<td>Parkview at the Wilderness</td>
<td>Townhome</td>
<td>2018</td>
<td>$236,250</td>
<td>$147</td>
<td>N/A</td>
</tr>
<tr>
<td>Parkside and the Reserve</td>
<td>Townhome</td>
<td>2017</td>
<td>$898,743</td>
<td>$295</td>
<td>N/A</td>
</tr>
<tr>
<td>Capella</td>
<td>Condominium</td>
<td>2018</td>
<td>$1,435,000</td>
<td>$476</td>
<td>N/A</td>
</tr>
<tr>
<td>Parkway 133 (RESALES)</td>
<td>Condominium</td>
<td>2005</td>
<td>$614,471</td>
<td>$347</td>
<td>N/A</td>
</tr>
<tr>
<td>Mission Farms (RESALES)</td>
<td>Condominium</td>
<td>2006</td>
<td>$294,500</td>
<td>$209</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**SOURCE:** Google; sales agent interviews; Redfin; RCLCO
RCLCO RECOMMENDS SEGMENTING THE FOR-SALE PROGRAM INTO TWO TYPES – A LUXURY MAINTENANCE FREE SECTION AND A CONVENTIONAL MORE ATTAINABLY PRICED SECTION

The target audience for maintenance-free product at the subject site will likely be empty nesters, pre-retirees, and retirees looking to downsize to high-end, more manageable homes. Many will likely move from nearby in Leawood or Overland Park.

The target audience for the conventional product at the subject site will likely be a mix of move-up buyers, young families, and mature professionals looking for single family attached homes. Buyers of this type of product tend to be more value-oriented and are willing to sacrifice certain services for lower-price points.

Subject Site Recommended Program; For-Sale Residential

<table>
<thead>
<tr>
<th></th>
<th>TOTAL HOMES</th>
<th>TOTAL ACREAGE</th>
<th>UNIT MIX</th>
<th>DENSITY</th>
<th>LOT SIZE</th>
<th>PRICE MIN-MAX</th>
<th>PRICE AVG</th>
<th>SIZE MIN-MAX</th>
<th>SIZE AVG</th>
<th>$/SQFT MIN-MAX</th>
<th>$/SQFT AVG</th>
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</thead>
<tbody>
<tr>
<td><strong>MAINTENANCE FREE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$650,000 - $925,000</td>
<td>$771,875</td>
<td>2,600 - 3,200</td>
<td>2,925</td>
<td>$250 - $283</td>
<td>$263</td>
</tr>
<tr>
<td>Small Lot TND</td>
<td>200</td>
<td>31</td>
<td>100%</td>
<td>7.1</td>
<td>60 x 120</td>
<td>$650,000 - $925,000</td>
<td>$887,500</td>
<td>2,800 - 3,200</td>
<td>3,000</td>
<td>$272 - $283</td>
<td>$277</td>
</tr>
<tr>
<td>Twin Villa (elevator option)</td>
<td>50</td>
<td>12</td>
<td>25%</td>
<td>4.2</td>
<td>60 x 120</td>
<td>$750,000 - $950,000</td>
<td>$800,000</td>
<td>2,600 - 3,200</td>
<td>3,000</td>
<td>$266 - $268</td>
<td>$267</td>
</tr>
<tr>
<td>Townhome (elevator option)</td>
<td>50</td>
<td>7</td>
<td>25%</td>
<td>6.8</td>
<td>45 x 100</td>
<td>$650,000 - $750,000</td>
<td>$700,000</td>
<td>2,600 - 2,900</td>
<td>2,750</td>
<td>$259 - $268</td>
<td>$263</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$650,000 - $925,000</td>
<td>$771,875</td>
<td>2,600 - 3,200</td>
<td>2,925</td>
<td>$250 - $283</td>
<td>$263</td>
</tr>
<tr>
<td><strong>CONVENTIONAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$575,000 - $800,000</td>
<td>$665,385</td>
<td>2,700 - 4,000</td>
<td>3,288</td>
<td>$197 - $213</td>
<td>$203</td>
</tr>
<tr>
<td>Small Lot SFD</td>
<td>325</td>
<td>91</td>
<td>100%</td>
<td>3.6</td>
<td>60 x 120</td>
<td>$575,000 - $650,000</td>
<td>$612,500</td>
<td>2,700 - 3,300</td>
<td>3,000</td>
<td>$197 - $213</td>
<td>$204</td>
</tr>
<tr>
<td>Medium Lot SFD</td>
<td>200</td>
<td>51</td>
<td>62%</td>
<td>3.9</td>
<td>65 x 120</td>
<td>$700,000 - $800,000</td>
<td>$750,000</td>
<td>3,500 - 4,000</td>
<td>3,750</td>
<td>$200 - $200</td>
<td>$200</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$575,000 - $800,000</td>
<td>$665,385</td>
<td>2,700 - 4,000</td>
<td>3,288</td>
<td>$197 - $213</td>
<td>$203</td>
</tr>
</tbody>
</table>

**SOURCE:** RCLCO
RECOMMENDED POSITIONING – SINGLE FAMILY DETACHED

BASED ON VARIOUS FACTORS SUCH AS LOCATION AND EXECUTION, RCLCO BELIEVES THE MAINTENANCE-FREE HOMES AT THE SITE WILL BE POSITIONED ON-PAR WITH OTHER NEARBY MAINTENANCE FREE COMMUNITIES AND THE CONVENTIONAL HOMES WILL BE POSITIONED ON-PAR WITH THE MORE ATTAINABLY PRICED COMMUNITIES LOCATED FURTHER SOUTH

► In order to create segmentation and capture demand from a diverse mix of buyers, the subject site will offer higher-end, maintenance-free product as well as more value-focused, conventional product.

► RCLCO believes there is an opportunity for development of high-end, maintenance-free homes given site’s location in desirable Leawood. The homes, which will offer ultra high-end unit finishes and small lot sizes, will be appealing for empty nesters, pre-retirees, and retirees. These homes may be positioned on-par with similar community concepts located nearby, below Meadowbrook Park located to the north, and slightly above maintenance-free communities located further south in a less desirable location.

► Given the area’s desirability as well as the lack of attainably priced new construction communities, there is an opportunity for more moderately homes at the subject site, which will also increase annual sales volume. In order to attract first time or move-up buyers and families, the conventional areas of the community should limit services that increase the cost of ownership and provide a moderate level of finish. The recommended price positioning is above adjacent Enclave at Cedar Point, which offers limited amenities/services, and somewhat on-par with Villas of Ironwoods, and Villas of Leabrooke Town Manor, maintenance-free communities located further to the south. Ability to offer a monthly HOA below $200 will aide in affordability.

Prices to Unit Size Graph; Subject Site Recommended Program and Competitive Set

SOURCE: Community websites; interviews with sales agents; Redfin; RCLCO
THE TWIN VILLAS AND TOWNHOMES AT THE SITE SHOULD BE POSITIONED NEAR THE TOP OF MARKET

- Due to the site’s desirable location in Leawood, south of Kansas City, KS and the lack of high-end townhome product in the immediate area, there is an opportunity for maintenance-free townhouse product at the subject site. The homes, which will offer high-end unit finishes and options such as private elevators, will likely appeal to empty nesters, pre-retirees, and retirees.

- Although this type of project will be near the top of market, it should be priced lower than Parkside and the Reserve, which offer better locations and unique amenities.

Prices to Unit Size Graph; Subject Site Recommended Program and Competitive Set
PIPELINE PRIMARILY CONCENTRATED IN SOUTH OVERLAND PARK

► There are approximately 200 single family detached and townhomes condominium units planned and proposed in Primary Market Area, in addition to later development phases at existing communities.

► Mission Ranch is expected to offer homes price range similar to the suggested single family detached homes at the subject site (from around $500,000 to $900,000)

► Haven will be one of multiple communities within the “Wilderness” area. This small community is expected to appeal to more value-oriented buyers with homes priced between $225,000 and $250,000.

► With much of the pipeline located south of the subject site in Overland Park, the subject site offers a superior location closer to employment cores such as College Boulevard and Downtown Kansas City.

### Development Details

<table>
<thead>
<tr>
<th>Development</th>
<th>Developer</th>
<th>Location</th>
<th>Units</th>
<th>Est. Price Range</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>SINGLE FAMILY DETACHED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mission Ranch</td>
<td>Rodrock Homes</td>
<td>Overland Park</td>
<td>188</td>
<td>$500,000-$900,000</td>
<td>Under Construction</td>
</tr>
<tr>
<td>SINGLE FAMILY ATTACHED/TOWNHOMES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haven</td>
<td>Prieb Homes</td>
<td>Overland Park</td>
<td>12</td>
<td>$225,000-$250,000</td>
<td>Under Construction</td>
</tr>
</tbody>
</table>

**SOURCE:** Google; sales agent interviews; Redfin; RCLCO
FOR-SALE RESIDENTIAL DEMAND

THE FOR-SALE RESIDENTIAL COMPONENT OF THE FUTURE DEVELOPMENT AT THE SUBJECT SITE IS PROJECTED TO SELL BETWEEN 6 AND 7 UNITS A MONTH, WITH TOTAL MARKET EXPOSURE TAKING ABOUT 7 YEARS TOTAL.

RCLCO conducted a demographics-based statistical analysis of for-sale demand at the subject site and within its PMA. For this analysis, RCLCO utilized the same residential PMA selected for the rental apartment demand analysis described on page 20.

There is annual structural demand for 225+ new for sale residential units within the PMA in the $450,000 and above price bands. The subject site is expected to capture 25%-35% of new sales, or approximately 80-85 units each year.

Given the strength of the project's location in Leawood and the relatively limited development pipeline, the subject site's fair share capture is a reasonable estimate as new for-sale options will continue to be limited as new development shifts further south in Johnson County.

Please refer to Exhibits Section V and VI for detailed information on the for-sale residential market and for-sale residential demand.

Subject Site For-Sale Residential Capture Rate Analysis, 2018-2023; Kansas City, KS

<table>
<thead>
<tr>
<th>Home Price</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
</tr>
</thead>
<tbody>
<tr>
<td>$450k-$600k</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
</tr>
<tr>
<td>$600k-$750k</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
<td>35.0%</td>
</tr>
<tr>
<td>Over $750k</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
<td>25.0%</td>
</tr>
</tbody>
</table>

TOTAL SUBJECT SITE NEW HOME DEMAND | 85 | 82 | 82 | 83 | 84 | 84 | 85 | 86 | 86 | 87 | 88 |
OFFICE ANALYSIS
OFFICE MARKET TRENDS

THERE IS NO DEMAND FOR CORPORATE BTS OR MULTITENANT OFFICE AT THE SUBJECT PROPERTY IN THE FORESEEABLE FUTURE

► Since 2012, the South Johnson County and College Boulevard submarkets have absorbed a total of 2.48 million square feet of office but have only delivered a total of 994,000 square feet, causing a significant decline in the vacancy rate. This indicates these submarkets may be somewhat supply-constrained and could supply new construction.

► Over the past five years, rents in the Johnson County and College Boulevard submarkets have increased by an average of 3% annually. With convenient highway access and proximity to executive housing, the submarkets are poised to remain some of the top performing in the Kansas City MSA.

► The subject site is located outside of the major office concentrations as shown on the map to the right, and office on-site is anticipated to be a far less competitive use, in particular it is not an appealing site for any larger-scale corporate tenants who would prefer a location along College Blvd.
OFFICE SUPPLY

THE SITE IS NOT LOCATED IN AN OFFICE EMPLOYMENT CORRIDOR

In the office PMA (bounded by Nall Ave, 127th Street, State Line Road and 151st Street), there is a total of approximately 400,000 square feet of office space, a fraction of the 27.8 million square feet in the combined South Johnson County and College Boulevard submarkets. In these two submarkets, office space is clustered near Highway 69 and Interstate 435, respectively.

There is a substantial pipeline of under construction and planned office buildings throughout the South Johnson County and College Boulevard submarkets, with over 1.2 million square feet of space set to deliver by 2020. Most of the pipeline projects are located within short distance of Highway 69 and/or Interstate 435, with the exception of a small 20,000 square foot building to the east of the subject site preleased to Fishtech, a cybersecurity firm.

Recent data on available lease transactions have been to a range of tenant sizes from 1,200 to 60,000, with rents ranging from $18 to $22 FS for the smaller spaces, and $22-$30 FS for larger anchor tenant/headquarters spaces.

RECENT OFFICE LEASE TRANSACTIONS

<table>
<thead>
<tr>
<th>MAP KEY</th>
<th>ADDRESS</th>
<th>DATE SIGNED</th>
<th>LEASED (SF)</th>
<th>RENT PSF</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12980 Foster St</td>
<td>Oct-18</td>
<td>14,872</td>
<td>$22.13 FS</td>
</tr>
<tr>
<td>2</td>
<td>6600 College Blvd</td>
<td>Oct-18</td>
<td>2,500</td>
<td>$12.00 NNN</td>
</tr>
<tr>
<td>2</td>
<td>6600 College Blvd</td>
<td>Sep-18</td>
<td>3,526</td>
<td>$12.00 NNN</td>
</tr>
<tr>
<td>3</td>
<td>13200 Metcalf Ave</td>
<td>Sep-18</td>
<td>1,873</td>
<td>$22.50 FS</td>
</tr>
<tr>
<td>4</td>
<td>7400 W 132nd St</td>
<td>Sep-18</td>
<td>1,648</td>
<td>$22.00 FS</td>
</tr>
<tr>
<td>5</td>
<td>7200 W 132nd St</td>
<td>Sep-18</td>
<td>1,320</td>
<td>$21.70 FS</td>
</tr>
<tr>
<td>5</td>
<td>7200 W 132nd St</td>
<td>Sep-18</td>
<td>1,452</td>
<td>$22.00 FS</td>
</tr>
<tr>
<td>6</td>
<td>7285 W 132nd St</td>
<td>Sep-18</td>
<td>3,081</td>
<td>$22.50 FS</td>
</tr>
<tr>
<td>7</td>
<td>7304 W 130th St</td>
<td>Sep-18</td>
<td>2,278</td>
<td>$21.00 FS</td>
</tr>
<tr>
<td>8</td>
<td>6721 W 121st St</td>
<td>Sep-18</td>
<td>1,470</td>
<td>$21.50 FS</td>
</tr>
<tr>
<td>9</td>
<td>12980 Metcalf Ave</td>
<td>Sep-18</td>
<td>7,029</td>
<td>$21.00 FS</td>
</tr>
<tr>
<td>10</td>
<td>7007 College Blvd</td>
<td>Jun-18</td>
<td>1,474</td>
<td>$24.50 FS</td>
</tr>
<tr>
<td>11</td>
<td>7450 W 130th St</td>
<td>Jun-18</td>
<td>2,988</td>
<td>$22.00 FS</td>
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<tr>
<td>12</td>
<td>4707 College Blvd</td>
<td>Jun-18</td>
<td>1,327</td>
<td>$18.00 FS</td>
</tr>
<tr>
<td>12</td>
<td>4707 College Blvd</td>
<td>Jun-18</td>
<td>1,259</td>
<td>$18.00 FS</td>
</tr>
<tr>
<td>13</td>
<td>10895 Lowell Ave</td>
<td>Jun-18</td>
<td>29,106</td>
<td>$21.50 FS</td>
</tr>
<tr>
<td>14</td>
<td>4200 W 115th St</td>
<td>Jun-18</td>
<td>20,000</td>
<td>$28.50 FS</td>
</tr>
<tr>
<td>15</td>
<td>10895 Lowell Ave</td>
<td>Jun-18</td>
<td>29,106</td>
<td>$21.50 FS</td>
</tr>
<tr>
<td>16</td>
<td>10501 113th St (Cityplace)</td>
<td>Mar-18</td>
<td>60,000</td>
<td>$30.65 FS</td>
</tr>
</tbody>
</table>

SOURCE: CoStar; Loopnet; RCLCO
OFFICE DEMAND

DESPITE THE GROWTH IN OFFICE-BASED EMPLOYMENT IN THE REGION, THE SUBJECT SITE IS NOT PROJECTED TO CAPTURE A SIGNIFICANT AMOUNT OF DEMAND

As the number of office-using employees has drastically increased over the past decade, the amount of occupied office space has increased in the Kansas City MSA as a whole. This trend is generally expected to continue through 2027, where there is expected to be enough demand for an additional 700,000 SF of office space in region.

RCLCO expects that office submarket will continue to capture 0.7% of the overall office growth in the MSA, based on the 10-year historical average. Within the submarket, the subject site can expect to capture 25% of the office demand, based on its positioning as a mixed-use center.

In total, the subject site is anticipated to support a total of 10,000 -15,000 SF of office between 2017 and 2027, in smaller multi-tenant professional spaces. Please refer to Exhibits VII-12 to VII-13 for additional detail on the office market and office demand on-site.

### Historic and Projected Occupied Office Space, 2017-2027;
**Subject Site**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas City MSA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment Projections</td>
<td>1,083,150</td>
<td>1,099,932</td>
<td>1,112,900</td>
<td>1,114,805</td>
<td>1,114,192</td>
<td>1,121,978</td>
<td>1,127,799</td>
<td>1,132,993</td>
<td>1,137,863</td>
<td>1,141,975</td>
<td>1,145,980</td>
</tr>
<tr>
<td>Jobs Added</td>
<td>16,967</td>
<td>16,782</td>
<td>12,968</td>
<td>1,905</td>
<td>-613</td>
<td>7,786</td>
<td>5,821</td>
<td>5,194</td>
<td>4,870</td>
<td>4,112</td>
<td>4,005</td>
</tr>
<tr>
<td>Office Employment Projections</td>
<td>289,005</td>
<td>294,687</td>
<td>299,324</td>
<td>300,006</td>
<td>299,981</td>
<td>303,537</td>
<td>306,105</td>
<td>308,591</td>
<td>310,908</td>
<td>312,952</td>
<td>314,997</td>
</tr>
<tr>
<td>Office Percent of Total</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
<td>27%</td>
</tr>
<tr>
<td>Annual Office Employment Growth</td>
<td>4,193</td>
<td>5,682</td>
<td>4,637</td>
<td>682</td>
<td>-25</td>
<td>3,556</td>
<td>2,568</td>
<td>2,486</td>
<td>2,317</td>
<td>2,044</td>
<td>2,045</td>
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<tr>
<td>SF of Office Space Added Per Employee</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
<td>275</td>
</tr>
<tr>
<td>Estimated Office Absorption in Kansas City MSA</td>
<td>1,153,000</td>
<td>1,563,000</td>
<td>1,275,000</td>
<td>188,000</td>
<td>-7,000</td>
<td>978,000</td>
<td>706,000</td>
<td>684,000</td>
<td>637,000</td>
<td>562,000</td>
<td>562,000</td>
</tr>
<tr>
<td>Submarket</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submarket Capture of MSA Absorption</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Total New Office Development in Submarket</td>
<td>7,300</td>
<td>10,600</td>
<td>8,700</td>
<td>1,300</td>
<td>0</td>
<td>6,700</td>
<td>4,800</td>
<td>4,700</td>
<td>4,300</td>
<td>3,800</td>
<td>3,800</td>
</tr>
<tr>
<td>Subject Site Capture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capture of Large Corporate</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Capture of Small Multi-Tenant Professional Demand</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
</tr>
<tr>
<td>New Large Corporate Office Development</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Small Multi-Tenant Professional Demand</td>
<td>2,000</td>
<td>2,700</td>
<td>2,200</td>
<td>300</td>
<td>0</td>
<td>1,700</td>
<td>1,200</td>
<td>1,200</td>
<td>1,100</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>Annual Development Captured at Site</td>
<td>2,000</td>
<td>2,700</td>
<td>2,200</td>
<td>300</td>
<td>0</td>
<td>1,700</td>
<td>1,200</td>
<td>1,200</td>
<td>1,100</td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td>Cumulative Development Captured at Site</td>
<td>2,000</td>
<td>4,700</td>
<td>6,900</td>
<td>7,200</td>
<td>7,200</td>
<td>8,900</td>
<td>10,100</td>
<td>11,300</td>
<td>12,400</td>
<td>13,400</td>
<td>14,400</td>
</tr>
</tbody>
</table>

SOURCE: CoStar; Moody's Analytics; RCLCO
HOTEL ANALYSIS
The competitive set of hotels includes limited service properties and some full-service convention oriented hotels clustered near the Overland Park Convention Center with convenient access to Interstate 435. The hotels are located in the office employment corridor, and nearby office employment is a significant demand driver. The hotels include upper midscale, upscale, and upper-upscale hotels.

### Competitive Set of Hotels

**Subject Site**

<table>
<thead>
<tr>
<th>MAP KEY</th>
<th>HOTEL TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Courtyard Kansas City South</td>
</tr>
<tr>
<td>2</td>
<td>Hyatt Place Kansas City Overland Park Convention Center</td>
</tr>
<tr>
<td>3</td>
<td>Courtyard Overland Park Convention Center</td>
</tr>
<tr>
<td>4</td>
<td>Hilton Garden Inn Overland Park</td>
</tr>
<tr>
<td>5</td>
<td>Sheraton Overland Park &amp; Conference</td>
</tr>
<tr>
<td>6</td>
<td>Embassy Suites Kansas City Overland Park</td>
</tr>
<tr>
<td>7</td>
<td>Homewood Suites Kansas City Overland Park</td>
</tr>
<tr>
<td>8</td>
<td>Marriott Overland Park</td>
</tr>
<tr>
<td>9</td>
<td>Aloft Hotel Leawood Overland Park</td>
</tr>
<tr>
<td>10</td>
<td>Hyatt Place KC Overland Park Metcalf</td>
</tr>
<tr>
<td>11</td>
<td>Courtyard Kansas City Overland Park</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAP KEY</th>
<th>HOTEL TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Holiday Inn and Suites Overland Park Convention Center</td>
</tr>
<tr>
<td>13</td>
<td>Hampton Inn Kansas City Overland Park</td>
</tr>
<tr>
<td>14</td>
<td>Comfort Inn Overland Park KC South</td>
</tr>
<tr>
<td>15</td>
<td>Drury Inn &amp; Suites Overland Park</td>
</tr>
<tr>
<td>16</td>
<td>Cloverleaf Suites Overland Park</td>
</tr>
</tbody>
</table>

### Existing Hotels

#### Upscale/Upper Upscale Class

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>HOTEL NAME</th>
<th>TYPE</th>
<th>YEAR OPENED</th>
<th>ROOMS</th>
<th>ROOM RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Courtyard Kansas City South</td>
<td>Upscale</td>
<td>1990</td>
<td>149</td>
<td>$134</td>
</tr>
<tr>
<td>2</td>
<td>Hyatt Place Kansas City Overland Park Convention Center</td>
<td>Upscale</td>
<td>1998</td>
<td>134</td>
<td>$123</td>
</tr>
<tr>
<td>3</td>
<td>Courtyard Overland Park Convention Center</td>
<td>Upscale</td>
<td>2000</td>
<td>168</td>
<td>$179</td>
</tr>
<tr>
<td>4</td>
<td>Hilton Garden Inn Overland Park</td>
<td>Upscale</td>
<td>2002</td>
<td>125</td>
<td>$148</td>
</tr>
<tr>
<td>5</td>
<td>Sheraton Overland Park &amp; Conference</td>
<td>Upper Upscale</td>
<td>2002</td>
<td>412</td>
<td>$206</td>
</tr>
<tr>
<td>6</td>
<td>Embassy Suites Kansas City Overland Park</td>
<td>Upper Upscale</td>
<td>1984</td>
<td>199</td>
<td>$137</td>
</tr>
<tr>
<td>7</td>
<td>Homewood Suites Kansas City Overland Park</td>
<td>Upscale</td>
<td>1996</td>
<td>92</td>
<td>$138</td>
</tr>
<tr>
<td>8</td>
<td>Marriott Overland Park</td>
<td>Upper Upscale</td>
<td>1984</td>
<td>398</td>
<td>$199</td>
</tr>
<tr>
<td>9</td>
<td>Aloft Hotel Leawood Overland Park</td>
<td>Upscale</td>
<td>2009</td>
<td>156</td>
<td>$152</td>
</tr>
<tr>
<td>10</td>
<td>Hyatt Place KC Overland Park Metcalf</td>
<td>Upscale</td>
<td>1994</td>
<td>124</td>
<td>$118</td>
</tr>
<tr>
<td>11</td>
<td>Courtyard Kansas City Overland Park</td>
<td>Upscale</td>
<td>1989</td>
<td>149</td>
<td>$164</td>
</tr>
</tbody>
</table>

#### Upper Midscale Class

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>HOTEL NAME</th>
<th>TYPE</th>
<th>YEAR OPENED</th>
<th>ROOMS</th>
<th>ROOM RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Holiday Inn and Suites Overland Park Convention Center</td>
<td>Upper Midscale</td>
<td>2000</td>
<td>119</td>
<td>$122</td>
</tr>
<tr>
<td>13</td>
<td>Hampton Inn Kansas City Overland Park</td>
<td>Upper Midscale</td>
<td>1991</td>
<td>133</td>
<td>$105</td>
</tr>
<tr>
<td>14</td>
<td>Comfort Inn Overland Park KC South</td>
<td>Upper Midscale</td>
<td>1996</td>
<td>92</td>
<td>$103</td>
</tr>
<tr>
<td>15</td>
<td>Drury Inn &amp; Suites Overland Park</td>
<td>Upper Midscale</td>
<td>1905</td>
<td>169</td>
<td>$152</td>
</tr>
<tr>
<td>16</td>
<td>Cloverleaf Suites Overland Park</td>
<td>Independent</td>
<td>1984</td>
<td>112</td>
<td>$110</td>
</tr>
</tbody>
</table>

### Existing Hotel Inventory

<table>
<thead>
<tr>
<th>KEY</th>
<th>TYPE OF HOTEL</th>
<th>ROOMS INVENTORY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Upscale or Upper Upscale</td>
<td>2,106 77%</td>
</tr>
<tr>
<td></td>
<td>Upper Midscale</td>
<td>625 23%</td>
</tr>
</tbody>
</table>

Note: Room Rates were calculated from weekday rates for April 8-12, 2019

SOURCE: Smith Travel Research; RCLCO

U4-14382.00 | June 19, 2019 | 49
WHILE ADR HAS BEEN INCREASING OVER THE PAST FEW YEARS, THERE HAS BEEN A SLIGHT DECREASE IN DEMAND

- Average Daily Rate (ADR) growth has been strong in the competitive hotel set, growing approximately 4% per year from 2012 to 2017. Over the same period, occupancy increased from approximately 65% in 2012 to approximately 71% in 2015. Occupancy has remained relatively flat in the 2015-2018 YTD period.

- There have been no new supply additions to the competitive set since 2009 when the Aloft Hotel Leawood Overland Park opened. However, there are currently three hotels under construction in the area totaling 324 keys. Demand has declined slightly in recent years making hotel a somewhat less robust market opportunity in light of the competition, in particular for the subject site which is not located immediately adjacent to employment clusters which are the primary demand driver in this submarket.

**Historic ADR, RevPAR, and Occupancy Trends, 2012-2018; Competitive Hotel Set**

- **2012**: ADR = $101, RevPAR = $65, Occupancy = 59%
- **2013**: ADR = $105, RevPAR = $69, Occupancy = 59%
- **2014**: ADR = $111, RevPAR = $78, Occupancy = 61%
- **2015**: ADR = $117, RevPAR = $83, Occupancy = 62%
- **2016**: ADR = $119, RevPAR = $83, Occupancy = 63%
- **2017**: ADR = $121, RevPAR = $84, Occupancy = 65%

**SOURCE:** Smith Travel Research; Choose Chicago; RCLCO
DEMAND IS INSUFFICIENT TO SUPPORT NEW HOTEL AT THE SITE FOR THE FORESEEABLE FUTURE

Demand for hotel rooms in South Johnson County has increased by approximately 7.7% since 2012, although the past two years have seen negative demand growth of 1% per year.

Based on current trends and three under construction projects delivering in 2019, RCLCO projects insufficient demand to support new hotel construction until 2026. This analysis assumes a stabilized occupancy rate of 70% for both hotel types.

The subject site is unlikely to capture future hotel demand as visitors to local hotels tend to be business travelers and are looking for convenient highway access and proximity to employment. Please see Exhibits VIII-1 to VIII-7 for more detailed analysis on the hotel market.

Supply and Demand for Conventional Hotels, 2018-2030;
Competitive Set

<table>
<thead>
<tr>
<th>DEMAND GROWTH FORECAST</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
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</thead>
<tbody>
<tr>
<td>Hotel Guest Room Supply</td>
<td>993,165</td>
<td>1,111,425</td>
<td>1,111,425</td>
<td>1,111,425</td>
<td>1,111,425</td>
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<td>1,111,425</td>
<td>1,111,425</td>
<td>1,111,425</td>
</tr>
<tr>
<td>Planned Deliveries</td>
<td>0</td>
<td>118,260</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hotel Guest Room Demand (Occupied Room Nights)</td>
<td>672,298</td>
<td>685,744</td>
<td>699,459</td>
<td>713,449</td>
<td>727,718</td>
<td>742,272</td>
<td>757,117</td>
<td>772,260</td>
<td>787,705</td>
<td>803,459</td>
<td>819,528</td>
<td>835,919</td>
<td>852,637</td>
</tr>
<tr>
<td>Occupancy Forecast</td>
<td>68%</td>
<td>62%</td>
<td>63%</td>
<td>64%</td>
<td>65%</td>
<td>67%</td>
<td>68%</td>
<td>69%</td>
<td>71%</td>
<td>72%</td>
<td>74%</td>
<td>75%</td>
<td>77%</td>
</tr>
<tr>
<td>Annual Projected Change in Room Night Demand</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
<td>2.0%</td>
</tr>
<tr>
<td>Target Occupancy Rate</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>Calculated Occupied Room Nights at Stabilized Occupancy</td>
<td>695,216</td>
<td>777,998</td>
<td>777,998</td>
<td>777,998</td>
<td>777,998</td>
<td>777,998</td>
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<td>777,998</td>
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<td>777,998</td>
<td>777,998</td>
<td>777,998</td>
<td>777,998</td>
</tr>
<tr>
<td>Unmet Nightly Room Demand</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>27</td>
<td>70</td>
<td>114</td>
<td>159</td>
<td>204</td>
</tr>
</tbody>
</table>

SOURCE: Smith Travel Research; RCLCO
RETAIL ANALYSIS
RETAIL MARKET OVERVIEW

RETAIL IN GENERAL IS UNDER STRESS, AND VACANCY RATES IN NEARBY CENTERS INDICATES AN IMBALANCE BETWEEN SUPPLY AND DEMAND

► While the overall submarket dynamics appear in equilibrium, there are no obvious gaps in the retail tenant/anchor landscape with most major categories already represented in the market. The primary trade area of the subject property is “over-retailed” with 83 retail square feet per capita, nearly double the 46 retail square feet per capita found in the MSA.
HIGH VACANCY RATES IN NEARBY CENTERS INDICATE WEAK RETAIL MARKET POTENTIAL

While retail overall in the market has low vacancy rates, there are several centers with significant vacancy rates. This is consistent with the conclusion that the market is currently over-retailed with little support for new retail.

DEFINITIONS

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strip Center</td>
<td>Shopping center with less than 30,000 square feet of in-line retail</td>
</tr>
<tr>
<td>Neighborhood Center</td>
<td>30,000 to 150,000 square feet, supermarket or fitness center anchored</td>
</tr>
<tr>
<td>Community Center</td>
<td>100,000 to 350,000 square feet, discount department store or supermarket anchored</td>
</tr>
<tr>
<td>Power Center</td>
<td>250,000 to 600,000 square feet, category killer, home improvement and other “big box” store anchored</td>
</tr>
<tr>
<td>Lifestyle Center</td>
<td>Shopping center with upscale national chain stores featuring dining and entertainment in an outdoor setting</td>
</tr>
<tr>
<td>Regional Mall</td>
<td>Shopping center with area designed for pedestrian use only</td>
</tr>
</tbody>
</table>

Retail Composition and Vacancy Rates, 2018; 7.5-Mile Radius, Subject Site

- Strip Center: 2.6%
- Neighborhood Center: 40.3%
- Community Center: 28.3%
- Power Center: 19.5%
- Lifestyle Center: 9.1%
- Regional/Super-Regional Mall: 0.1%

Vacant SF and Vacancy %

SOURCE: CoStar
HIGH VACANCY RATES ALONG STATE LINE ROAD TELL A CAUTIONARY TALE FOR RETAIL AT THE SUBJECT PROPERTY

► Leawood Square and Village of Seville are most proximate to the subject site, with vacancy rates of 41% and 29% respectively. These two centers are classified by CoStar as neighborhood centers, but are smaller and do not include a grocery anchor (or even a space for one) which may be cause for their poor performance, as they function more as un-anchored strip centers.

► Leawood Plaza was formerly the location of a Hy-Vee Supermarket, which has now been converted to an education use. Hy-vee was looking to expand and improve its existing space to approximately 90,000 square feet and ran into approval issues with the City of Leawood. This indicates that there is likely market support for a larger grocer in this area, if approvals can be secured. An anchor tenant should be retained before any significant retail is planned on-site.

► State Line Point, a community center in Missouri just over State Line Road anchored by Big Lots and Michaels and adjacent to the Target and Walmart centers, has been open for over a decade and is still searching for tenants for large big box spaces.

► All of this point to a limited market opportunity for retail at the subject property.

Existing Retail Centers – Representative Sample, 2018; 3-Mile Radius, Subject Site
RETAIL SCENARIOS

POTENTIAL MID-/LONG-TERM DEMAND FOR A GROCERY ANCHOR

► There is a potential opportunity for a new grocery store in Leawood since the closing of the Hy-vee in Leawood Plaza to the North; however, this is dependent upon the decision of a relatively small number of players in the marketplace.

► If it were possible to secure a grocery anchor in this location, it may be possible to attract in-line retail that are interested in co-tenancy with a grocer; however, in absence of this traffic generator, there is likely to be only very limited demand for local-serving and neighborhood retail/services.

► Given the currently deployment of multiplex theaters in the marketplace, there is unlikely to be demand for an additional theater anchor at the subject property.

**Map of Existing Grocery Stores**

**Primary Market Area**

<table>
<thead>
<tr>
<th>MAP KEY</th>
<th>PROPERTY NAME</th>
<th>ADDRESS</th>
<th>CITY</th>
<th>SQUARE FEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hen House Market</td>
<td>6900 W 135th St</td>
<td>Overland Park</td>
<td>55,000</td>
</tr>
<tr>
<td>2</td>
<td>Sprouts Farmers Market</td>
<td>6821 W 135th St</td>
<td>Overland Park</td>
<td>27,530</td>
</tr>
<tr>
<td>3</td>
<td>Hen House Market</td>
<td>11721 Roe Ave</td>
<td>Leawood</td>
<td>55,000</td>
</tr>
<tr>
<td>4</td>
<td>Trader Joe’s</td>
<td>4201 W 119th St</td>
<td>Leawood</td>
<td>15,000</td>
</tr>
<tr>
<td>5</td>
<td>Price Chopper</td>
<td>13351 Mission Rd</td>
<td>Leawood</td>
<td>70,000</td>
</tr>
<tr>
<td>6</td>
<td>Walmart Supercenter</td>
<td>1701 W 133rd St</td>
<td>Kansas City</td>
<td>178,500</td>
</tr>
<tr>
<td>7</td>
<td>Target</td>
<td>1201 W 136th St</td>
<td>Kansas City</td>
<td>170,000</td>
</tr>
</tbody>
</table>

**Map of Existing Cineplexes**

**Primary Market Area**

<table>
<thead>
<tr>
<th>MAP KEY</th>
<th>PROPERTY NAME</th>
<th>ADDRESS</th>
<th>CITY</th>
<th>SCREENS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cinetopia Overland Park 18</td>
<td>5724 W 136th Ter</td>
<td>Overland Park</td>
<td>18</td>
</tr>
<tr>
<td>2</td>
<td>AMC Town Center 20</td>
<td>11701 Nall Ave</td>
<td>Leawood</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>B &amp; B Overland Park 16</td>
<td>8601 W 135th St</td>
<td>Overland Park</td>
<td>16</td>
</tr>
<tr>
<td>4</td>
<td>Glenwood Arts</td>
<td>3707 W 95th St</td>
<td>Kansas City</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>AMC Ward Parkway</td>
<td>8600 Ward Pkwy</td>
<td>Overland Park</td>
<td>14</td>
</tr>
</tbody>
</table>

Source: CoStar; Googlemaps
**Sources of Retail Demand**

**Assuming a Grocery Anchor Could be Enticed to the Site, There Could be Demand for Additional In-Line Retail**

- The majority of demand will come from the PMA in the grocery scenario due to the local-serving nature of the anticipated retail on site.
- Future households at the subject site will provide an additional demand source.

![Chart showing sources of on-site retail demand, 2018-2023; Grocery Scenario](chart)

![Pie chart showing share of retail demand growth, 2018-2023; Grocery Scenario](pie_chart)

*Source: Esri; ICSC Office Worker Survey; Consumer Expenditure Survey; RCLCO*
RECOMMENDED RETAIL PROGRAM

AGAIN, ASSUMING THAT A GROCER COULD BE ENTICED TO THE SITE, THE LIKELY MIX OF RETAILERS IN A NEIGHBORHOOD CENTER INCLUDE:

- A pharmacy (likely in the grocery space),
- Services primarily catering to subject site households, including salons, boutique fitness, dry cleaning and other needs,
- Small format specialty/beer and wine stores,
- Fast casual restaurants, and casual restaurants,
- And some limited hard and soft goods, electronics, and other similar retail.
- For more information about the retail market in Leawood/Overland Park and the detailed retail demand model please see Exhibits Section IX and X.

Summary of Retail Demand (SF), 2018-2023;
Subject Site – Grocery Scenario

<table>
<thead>
<tr>
<th>SUBJECT SITE - SUMMARY OF DEMAND</th>
<th>2018</th>
<th>2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grocery &amp; Drug</td>
<td>63,300</td>
<td>77,100</td>
</tr>
<tr>
<td>Restaurants</td>
<td>10,900</td>
<td>13,500</td>
</tr>
<tr>
<td>Hard Goods</td>
<td>3,000</td>
<td>4,100</td>
</tr>
<tr>
<td>Soft Goods</td>
<td>3,400</td>
<td>4,600</td>
</tr>
<tr>
<td>Entertainment &amp; Services</td>
<td>31,800</td>
<td>38,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>112,400 SF</td>
<td>137,800 SF</td>
</tr>
</tbody>
</table>

Potential Service Tenants for Subject Site;
CorePower Yoga, Hawthorne Plaza, Overland Park

SOURCE: Esri; ICSC Office Worker Survey; Consumer Expenditure Survey; RCLCO
KEY FINDINGS & RECOMMENDATIONS
KEY FINDINGS

MARKET OPPORTUNITY ANALYSIS

The subject site, offers a strong market opportunity for low and medium density for-sale residential, and some medium density rental apartments. There may be an opportunity for a neighborhood-oriented retail center, assuming an attractive grocery anchor can be secured. However, in absence of this anchor, there is little or no demand for additional retail given stress on the retail sector, in general, and the oversupply of retail in the influence area of the subject property, in particular. The subject property is not a viable location for commercial office or hospitality uses in the near-, mid- or even long-term horizon given more attractive established closer-in locations elsewhere in Johnson County. There may be some limited demand for professional/medical office in the market, but this demand will likely be captured at the site immediately to the south of the subject property that was recently rezoned to accommodate this land use.

 Predominantly residential land uses that are in demand should be developed at relatively low and medium densities to appeal to the logical target market audiences for these uses at the subject property, and to ensure financial feasibility. Mixed-use buildings that combine more than one use in a vertical configuration (e.g., ground floor retail with housing on top) are completely inconsistent with market demand, and the maximum height for residential buildings is likely to be two or three stories, and not the six-stories contemplated in the 135th Street Community Plan.

While there is no significant demand for commercial uses at the site in the foreseeable future, the subject property is situated in an established location for high-end for-sale housing, and there is an opportunity to offer multiple for-sale and rental housing product types and price points oriented to various target market audiences in an attractive residential master-planned community environment.

From a land planning perspective, higher-density for-sale and multifamily residential land uses should be concentrated on the eastern portion of the site, and lower-density for-sale residential should be focused on the western portions of the site organized into segmented neighborhoods. To the extent that it is possible to attract retail land uses to the subject property, these should be oriented to the State Line Road frontage of the property to take advantage of higher traffic counts and visibility given the topography of the site that drops off significantly from east to west along 135th Street.

Conclusions and recommendations by land use are as follows:

For-Sale Housing (Market Opportunity: Strong; Risk Profile: Low)

The for-sale housing market may be the strongest near- and mid-term opportunity at the subject site, as the location within Leawood will support relatively high prices and this use is well established within the market. Offering a segmented product mix in two distinct communities, a maintenance-free luxury sub-community, and a more “attainably” priced conventional community within the overall master plan, will enable the development to maximize sales pace by increasing the range of product types and price points, and thereby, the target market audiences/segments to whom the community will appeal. RCLCO recommends a mix of single-family detached small to medium lot product, twin villas (i.e., duplex), and townhomes to provide a diversified product mix, and increased absorption.
For-Sale Housing (Market Opportunity: High; Risk Profile: Low) - continued

Key findings from the RCLCO market research include:
► The for-sale market in Johnson County has rebounded from recessionary lows, and new home sales have returned to their pre-recession peak of approximately 1,000 new sales annually.
► Price appreciation has occurred across all sales types in the county, with sales over $600,000 comprising 12.6% of new home sales, and the volume of total sales over $600,000 has increased 3.5 times since 2005 to approximately 525 sales in 2017.
► With this as context, many nearby new home communities in Leawood and Overland Park are achieving exceptionally strong sales pricing, with a majority of product priced from $600,000 to $1 million and above.
► Demand in the for-sale segment is expected to remain strong, and as available development sites become scarcer it will force new construction product to be located further south in the county. The subject site is well positioned as an infill site in a strong school district to take advantage of the for-sale market strength.
► RCLCO recommends two distinct sections to help drive sales pace and segmentation within the community, including:
  » A conventional section of small and medium lot single-family detached homes, to appeal to move-up families with recommended pricing between $575,000 and $800,000 or approximately $200 per square foot.
  » A luxury maintenance-free section with recommended pricing of $650,000 to $925,000, that includes both attached and detached product with an average price per square foot of $255-$275. These prices are base prices and buyers typically include 5-10% or more in upgrades.

Rental Apartments (Market Opportunity: High; Risk Profile: Low-Moderate)

There is a strong near-term opportunity for rental apartment development at the subject site, which is likely to attract a mix of young professionals who are relocating from closer in to Kansas City and are preparing to buy, as well as mature renters who are downsizing from homes in the area but wish to remain close to their social networks and communities. While there is a moderate rental pipeline, most existing product in the area is relatively lower quality, and there is the opportunity to deliver a higher level of execution to attract a more mature market audience. Key findings from the RCLCO market research include:
► The apartment market in Leawood/Overland Park has performed well over the past six years, with net absorption keeping pace with deliveries and vacancy rates remaining stable in the 5% to 7% range.
► Both asking rents and effective rents have experienced significant growth over this period, asking rents have increased by an average of 3.7% each year.
► The competitive set of garden-style communities has performed well, leasing quickly, and achieving rents in the $1.15 to $1.29 per square foot range.
► There is a moderate pipeline of units, but the market has had consistent levels of demand and over the next five years supply and demand are anticipated to be in-balance.
► RCLCO recommends phases of approximately 260 units of luxury apartments on-site every two years, with a slightly higher-level of finish to appeal to a more mature renter.
► Due to pricing adjustments based on age, location, amenities, finish levels, and they anticipated mixed-use nature of the subject site – it is recommended that apartments be priced top-of-market at $1.37 per square foot.
**KEY FINDINGS**

**Retail (Market Opportunity: Low-Moderate; Risk Profile: High)**

Based on a statistical demand analysis, there is potential market support for an additional grocery anchor in the influence area of the subject property, particularly since Hy-Vee abandoned its functionally obsolete store on State Line Road approximately one mile to the north of the property. Assuming a grocery use can be secured as an anchor, there is demand to support a neighborhood-oriented retail center consisting of approximately 140,000 square feet. Without a grocery anchor, there is only limited support for additional retail space in the marketplace, or less than 20,000 square feet. Key findings from the RCLCO market research include:

► While the retail market in the overall Kansas City metropolitan region is relatively healthy, the trade area of the subject property is over retailed compared with the metro area – there is approximately 83 square feet of retail space per capita in the trade area of the subject property, compared with 46 square feet in the region.

► There is a significant concentration of neighborhood/community and big box retail clustered along the State Line Road corridor with few, if any, missing categories/anchors. A statistical demand indicates that there is no support for additional large-format “big box” retail space in the trade area of the subject property in the near- or mid-terms.

► Several retail centers in the immediate vicinity of the subject property have very high vacancy rates underscoring the weak market conditions in the influence area of the Leawood property.

► Specifically, there are four centers clustered around the subject property, with significant vacancies of 29% to 70%, including Leawood Plaza which lost its grocery anchor tenant Hy-Vee recently because the grocer wanted a larger more updated space. This tenant is reported looking for another location in the vicinity of the subject property where it can locate a new state-of-the-art store consisting of approximately 80,000+ square feet.

► High vacancies in other retail centers in the influence area of the subject property include two unanchored centers; the Village of Seville, and Leawood Square which indicates that this is a high risk strategy, and this retail format is not recommended for the subject property. Similarly, the vacancy at State Line Point, a big box center to the south of Walmart, indicates that this retail type may have reached saturation in the trade area.

**Office (Market Opportunity: Low; Risk Profile: High)**

The subject property is not located in an established office corridor, as corporate office tends to cluster and is located further to the north and west along College Ave and Route 69/Metcalf Ave. As such, the site does not present a compelling opportunity for any significant amount of office space in the near- or mid-terms. There may be the opportunity for a small amount of professional and medical oriented office on-site, but this should be viewed as a secondary use, and demand is quite limited. Furthermore, the property immediately to the south of the subject property was just recently rezoned to accommodate this use, and this property will likely capture the bulk of the limited demand that exists.

Key findings from the RCLCO market research include:

► The South Johnson County and College Boulevard submarkets have absorbed 2.48 million square feet of office since 2012, but have only delivered 994,000 square feet causing vacancy rates to decline to 7.6%. Rents have risen approximately 3% annually over the same time period.

► Despite the relatively strong market fundamentals, the subject site is located a significant distance from the office concentrations and the area immediately surrounding the subject site has captured nearly no office development or absorption over the past decade.

► The proximity to high-income households helps drive demand for some household-supporting office on site such as medical and professional office. However, this demand is likely to total only approximately 10,000 square feet over the next five years.
**KEY FINDINGS**

**Hospitality (Market Opportunity: Low; Risk Profile: High)**

Most hotels in the Johnson County marketplace are located in or near established employment cores. The competitive set of hotels for the subject property are all located along College Blvd and adjacent to the convention center. Hotels are generally performing well, though annual room night demand has fallen somewhat in recent years, and there are currently three additional hotels under construction. Due to the influx of new hotel keys and lack of growing market demand, RCLCO does not see a market opportunity for a hospitality use at the subject property in the near-or even mid-term. Key findings from the RCLCO market research include:

► The competitive set of hotels located near the subject site are clustered around the intersection of Metcalf and I-435 and are proximate to the Overland Park Convention Center.

► Business travel is the most significant demand driver in this area, and proximity to employers and visibility from the interstate remain important site selection criteria.

► Average daily rates (ADR) have risen over the past 6 years, however demand hit a plateau in 2015 and has slightly declined over the past two years, despite no increase in supply.

► Occupancy rates have similarly fallen slightly, though are still healthy at just over 70%.

► There are three new hotels that are currently under construction, expected to add 324 keys to the market in 2019.

► With somewhat flat demand and a significant pipeline of deliveries as context, RCLCO’s demand modeling indicates that the market is not likely to support additional hotel keys until 2026, after the market has had time to absorb the new deliveries.

► Based on this, hospitality is not a particularly attractive use in the submarket in the near-term, and the subject property’s location is not competitive for this use.

The Opportunity Matrix on the following page summarizes the key RCLCO conclusions and recommendations by land use.
### SUMMARY MATRIX OF RISK BY USE

To evaluate the current program at the subject site, RCLCO examined the opportunity for a mix of uses shown below. In general, RCLCO observes the strongest near-term opportunity for rental apartments, for-sale single-family-detached (SFD) homes and townhomes (TH), and neighborhood-oriented retail.

<table>
<thead>
<tr>
<th>LAND USE/DEVELOPMENT TYPE</th>
<th>POSITIONING / TARGET MARKET</th>
<th>LIKELY PROGRAM SCALE</th>
<th>PRICING</th>
<th>SITE DEMAND (UNITS/SF)</th>
<th>PRODUCT/FIT ON SITE RISKS: Is location strong and what is the risk for this product type in the vicinity?</th>
<th>SUPPLY/DEMAND RISKS: How strong is the market for this land use and is there likely to be a market risk for the use on site?</th>
<th>BLENDED RISK LEVEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Mix of professionals, young families, and empty nesters</td>
<td>325 Units</td>
<td>From $200 / SF</td>
<td>50 to 60 Units / Year</td>
<td>LOW</td>
<td>MEDIUM/LOW</td>
<td>LOW</td>
</tr>
<tr>
<td>Luxury For-Sale Single Family Homes SFD and TH (Maintenance Free)</td>
<td>Primarily empty nesters and out-of-market professionals</td>
<td>200 Units</td>
<td>$255 - $275 / SF</td>
<td>30 to 35 Units / Year</td>
<td>LOW</td>
<td>MEDIUM/LOW</td>
<td>MEDIUM/LOW</td>
</tr>
<tr>
<td>Rental Apartments</td>
<td>Mix of young professionals, mature professionals, and families</td>
<td>780 Units</td>
<td>$1.34 / SF</td>
<td>14 Units / Month</td>
<td>LOW</td>
<td>MEDIUM/LOW</td>
<td>LOW</td>
</tr>
<tr>
<td>Corporate Office</td>
<td>Large Format Tenant</td>
<td>N/A</td>
<td>$22-$25 FS</td>
<td>Not supportable</td>
<td>HIGH</td>
<td>HIGH</td>
<td>HIGH</td>
</tr>
<tr>
<td>Multitenant Office</td>
<td>Professional &amp; Business Services, Financial Activities</td>
<td>10,000 SF</td>
<td>$19-$22 FS</td>
<td>10,000 SF by 2023</td>
<td>HIGH</td>
<td>HIGH</td>
<td>MEDIUM</td>
</tr>
<tr>
<td>Hotel</td>
<td>Limited Service</td>
<td>120 - 150 keys</td>
<td>$125-$150 ADR</td>
<td>Not supportable</td>
<td>HIGH</td>
<td>HIGH</td>
<td>HIGH</td>
</tr>
<tr>
<td>Neighborhood Oriented - Grocery Anchored</td>
<td>Grocery/Drug and &quot;Daily Needs&quot; Services</td>
<td>140,000 SF</td>
<td>$15 - $25 NNN</td>
<td>140,000 SF by 2023</td>
<td>MEDIUM/LOW</td>
<td>MEDIUM/LOW</td>
<td>MEDIUM/LOW</td>
</tr>
<tr>
<td>Big Box Center</td>
<td>Large-format retail spaces</td>
<td>N/A</td>
<td>TBD</td>
<td>Not supportable</td>
<td>HIGH</td>
<td>HIGH</td>
<td>MEDIUM/HIGH</td>
</tr>
<tr>
<td>Lifestyle Center</td>
<td>Hard and Soft Goods, Entertainment, Dining</td>
<td>N/A</td>
<td>$25 - $30 NNN</td>
<td>Not supportable</td>
<td>HIGH</td>
<td>HIGH</td>
<td>MEDIUM/High</td>
</tr>
</tbody>
</table>
CRITIQUE OF PROPOSED 135TH STREET PLAN

RCLCO was asked to comment on the 135th Street Community Plan, because the subject property lies within this area. The following comments provide our professional perspective on the plan in light of the market feasibility study.

► Market Feasibility is Low: The mix of land uses and the density of development is not supportable in the market for the foreseeable future. Demand for retail and office uses will likely be evident and satisfied in more mature, closer-in locations in the county to the north and west. The RCLCO analysis shows little demand for office uses, hotel, nor any substantial retail at the subject property. Furthermore, true vertical mixed-use building forms, like those portrayed in the plan are not supportable in the marketplace. Mixed-use requires higher prices/rents to support the additional cost, and feasibility is dependent upon simultaneous demand for both the residential and the commercial components to be viable. The only land use that appears to have strong demand on the site is residential.

► Walking and Biking Pathways: Creating walking pathways and bikeways that cut through the site east to west make an attractive amenity for residential uses, and so incorporating these into the plan make sense.

► High Densities Not Supported in the Market: Given the likely market audiences and supportable prices/rents, the kind of density, vertical mixing of uses, and structured parking contemplated in the plan are not supportable in this location for the foreseeable future. In particular, ten story buildings that face 135th street from State Line to Mission—in both side of the street has no precedent in a suburban area like this.

► Shared Parking: Shared parking solutions are not likely to be supported in this location and most residential buyers and renters will expect to have dedicated/deeded parking spaces that is more typical of suburban development.

► Activity Centers: With market supportable densities and building forms, it will not be possible to support the activity centers (e.g., retail) nor public transportation contemplated in the plan.

► Local Feedback: Local developers and members of the finance community contacted during this feasibility study corroborated the market support for a plan of this nature. The feedback was consistent with the RCLCO analysis that indicated that the majority of market support is for residential with modest support for retail uses (30,000 SF), and perhaps a grocery store.

► MO Residents are Unlikely to Patronize Stores and Services: Based on anecdotal evidence, RCLCO understand that KCMO residents are less likely to frequent shops on the Kansas side of State Line. This, together with the fact that there is a surplus of big box and other retail uses on the MO side of state line, reduces the demand for retail on the subject property.

► Leawood is portrayed as a “bedroom suburb” to Kansas City: With high quality schools and a reputation for safety and community services, Leawood has built its reputation as a residential setting that supports the larger metropolitan area. Large square footage houses on sizable land parcels characterize the city's development pattern.
CRITICAL ASSUMPTIONS

Our conclusions are based on our analysis of the information available from our own sources and from the client as of the date of this report. We assume that the information is correct, complete, and reliable.

We made certain assumptions about the future performance of the global, national, and local economy and real estate market, and on other factors similarly outside either our control or that of the client. We analyzed trends and the information available to us in drawing these conclusions. However, given the fluid and dynamic nature of the economy and real estate markets, as well as the uncertainty surrounding particularly the near-term future, it is critical to monitor the economy and markets continuously and to revisit the aforementioned conclusions periodically to ensure that they are reflective of changing market conditions.

We assume that the economy and real estate markets will grow at a stable and moderate rate to 2020 and beyond. However, stable and moderate growth patterns are historically not sustainable over extended periods of time, the economy is cyclical, and real estate markets are typically highly sensitive to business cycles. Further, it is very difficult to predict when an economic and real estate upturn will end.

With the above in mind, we assume that the long-term average absorption rates and price changes will be as projected, realizing that most of the time performance will be either above or below said average rates.

Our analysis does not consider the potential impact of future economic shocks on the national and/or local economy, and does not consider the potential benefits from major "booms" that may occur. Similarly, the analysis does not reflect the residual impact on the real estate market and the competitive environment of such a shock or boom. Also, it is important to note that it is difficult to predict changing consumer and market psychology.

As such, we recommend the close monitoring of the economy and the marketplace, and updating this analysis as appropriate.

Further, the project and investment economics should be “stress tested” to ensure that potential fluctuations in revenue and cost assumptions resulting from alternative scenarios regarding the economy and real estate market conditions will not cause failure.

In addition, we assume that the following will occur in accordance with current expectations:

► Economic, employment, and household growth
► Other forecasts of trends and demographic and economic patterns, including consumer confidence levels
► The cost of development and construction
► Tax laws (i.e., property and income tax rates, deductibility of mortgage interest, and so forth)
► Availability and cost of capital and mortgage financing for real estate developers, owners and buyers
► Competitive projects will be developed as planned (active and future) and that a reasonable stream of supply offerings will satisfy real estate demand
► Major public works projects occur and are completed as planned

Should any of the above change, this analysis should be updated, with the conclusions reviewed accordingly (and possibly revised).
GENERAL LIMITING CONDITIONS

Reasonable efforts have been made to ensure that the data contained in this study reflect accurate and timely information and are believed to be reliable. This study is based on estimates, assumptions, and other information developed by RCLCO from its independent research effort, general knowledge of the industry, and consultations with the client and its representatives. No responsibility is assumed for inaccuracies in reporting by the client, its agent, and representatives or in any other data source used in preparing or presenting this study. This report is based on information that to our knowledge was current as of the date of this report, and RCLCO has not undertaken any update of its research effort since such date.

Our report may contain prospective financial information, estimates, or opinions that represent our view of reasonable expectations at a particular time, but such information, estimates, or opinions are not offered as predictions or assurances that a particular level of income or profit will be achieved, that particular events will occur, or that a particular price will be offered or accepted. Actual results achieved during the period covered by our prospective financial analysis may vary from those described in our report, and the variations may be material. Therefore, no warranty or representation is made by RCLCO that any of the projected values or results contained in this study will be achieved.

Possession of this study does not carry with it the right of publication thereof or to use the name of “Robert Charles Lesser & Co.” or “RCLCO” in any manner without first obtaining the prior written consent of RCLCO. No abstracting, excerpting, or summarization of this study may be made without first obtaining the prior written consent of RCLCO. This report is not to be used in conjunction with any public or private offering of securities or other similar purpose where it may be relied upon to any degree by any person other than the client without first obtaining the prior written consent of RCLCO. This study may not be used for any purpose other than that for which it is prepared or for which prior written consent has first been obtained from RCLCO.
The applicant has requested that the RCLCO – Highest and Best Use Analysis, be publicly distributed and to be part of their application submission.

Due to the large file size, the analysis is not able to be attached to this document.

For a complete download of the analysis, please go to: http://www.klover.net/camerons-court

There you will see a link to the RCL Market Survey.

You can also access the document by this direct link: https://www.dropbox.com/s/lvw3weaiembsbg0/RCL%20market%20survey%20-%20135th%20St%20Highest%20and%20Best%20Use%20Analysis.zip?dl=0
Cameron’s Court  
Applicant’s Responses to Staff Stipulations (9-30-2020)

1. Shall the applicant submit a revised plan set meeting the items listed within the Staff Comments, and Stipulations listed below, the updated plans will need to be reviewed by City Staff to ensure that a substantial change has not been made to the plans submitted. Shall a substantial change be deemed by City Staff, the application will need to be re-reviewed by City Staff and brought back to the Planning Commission for recommendation to the Governing Body.

**Applicant’s Response:** Applicant cannot agree to this stipulation as written because it disagrees with several of the Staff Comments and/or is requesting modifications to several stipulations.

2. The applicant shall provide staff with a parking study which is specific to this site. A study directly taken from a separate project will not be accepted by the Planning Department. The plan must then be amended to reflect the findings of the updated parking study. The parking study shall be submitted and approved by the Planning Department prior to Governing Body consideration.

**Applicant’s Response:** The parking information provided was specific to this project, but Applicant agrees to revise the study to provide additional clarification.

3. The applicant shall provide the information required within the Public Works Memo on file for this application prior to Governing Body Review.

**Applicant’s Response:** Applicant has agreed to submit additional information requested by the Public Works Memo, however, there are multiple items that are not acceptable – see list below:

2) a) Traffic Impact Analysis:
   vi) Prefer alignment of High Drive across 133rds St. **Response:** Wilshire Place neighborhood is strongly opposed to this as it would encourage cut-through traffic. Applicant offset the High Dr. connection at 133rd to accommodate the neighbors’ wishes.

   xi) Consider aligning Drive 5 (commercial area) with Overbrook Dr. **Response:** Enclave at Cedar Pointe neighborhood is strongly opposed to having additional access points along 133rd St. Applicant relocated this access drive to Kenneth Rd. to accommodate the neighbors’ wishes.

   xii) and xiii) Kenneth Rd. and Chadwick St. should be through streets. **Response:** All residential subdivisions north of 133rd St. did not want these roads constructed as through streets to reduce the anticipated traffic on 133rd St. The TIS showed that eliminating these through roads would not have a negative impact on the surrounding street network. Instead of constructing Kenneth as a through street, the traffic will be looped through the commercial portion of the project. This will still allow for access to and from 133rd St. and 135th St. and the north and south ends of Kenneth, but will reduce traffic volume and speeds.

   xv) Consider providing three through lanes westbound along 135th St. **Response:** 135th Street is an arterial road/thoroughfare and should be the City’s responsibility for constructing, not the Applicant’s. City has not established the requisite nexus for requesting this exaction.
2)e). Construct an additional lane for eastbound 135th Street along the frontage of this
development. **Response:** 135th Street is an arterial road/thoroughfare and is the City’s
responsibility for constructing, not the Applicant’s. Staff is already requesting the Applicant to
construct a westbound 3rd lane on 135th Street. Requiring the Applicant to construct 2 lanes on
135th St., one westbound and one eastbound is unconscionable and likely an illegal exaction.
135th Street is carries regional traffic. City has not established the requisite nexus for requesting
this exaction. Besides, the development south of 135th Street was also requested to add this same
eastbound third lane.

4. The applicant shall provide the information required within the Fire Department Memo on file for this
application prior to Governing Body Review.

**Applicant’s Response:** Agreed.

5. The applicant shall work with staff to better follow the intent of Mixed Use as stated within the City of
Leawood Comprehensive Plan.

**Applicant’s Response:** Applicant disagrees. The subject property cannot be developed as Mixed Use
as stated in the City’s Comp plan. The requirements of the MXD zoning and percentages of required retail
and offices cannot be meet in a vertical mixed use and has not been able to be meet in 18 years of failed
projects in the 135th Street corridor. The submitted market study further illustrates this conflict. The
submittal plan meets the spirit and intent of the LDO and does not request any deviations.

6. The applicant shall remove the RP-2 portion of the development from the application as it does not
meet the Comprehensive Plan map, which shows this area as Mixed Use.

**Applicant’s Response:** Applicant disagrees. The subject property cannot be developed as Mixed Use
as stated in the City’s Comp plan. The RP2 portion of the site meets the spirit and intent of the requirement
of the Comp Plan by providing a transition of lower density to higher density. It is proposed to be RP2 to
provide the assurance to the neighborhoods that the area will stay single family and not the higher t density
as proposed in the 135th Street Community Plan.

7. The applicant shall remove all gates from the residential portion of the Mixed Use development as it
directly defies the Directive of the Residential section within the Comprehensive Plan.

**Applicant’s Response:** Applicant disagrees. Applicant would note that the Directive is a guide, not an
ordinance, therefore gated entrances are not prohibited under the LDO. Applicant believes that gates
provide additional security for the residences and adds value to the project.

8. The applicant shall work with staff to update the plan and show the correct use of the street
designations, including lane widths, street accents, sidewalk widths, etc.

**Applicant’s Response:** Applicant believes the street designations shown on the site plan are the most
appropriate for this development. Applicant would note that the Street designation is from the 135th Street
Community plan, is not an ordinance, and as described and illustrated is in conflict with the LDO
9. The applicant shall provide a plan showing the construction of Kenneth Road and Chadwick Street to help create a grid network.

**Applicant's Response:** Applicant disagrees. The street grid network show in the Comprehensive Plan is unworkable and is completely rejected by the area residences.

10. An updated plan set meeting all requirements of the Leawood Development Ordinance must be submitted. Requirements which must be met include, but are not limited to: accessory structure connection to primary buildings, retaining walls within setbacks and height requirements, removal of private streets within non-residential developments, etc.

**Applicant's Response:** We agree to address the retain wall heights and comply with the LDO. Applicant disagrees with the other requests. This product type is needed and desired by the community. Class-An apartments require garages and carports some of which cannot be attached to the primary buildings and still allow for a functioning development. The LDO does not make this a specific requirement but is rather an interpretation of the section by omission. This interpretation effectively eliminates all higher density residential, which is desired by both the Comp Plan and the market study, without expensive structured parking.

11. The applicant shall work with staff to conform the site to better meet the transect design set forth within the 135th Street Community Plan, which will allow for the least dense portion of the development to abut the existing residential neighborhoods north of 133rd Street.

**Applicant's Response:** Applicant suggests that its current plan complies with the transect design by orienting less dense uses along 133rd St.

12. The applicant shall provide a plan showing how trash is being handled for each Tract area.

**Applicant's Response:** Agreed.

13. An updated Tree Inventory Plan will be required and shall reflect the findings within the updated studies being requested by City Staff.

**Applicant's Response:** Agreed.

14. A Landscape Plan which encompasses the entire Mixed Use development shall be required at the time of Final Plan for any portion of the Mixed Use development.

**Applicant's Response:** Agreed.

15. A Special Use Permit is required for the gas station and hotel shown within Tract C of the development.

**Applicant's Response:** Agreed.

16. Design Criteria shall be created for the Mixed Use zoned area prior to Final Plan for any phase of the Mixed Use development.
**Applicant’s Response:** Applicant will create design criteria as needed for each phase of development.

17. All power lines, utility lines, etc. (both existing and proposed, including utilities and power lines adjacent to and within abutting right-of-way) are required to be placed underground. This must be done prior to final occupancy of any building within the project. This does not include existing high voltage overhead power transmission lines on the western edge of the development.

**Applicant’s Response:** Applicant agrees, but with the modification that the power lines along State Line Rd. be placed underground at the time that area is developed for the commercial/office uses. Burying power lines along State Line Rd. should not be required prior to constructing the single-family or multi-family phases of this project.

18. Per the Leawood Development Ordinance, all above ground facilities shall be placed in the rear yard wherever practical. If locating these facilities in the rear yard is not practical or appropriate, as determined by the City Engineer, then such facilities shall be at least 25’ behind the right-of-way.

**Applicant’s Response:** Agreed.

19. All new utility boxes with a height of less than 55 inches, a footprint of equal to or less than the 15 square feet in area, or a pad footprint of equal or less than 15 square feet, may be installed only with the prior approval of the Director of Community Development as being in compliance with this Ordinance.

**Applicant’s Response:** Agreed.

20. All new utility boxes with a height of 55 inches or greater, a footprint greater than 15 square feet in area, or a pad footprint greater than 15 square feet in area shall be authorized only by approval of a Special Use Permit prior to construction.

**Applicant’s Response:** Agreed.

21. The applicant shall be responsible for the following impact fees:
   a. Park Impact Fee: The applicant shall be responsible for a Park Impact Fee prior to the recording of the Final Plat in the amount of $400.00 per dwelling unit, and $0.15 per square foot of non-residential building area. This amount is subject to change by Ordinance.  
      **Response:** Agreed.
   b. Public Art Impact Fee: the applicant shall be responsible for a Public Art Impact Fee prior to the recording of Final Plat in the amount of $0.15 per square foot of non-residential building area. This amount is subject to change by Ordinance.  
      **Response:** Agreed.
   c. Street Fee: The applicant/owner shall be responsible for a Street Fee of $391.50 per linear foot of frontage along 135th Street. This amount is subject to change by Ordinance.  
      **Response:** Agreed.
   d. 135th Street Corridor Impact Fee: The applicant shall be responsible for a 135th Street Corridor Impact Fee of $1.95 per square foot of retail building area, $0.58 per square foot of office/non-retail building area, and $389.40 per residential unit. This amount is subject to change by Ordinance.  
      **Response:** Agreed so long as Applicant is not required to construct any lanes in 135th Street.
22. Sidewalks shall be minimum of 10’ from the back of curb to allow sufficient width for street trees to be planted.

**Applicant's Response:** Agreed.

23. Per the Leawood City Code street trees shall be planted a minimum of 5’ from the back of curb and adjacent sidewalks.

**Applicant's Response:** Agreed.

24. All pedestrian connections, including sidewalks and trails, shall comply with the Americans with Disabilities Act.

**Applicant's Response:** Agreed.

25. The completion of the design and construction of all public streets approved with this application shall be under a single set of construction plans.

**Applicant's Response:** This stipulation be modified to reflect that the design and construction of the public streets will be under separate sets of construction plans in accordance with the project phasing.

26. At the time of Final Plan, the applicant shall provide City staff with a copy of the covenants and restrictions proposed for all residential developments.

**Applicant's Response:** Applicant disagrees. Applicant will prepare and file with the final plats for the residential developments.

27. At the time of Final Plat, the applicant shall provide additional language on the Plat describing the Tracts within the development including maintenance and responsibilities.

**Applicant's Response:** Agreed.

28. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.

**Applicant's Response:** Applicant requests this stipulation be deleted.

29. All sidewalks shall be installed as per street construction standards.
**Applicant’s Response:** Agreed.

30. All streets within the subdivision shall be public. The developer or Homes Association shall maintain any planting or statuary within the street right of way. The developer shall execute a right-of-way maintenance agreement with the Public Works Department for any planting or statuary improvements within the public right-of-way.

**Applicant’s Response:** Applicant disagrees, unless such statuary is placed by the Developer or HOA.

31. The Preliminary Plan approval shall lapse in two years, if construction on the project has not begun or if such construction is not being diligently pursued; provided, however, that the developer may request a hearing before the City Council to request an extension of this time period. The City Council may grant one such extension for a maximum of 12 months for good cause shown by the developer.

**Applicant’s Response:** Agreed.

32. In addition to the stipulations listed in the document, the developer/applicant agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted and to execute a statement acknowledging in writing that they agree to stipulations one through thirty-one.

**Applicant’s Response:** Applicant disagrees to the extents its plans conflict with the LDO.
June 11, 2020

Ricky Sanchez
City of Leawood
4800 Town Center Drive
Leawood, KS 66211

RE: Case 49-20 – Cameron’s Court – Interact meeting notes and attendance

Ricky,

This letter is intended to provide the attendance record and meeting questions and notes from the Interact Meeting held on Wednesday, June 10, 2020 at 6:00pm. Questions are in **bold** and responses follow in *italics*.

**Attendance record:**

**Question & Answer:**

Danilo: What do you foresee as the price range for the single-family homes?
A: $650-750k.

Chris Vukas: Has a traffic study been completed?
A: Not yet, but we will have to complete one prior to breaking ground and going to final approval.

Gareth: Are you suggesting that the multi-family apartments will be a similar demographic to the Villa Milano apartments you have referred to? Specifically, why do you think the multi-family apartments will not impact student populations at the local schools?
A: Drawing from experience; there are only 3 child residents at Villa Milano. With this type of upscale community, most residents could afford a house and if they have children, they typically favor a house. We get empty-nesters, retirees, divorcees, and couples who do not have kids yet.

Brittany: Concerned with traffic to the schools and how much tax money is going to Mission Trail. Would like to understand more about the community that this is affecting, it would be good to know what the make-up of students and families look like.
A:

Vivvy3@gmail.com: What is price points of ranch houses and apartments?
A: Houses - $650-750k. Apartments – One beds will start at $1,200, two beds will start at $1,800.

rbrunton: Other than the exterior finishes previously referenced, what forms the basis of the conclusion that the multifamily buildings are high end? They do not appear substantively better than any of the apartment complexes being constructed on 135th Street in OP.
A: We have high-end finishes, please look at our other communities to see our high standards.
Sue: Concerns as to why the City is requiring mixed use.
A: We are unsure, but we have put forth a plan is viable and that is far less dense than the City wants.

Unknown: What is the difference between the 2-4 story buildings?
A: The “big house” look, some are 2-story w/ walkouts. 133rd Street is 3-story. 135th Street is 4-story.

Unknown: What is the “orange” building on High Drive?
A: Clubhouse.

Dan: What drives the design of the commercial; City, the design, demand? Concerned that if demand for a 10-story office building presents itself, that will be proposed later.
A: The current mix is required by the City.

Sree Murthy: What is your expectations on the number of people that would live in the proposed neighborhood? How many school-going kids, teenagers, etc? Any idea?
A:

Unknown: What is the plan to get rid of all the empty retail?
A:

Gareth: It’s confusing when you talk about whether you are referring to the “purple” units or the "brown" units. Can you spend time discussing the "brown" units specifically? What properties are similar to those units?
A:

Sree Murthy: What are those gray buildings east of High Drive?
A:

Skip: Has the city said anything about where the retail is going and adding in more traffic signals at 133rd Street?
A: We must complete a traffic study, but if it becomes required, we will do that. The current study shows that a third lane will not be required for 20-30 years. It is not just a matter of adding a traffic light, there must be a warrant from the City.

Q: Will 133rd Street stay as it is now?
A: Yes, it will, unless traffic study deems otherwise. This is why we want to push traffic to 135th Street.

Arthur Peterson: Mr. Oddo, would you please state how many people are present at the Villa Milano clubhouse, other than Oddo Development personnel/representatives?
A: This is Patrick Reuter with Klover Architects running the presentation on behalf of Rick Oddo, there are roughly 50-60 people in attendance, there is a sign in list that will be posted online afterwards of the participants.

rbrunton: What is the density of the College Boulevard apartments that are indicated to be substantively higher density than this plan?
A:

Unknown: What is your construction schedule?
A: march-June of next year (2021) we would start with the buffers/single-family homes. Apartment
communities would follow. Commercial/retail would be last.

Steve: What land is under contract by Oddo?
A: Right now, it is the residential portion. The Retail plots are intended to remain under Regnier Ownership.

Unknown: Suggestion for next meeting to have a representative from the Reigner family at the next meeting.
A: Bob Regnier will be at the next meeting.

Paula Hobson: What is the price point planned for the single-family homes?
A: $650-750k.

rbrunton: What are the sizes of the berms that are proposed as barriers for this development? The proposed site plan is not able to demonstrate for or our evaluation.
A:

Lisa: What is the planned square footage of the single-family homes?
A: They will range from 2,400-3,200sf.

Gareth: What traffic mitigation solutions are you prepared to offer to residential streets in neighborhoods (e.g. High Drive in Wilshire Place) that will be impacted by your development?
A:

rbrunton: Why doesn’t the project work as true mixed use? For the East Phase of apartments, it appears your density is much closer to the high end of Leawood's requirements (13.25 units per acre). What do you anticipate to be the number of residents in the East Phase?
A:

Paula Hobson: I understand that you will build some of the single-family homes. What other builders will you be inviting in to build the single-family homes?
A:

Duane Opfer: If the commercial is unlikely, why is it being built close to Mission? Why not build it along State Line? Specifically, why not put the high-density housing along State Line?
A:

This concludes our recap of the Interact meeting. Please feel free to give us a call should you have any further questions or concerns.

Sincerely,

Henry C. Klover
President

CC: Rick Oddo (Oddo Development), Curt Holland (Polsinelli), David Rinne (Schlagel), Jeff Skidmore (Schlagel)
Attachments:
CASE 49-20 CAMERON’S COURT
LDO REGULATIONS
PARKING STUDY

Memorandum
2400 Pershing Road
Suite 400
Kansas City, MO 64108
Tel 816 329 8600
Fax 816 329 8601

www.transystems.com

To: Mr. Rick Lashbrook
Leawood 135, LLC
P.O. Box 26170
Overland Park, KS 66225

From: Jeff Wilke, PE, PTOE
Date: November 1, 2018
Project No.: P101180207

Subject: 135th & Kenneth Shared Parking Analysis

In accordance with your request, TranSystems has completed a shared parking analysis for the proposed mixed-use development at the southwest corner of 135th Street and Kenneth Road in Leawood, Kansas. The study included an analysis of parking demand for the proposed land uses. The concept of shared parking is described in a publication titled Shared Parking published by the Urban Land Institute (ULI). Shared parking is defined as the use of a parking space to serve two or more individual land uses without conflict or encroachment. The key goal of a shared parking analysis is to find the balance between providing adequate parking, land area, and resources dedicated to parking.

Proposed Development
The proposed development includes a mixture of residential, office and retail land uses. The southern portion of the site, generally south of 137th Street, includes 118 twin villas. The northern portion of the site includes the mixture of land uses. Several buildings are proposed with apartments, commercial, and assisted living facilities. The main access driveway for the development will run north/south, bisecting the northern portion of the site. The main driveway creates two separate mixed-use areas, referred to in this analysis as the northeastern and northwestern portions of the site.

LDO Requirement: 2 parking spaces per residential unit (1 totally enclosed) + 3.0 to 3.5 per 1,000 gross SF non-residential space
PRIVATE STREETS
PRIVATE STREETS
ACCESSORY STRUCTURES
RETAINING WALLS

STACKED STONE RETAINING WALL
MAX HEIGHT=6'
AVG HEIGHT=4'

STACKED STONE RETAINING WALL
MAX HEIGHT=10'
AVG HEIGHT=6'
COMPREHENSIVE PLAN
GATED COMMUNITIES
GATED COMMUNITIES
Mixed Use

Mixed use is defined as a development which permits a mixture of retail, office, residential, and cultural uses in a single structure or multiple structures which incorporate a coordinated, consistent theme throughout the development and encourage a high level of pedestrian activity. Mixed use developments should be located within a close proximity to major roadways and intersections.
OBJECTIVE:
Develop human scale, village or main street style, mixed use developments.

DIRECTIVES:
A - Building façades and mass shall be broken up with a variety of setbacks, construction materials and rooflines.
B - Buildings shall contain decorative design elements that may include arched windows, second story balconies, pitched roofs, etc.
C - The mass and impact of buildings shall be reduced through the use of berms and landscaping.
D - Bland architecture, such as cube buildings and typical big box structures, will not be permitted.
E - Landscaping and streetscape elements, along access roads and including reverse frontage roads, will be established to emphasize the neighborhood scaled character desired.
F - Support massing of buildings along interior drives with parking directly in front of buildings.
135TH STREET COMMUNITY PLAN
Neighborhood Streets

Neighborhood Streets are low-traffic, secondary passageways for community members travelling on foot or in a car. The travel lanes on these streets are wide enough to accommodate trucks that will need to access neighborhoods and local businesses.

Primarily hosting residential building frontages, these streets create a welcoming atmosphere for visitors and those living in the corridor. Overhead tree canopies and ground-level lawns create comfortable conditions for those travelling in the area and bring a “neighborhood feel” to the street. The City will have the option to allow parking on residential streets to serve these more intimate neighborhood spaces. Neighborhood streets maintain Leawood’s aesthetic and add to the sustainability of the development.
Destination Streets

Destination streets lay the foundation for activity centers in the corridor and in Leawood. These streetscapes have the highest quality of design and material investment. They can have their own brand within the community to promote the street and surrounding area as a retail and shopping, entertainment, and/or dining district. As such, signage and wayfinding elements bring this street to life by announcing festivals, seasons, cultural events, or celebrations and reminding visitors that they are in the 135th Street corridor in Leawood, Kansas.

Overhead tree canopy and softscape understory plantings work throughout the seasons to give the street a visual rhythm and provide year-round interest through elements of structure, texture and color. Other vertical elements that should balance the planting system are street and pedestrian light fixtures. A destination street is still vibrant and alive with people, music and activity at night.

Traffic moves at a relatively slow pace on a destination street. Drivers travel cautiously amidst pedestrian activity and cars pulling in and out of on-street parking spaces. These convenient parking stalls allow travelers to pull over at a great restaurant or do some quick shopping in the corridor. Window shoppers and groups of friends pass each other easily on these wide sidewalks. At some locations these sidewalks are converted to outdoor cafes and sunny street-side bistros.
KENNETH ROAD AND CHADWICK ROAD
TRANSECTS
TRANSECTS
STIPULATIONS

• Stipulations 2-13 are necessary for city staff to do a full review of the proposed project.
• Stipulations may affect the site, and may create a substantial change in the site design.
• Additional changes may create other issues and will need to be reviewed by multiple city departments (Public Works, Fire Department, Planning, etc.)
CALL TO ORDER/ROLL CALL: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson, Elkins.

Chairman Elkins: I’d take a motion to suspend the rules of the Planning Commission as they relate to the presence of a quorum and to the participation of commissioners by teleconference as well as witness presentation of testimony by teleconference.

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

A motion to suspend certain rules of the Planning Commission due to the pandemic was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

MEETING STATEMENT:

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

Electronic copies of tonight’s agenda are available on the City’s website at www.Leawood.org under Government / Planning Commission / Agendas & Minutes. Because this meeting is being live-streamed, all parties must state their name and title each time they speak. This will ensure an accurate record and make it clear for those listening only. This applies to all commissioners, staff, applicants and members of the public who may speak. All motions must be stated clearly. After each motion is made and seconded, a roll call vote will be taken. The Chair or staff will announce whether the motion carried and the count of the vote. Reminder, please mute all microphones when you are not speaking. Thank you.
for this property. That still stands. Staff’s position is still that it does not meet the overall sense of what the Comprehensive Plan wants for MX-D. We are still opposed to the alignment of 137th Street and the RP-3 portion on the north side of 137th Street. Those are still concerns; however, because it was changed in the Comprehensive Plan Map, we didn’t bring them up.

Chairman Elkins: Additional comments? If not, is there a motion?

A motion to recommend approval of CASE 04-20 – 135 STREET AND KENNETH – MIXED USE AND MEDIUM DENSITY RESIDENTIAL - Request for approval of a Revised Preliminary Plan, located south of 135th Street and west of Kenneth Road – with all staff and Public Works stipulations – was made by Hoyt; seconded by McGurren. Motion carried with a roll-call vote of 6-2. For: McGurren, Coleman, Hunter, Belzer, Hoyt, Peterson. Opposed: Block, Stevens

five-minute recess

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

Chairman Elkins: I would note for the record the comments Mr. Peterson made regarding the Interact Meeting in June had to do with this case.

Staff Presentation:
City Planner Ricky Sanchez made the following presentation:

Mr. Sanchez: This is Case 49-20 – Cameron’s Court – Request for approval of Rezoning from AG and SD-O to RP-2 and MX-D, Preliminary Plan, and Preliminary Plat. This project is on a total of approximately 116 acres, reaching from Pawnee Lane to State Line Road and 133rd Street to 135th Street. In total, the development will include 66 single-family lots, 662 multi-family units, 444,864 square feet of retail/office space, and 66,472 square feet of a hotel. The project has been broken into different tracts and phases. Staff would like to show a visual (projects on the monitor). The first phase is the RP-2 portion, which is on 133rd Street and Pawnee. The second phase is Tract B, which is proposed to be mixed use. Tract A would be Phase Three, just south of the RP-2 portion, the majority of which is on 135th Street. Phase Four is Tract C and is on State Line Road.

This proposed project does not meet a number of regulations and standards set forth by the LDO, 135th Street Community Plan, and Comprehensive Plan. We’d like to talk about the parking study. Section 16-4-5.4a of the LDO allows for a parking study to be created and adopted by Governing Body. That then allows for changes in the parking ratio allowed. The study that was submitted to staff was for the development to the south. Staff is not supportive of this, as there are major differences in those developments. Staff would like to see a new parking study done for this development. They are also proposing 1.46 parking spaces per unit within the residential portions of the mixed-use part of the
development, which are in Phase Two and Phase Three. Normally, those would require two parking spaces per residential unit, one totally enclosed, and 3.0-3.5 parking spaces per 1,000 gross feet for nonresidential space. The two residential areas are also proposed to be gated, which does not allow for cross-access easements for parking. Staff does not support the reduction and required parking for the gated residential areas. The Planning Commission may also remember that we updated the LDO requirement for the parking not too long ago to have one totally enclosed and gross square footage. This proposed project also shows private streets within Tracts A and B. Section 16-8.3.2a of the LDO states that private streets within residential are only allowed within residential developments only. Because this is within the mixed-use development, it is not technically allowed. The streets will have to meet city standards if they are private. The applicant also does not meet corner lot street side setbacks within the RP-2 portion of the development. Corner lot street side setbacks are supposed to have a 20’ setback, and the plan shows a 10’ setback. The applicant is proposing covered parking areas. Per the LDO, they have to be connected to the primary structure and also has to be a maximum of 15 feet away from the primary structure. This is showing a covered parking area with a walkway that goes into an island, which is approximately 45 feet. The actual structure itself is 75 feet away from the primary structure. Since this is considered covered parking, the applicant is using them to meet the covered parking requirements. Removal of the structures would affect the parking numbers. Additionally, per the LDO, 6’ retaining walls are allowed; however, they have to be stepped back for each foot in height. A 7’ wall would require an additional 1’ setback. One retaining wall is 6 feet high; however, it is within the parking setback. Another wall has a maximum height of 10 feet. Staff would prefer a maximum of 6 feet. It could be broken into two 5’ walls that are terraced so there is not one massive wall. It would also have to be set back 5 feet. Those are all elements that don’t meet LDO requirements.

Within the Comprehensive plan is another set of regulations it does not comply with. Per the map, the RP-2 portion should be MX-D. We discussed gated communities with the previous application. This development is proposing two gated communities. To create a sense of community, we do not allow gated communities per the Comprehensive Plan. Within the MX-D plan, unity and connection should be a part. Gated communities disconnect the overall sense, really creating four separate developments that the applicant chooses to apply as one. High Drive already separates RP-2 and one part of the apartments on the south facing 135th Street. All of the uses are already disconnected. All the commercial and office are along State Line Road. There is another development of apartments and a third development of apartments, and then single-family residential. Pedestrian activity is only shown within the separated areas, so they really don’t connect to each other much. What does connect is across High Drive, and staff would like to see more connection between these items. Also, this project is so large that it would be hard to get from one end of the development all the way to the commercial portion by a pedestrian route. The site design alone does not meet the human scale, village style, and main street style for mixed-use developments that Leawood is looking for. It is staff’s position that these are four separate developments that really don’t speak to each other, and two being gated really does not help.

Within the 135th Street Community Plan are regulations that this plan does not meet as well. The applicant has submitted a plan that shows a variety of road types
distinguished in the 135th Street Community Plan, including neighborhood streets. In the Comprehensive Plan is a broad guide, including widths, sidewalks, and rain gardens. The applicant has proposed this within the gated communities and some in the commercial area. Staff does not think these are great uses or that they are the intent behind the 135th Street Community Plan, which is to create pedestrian connections that can be traversed with ease. They also use a destination street that does not meet the intent of a destination street. It is supposed to have 16’ sidewalks with enough room for multiple groups to walk next to each other, bike racks, seating, active businesses on the street, and on-street parking. This plan does not meet any of that. The applicant is also proposing to not construct Kenneth Road and Chadwick Road. Staff sees this as something that could potentially really hurt the development, as these are huge north-south connectors that could help the development and hurt the ability to create grid streets, which staff sees as more efficient and more sustainable. Grid streets also create walkability. The future street network approved by Governing Body shows Chadwick going through the development. It also shows a 10’ hike-bike trail on the west side of Kenneth Road. They are not proposing Kenneth Road or Chadwick. The 135th Street Community Plan talks about transects. This provides a sort of transect with low-density residential, moving to high-density residential, another high density residential, and then the commercial. That was not the intent of a transect; it is to be able to easily transition from one use to another use with different densities and to be able to connect all those things seamlessly. This has separated all those parts of the development, and we do not see it as a true use of transects. In the 135th Street Community Plan, the low-density residential is supposed to be on 133rd Street. To the north is the lower density. It transitions further to the south, and then it would be the grid street network. Then, there is another sense of density closer to 135th Street.

Stipulation Nos. 2-13 are necessary for staff to do a full review of the proposed project. Staff believes if Nos. 2-13 are applied in any way, it could cause a substantial change to the plan, which could cause the plan to come back. Additional changes may be created with other issues that need to be reviewed by multiple city departments. We have been in contact with the Fire Department and Public Works. As you can see, we see a lot of issues with this project, and we need time to review them. We need to work with other departments to gauge their concerns to be able to give a full review of the project. Thank you.

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

Comm. Coleman: From what you just proposed, there seems to be a big disconnect between you and what the applicant is proposing. Can you go into a bit more detail about your work with the applicant and how we got to this point?

Mr. Sanchez: With every application that comes in to the City of Leawood, we do a pre-application meeting. At that time, the plan is in early stages. That is normally where all the design-type work happens with staff and the applicant. From that point to this point, not a lot has changed. There have been minor changes due to not meeting LDO requirements. We have reiterated often that it does not meet the 135th Street Community Plan and the Comprehensive Plan. The applicant could talk more about their process.
Comm. Hoyt: It’s basically what Commissioner Coleman just said, except I can’t really remember a plan of this scope coming through with so many nonconforming elements, even with just the LDO, which is a preliminary benchmark of acceptability. Then, we get into the Comprehensive Plan issues, which is another pretty firm guideline that we try to follow. The 135th Street Corridor Plan is maybe a bit more subjective at times, but it just seems to me that it would be very difficult to approve this plan, even with the stipulations, and know what we were approving.

Mr. Sanchez: I forgot to end our presentation. The proposed application does not meet multiple requirements within the LDO, 135th Street Community Plan, and Comprehensive Plan. Therefore, staff recommends denial of Case 49-20. We just wanted that on the record.

Chairman Elkins: Thank you. Did you have a response to Commissioner Hoyt’s question?

Mr. Sanchez: That is where staff is, also. They wanted to move forward with the application. We tried to work with them, and this is where we are.

Chairman Elkins: Is it accurate for us to conclude that, at least for conflicts with the LDO, we don’t really have the discretion to approve a plan that conflicts with the LDO itself; correct?

Mr. Sanchez: That is correct. The Planning Commission cannot approve a plan that does not meet the LDO.

Chairman Elkins: In contrast, we may have some discretion relative to the Comprehensive Plan or the 135th Street Community Plan.

Mr. Sanchez: Correct.

Comm. Hunter: My understanding was that, even if the applicant agreed to all the stipulations, the city still wouldn’t recommend approving this. If we can’t approve it because it doesn’t meet the LDO, how did we get here?

Mr. Sanchez: You are correct. If the retaining wall has to move within the setback, we don’t know what that will do to the entire site. Units may have to move to another area. We would like for the applicant to meet the LDO, 135th Street Community Plan, and the Comprehensive Plan and then resubmit the plan. We are unaware of what may happen.

Chairman Elkins: When you say that, even with the stipulations, it would require additional review by the staff and various departments. Can you explain that in a bit more detail?
Mr. Sanchez: Planning staff works closely with all the other departments in the city. If they were to add Kenneth Road, it affects the planning side, Fire, Police, and Public Works potentially. Any change could affect all departments, and all would need to consider the changes.

Comm. Stevens: This is a little off subject, but for clarity, regarding the planned heights shown, the apartments in Tract B are all to be five-story apartment buildings. Maybe it’s a better question for the applicant, but it appears there is confusion in even the heights of the density being shown.

Mr. Sanchez: Building heights have to meet LDO requirements of 90 feet in MX-D. All of the buildings are in that range, so that is fine. We do a preliminary check on the building elevations, but it is not a requirement until Final Plan consideration.

Chairman Elkins: What is the total distance from the western side of Tract A to the eastern side of Tract B? Do you have a ballpark estimate? One of the concerns of staff is the distance between the various tracts.

Mr. Sanchez: I don’t know off the top of my head.

Chairman Elkins: Are there further questions? If not, I would invite the applicant to speak. Mr. Holland, will you be presenting?

Mr. Holland: No, it will be Rick Oddo. We’ll also have Henry Klover as the architect. I’ll probably follow him and get into some of the stipulations.

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

Mr. Oddo: I’ve lived in Leawood for 42 years, and whatever I build will be something that will add value to the neighborhood and not detract from it. I’m happy to present a viable MX-D plan that is market driven and ready to start now. Over a year ago, I saw a plan come before this commission, and it had very large buildings, multi-story structures, and criss-cross streets. The neighborhood hated it. They didn’t want the streets, the parking garages, the attached parking, and big buildings. They kept saying they wanted a Villa Milano community, like we have done just a half mile to the south. I’m giving you Villa Milano-type housing, plus, I’m giving an extra two rows of single-family homes along 133rd as an additional buffer. Cameron’s Court starts on State Line and goes to Pawnee. It’s almost 4,800 lineal feet. You could put five Park Places in this thing. It’s going to be hard to make everything all interconnected. This is why we’ve broken it up into four chunks. However, I do want to bring up that this is the MX-D zoning in Leawood. It was proposed 18 years ago. Since that time, only three communities got started, all of which failed because of all the interconnecting streets to make it impossible to build something or to make the setbacks work. They basically failed because retail doesn’t work if it’s not concentrated. It needs to be easy to get to, in high-traffic areas,
and without parking garages. Retail must have easy-access parking. Unfortunately, MX-D calls for way too many streets. It hides the retail and makes it too difficult to find. Criss-crossing streets make it impossible for it to work. No national tenant will go in a mixed-use development with these requirements. Therefore, you can’t get financing, and that’s why what little has started has stopped. Nothing is going to be built if the exact LDO is followed. I’m asking for just a slight modification on the MX-D plan like you did across the street at 135th Street, where you’ve got a little bit of commercial and retail in one area and the residential component in another area. This is what works in suburban Leawood. In Johnson County, they don’t want to be in 10-story buildings; they want to have elbow room. They want to have a lot of green space. If you notice, we have lots of green space, far more than any that has ever been proposed before. We placed a high-density retail/commercial aspect on the east side by State Line, and we already have the high-density retail center where Price Chopper is. Between, we have residential communities. This is the ideal way to do an MX-D community. We have low-density apartments going into RP-2, which is single-family homes into more single-family homes. The other items I’m asking for are some practical design standards that are more in line with what the market wants so we can build a viable community. Oddo Development has designed a unique plan that we believe not only meets the intent of the city’s Master Plan for the 135th Street Corridor, but will also bring much-needed housing options to the neighborhood and much-needed additional property taxes to the schools and the city with very little impact to either. The site layout proposes a graduated density from apartments to RP-2 as a buffer, placing commercial and retail at the highest-traffic intersection, which is at State Line and 135th Street where it should be. We’re also trying to dedicate as many natural zones as possible on both sides of the church. We have all the green space and natural trees staying in that area. We’re even trying to save the natural trees in the Chadwick area. That’s why we have our entrance opening up on both sides of the big large lot of trees. This development will create millions in property taxes for the city and nearby schools with minimum impact to student population. After 20 years of the 135th Street Corridor remaining undeveloped, the proposed plan is viable, and we can begin development immediately. This plan meets the spirit of MX-D without requesting deviations or density increases and places commercial and retail development where it’s appropriate along State Line. It’s also market driven. I’ve had a lot of Interact Meetings, probably more than any other developer. I’ve met with dozens of individuals. I’ve met with three HOAs multiple times, and I’ve tried to incorporate their suggestions into our plans. The number one thing was to offset High Drive, which we did. The neighbors didn’t want High Drive to line straight up so cars could fly from one end right into Wilshire. They also wanted to limit the entrances on commercial sites off State Line. Instead, we made only one turn-in at Kenneth. They also didn’t want Kenneth to be a straight-through street, as staff is proposing. They wanted it for the same reason they wanted High Drive offset; they didn’t want cars running straight through. Kenneth just goes a few feet on the other side, so to have it carry through doesn’t do much. It also will end up killing all the trees on both sides of the church, or at least on the east side. The neighbors also want us to direct as much traffic away from 133rd Street as possible, which we have done. None of our apartments open up onto 133rd. As long as I can gate it, the only exit will be an emergency exit. We’ve really tried to help them with that. We also wanted to minimize the density as much as possible. Along 133rd, those are not five-story
buildings. The five-story buildings are on 135th Street across the street from six-story buildings you were just reviewing. We have three-story buildings along 133rd. It is in conformance. The other thing people ask is to keep the commercial area away from the residential area and keep it at State Line. They wanted 133rd walkable and to be able to ride bikes, and that’s what we’ve done. After meeting with all of the people, we tried to incorporate their wants into our plan. That’s why we do have a couple HOAs approving it, and the third is unfortunately split. I wish I could have all, but two out of three isn’t bad.

Before we get into the highlights of our community, I do know you received some letters and will hear people speak later that are worried about things or have some misconceptions. One thing I can’t overcome is those who just want single-family homes. That’s not fair and reasonable. This ground needs to be highest and best use, but it needs to be something that’s not going to destroy the integrity of the neighborhood. That’s what my plan does. It works with the neighborhood. The other thing that is not reasonable is to have all single-family homes. It just can’t be done. We need a community with multiple housing options, and we also need to bring in some tax dollars. My product is needed, and the tax dollars this will bring in are greatly needed by the city. One of the problems we’re having is most of the people don’t understand who our residents are. These are the highest-end apartments. I’ve won several awards for apartments I’ve built. We build a gated community, stucco, stone, high finishes. Because of that, we attract high-end homeowners. The average income is over $124,000 a year. Our average age is 52 years old. As a matter of fact, 1/3 of them are over 65. Of the other residents, 1/3 are divorcees who live in the neighborhood and want to live within two miles of their families, and the other 1/3 executives who travel a lot who like the gated community so they can have the “lock and leave” feel. The other issue we hear as a worry is there will be too many kids, and the schools will be overwhelmed. Typically, because they’re so high-end, we only have 3-5 kids per apartment community. That’s because we normally have 20% with three bedrooms, and the other portion is split 50/50 between one and two bedrooms. Because of their concerns, I removed all three bedrooms from this community, which are the biggest driver of kids. We’ve gone from 50/50 to 65% one bedroom and 35% two bedrooms. Therefore, we’ll have very few kids. If we have 3-5 kids per development, I would be surprised. The other issue we hear about is traffic. This plan will add traffic to 133rd and 135th. Everything will add traffic. However, this plan is a fraction of what the LDO allows. You saw the plan for eight- and ten-story buildings. Those areas allow up to 96 units per acre. We are at 11.17 units per acre, so we’re very low density. Across the street, just the residential component is at 26.9 units per acre. I can’t build something lower density than this. This is what people in Johnson County and the suburbs want: lots of elbow space, lots of green walkable space, and beautiful, wide-open spaces. This is how you build a beautiful, sustainable property, and it does not produce much traffic. These streets were designed to handle 6-10 times more traffic than what we’re proposing, so we know they will handle it. I hear about home values. We know that high-end apartments don’t hurt the values of homes. We saw that when I built Villa Milano. Home values continue to skyrocket. They’ve built million-dollar homes right next door. I’m so sure of it that I’m going to be building $750,000-$800,000 homes as a buffer. I will have more expensive homes than the homes to the north. What brings prices down is the uncertainty of what could be built, like high rises, parking garages, what has been
proposed before, or what the LDO actually asks for. What keeps prices low is good buffers, low density, and high quality, which is what I plan to do. We also know that high-end apartments don’t have any crime. You know that. I know that, especially if it’s gated. The outside people can’t come in. They can’t do the quick smash-and-grab. All that is eliminated if the apartments are gated. The last issue that we had dealt with color, texture, and design. Everybody has an opinion. Unfortunately, we’ll never please everybody, but I do have three different styles of homes from single-family homes to traditional and then more modern. I can’t please everybody, but I’m sure trying to. Overall, most people like the plan. Even those who are against it like 80% of the plan. Overall, most of the neighbors know that something needs to be built on this site, or something will be built sometime. It was stated by several neighbors that this plan is far better than anyone ever suggested or thought was possible because of the single-family buffers. Plus, they like the traditional look of the two-story apartment buildings that we have, and they understand the other is a modern look. Both apartment units are very low density with 11.17 units per acre. Remember, across the street, it was 26.9 units per acre, and it was just approved. The minute we designed office and retail, not what we think is needed there, but the absolutely minimal that is allowed in MX-D. We are asking for the minimum required by your ordinance. This is a little bit of everything for everybody, which is what MX-D is. This happens to be a horizontal MX-D that works instead of one that is on top of each other that is having problems with financing and finding tenants.

Let’s look at what this community will bring in tax benefits. Just for the single-family homes, the starting prices are $750,000 and will probably go closer to $800,000. This will bring in about $546,000 a year in property taxes. Of that, 52% goes to the school district. They’re going to get $284,000 a year in taxes. City of Leawood will get an additional $65,000 a year. The west apartment community is going to be valued around $76 million. With its assessments, it will pay almost $1 million in property taxes, which is pretty close to what I’m paying at Villa Milano based on units. The school would get $517,000 a year. The city would get $119,000. By the time we get this built, it will probably be well over $120,000 in property taxes. The east phase is $72 million and has fewer units. Property tax there will be a little over $940,000. Once again, the school gets almost $.5 million per year, and the city will get $113,000 a year. The tax benefits of the residential side alone is over $248,000 a year. School districts will get $1.2 million, all for 6-8 kids. The city will get 12%, which is almost $300,000 a year. The apartments and commercial will take care of their own streets. It is relatively no additional expense to the city from the apartments and commercial parts. The commercial, we believe, has a lot of moving parts, but it’s going to be around $150 million. Once again, that should be a higher assessment, but it’s the right number of $1.9 million in property taxes. School district will get a little over $1 million a year, and the city will get $234,000 a year. In 10-20 years, the total property tax generated by this community is over $18 million. For the last 20 years, it’s been sitting vacant, and it’s what you would walk away from. Taxes for the schools are $46 million over 20 years with $2.3 million a year for 6-8 kids. Let’s say we double the number of kids. That’s still a pretty good rate. The city will get over $.5 million a year with relatively no additional expense. Plus, there are over $2 million in impact fees, park fees, and fees I have to pay before I even get building permits.

Let me work through some of the major benefits that we’ve got. We have a variety of living styles with single-family homes and two different styles of apartments.
We are going to do the big-home look, similar to Villa Milano and Sonoma Hill. We’re going to have two rows of single-family homes between $750,000 and $850,000, which proves that these do not hurt the values of homes. As a matter of fact, I’ve already got 8-10 people who have told me to call them because they want to be first in line to pick their lots. It’s hard to find homes in the city that are under $1 million. As you saw across the street, townhomes at $.5 million and duplexes at $600,000. It’s really hard this day and age to build a single-family house for less than $750,000. The west apartments are the big-home look. They’re made of stucco, stone, and wood trim. Some of the roofs have metal roofs to add extra texture and other elements. The main entrance is off Chadwick, and we tried to conserve the trees. Yes, we want it gated. I think it adds so much to a community. That’s one of the reasons we were considered the highest and best in our community with Villa Milano. I want to keep that going. The other two entrances are off High Drive and Pawnee. We’re trying to keep all our apartment traffic off 133rd. If Chadwick were to go through, it would destroy the single-family community, and it eats up all the trees. It destroys the look. Everybody wants green space. They want elbow room. I’m giving them tons of walking space, bike paths, and everything around here.

The eastern apartments are the five-story buildings. The four buildings on the north end are all three-story buildings, and there is a one-story clubhouse. The eastern development has only two buildings adjacent to 133rd. The two buildings have been designed to have limited cross-section, so it’s just the ends of the buildings to reduce the profile along 133rd. The eastern development acts as a transitional phase between the big houses and the commercial. There is a large draw running through, and the design of the buildings helps transition due to changes in elevations throughout that area. It’s a different high-end style of living. These are called tuck-unders. The problem we’re having is the tuck-under design is the most predominant new design of high-end apartments, and it’s really hard to build under the LDO because you want parking garages, and we’re trying to avoid parking garages because it makes the building too big. I want to stress that both communities are very low density, and you just approved a horizontal MX-D across the street with residential in one area and commercial/retail in another. I want to do the same kind of thing. I’ll also remind you that the area with the apartment ended up being zoned at 26.9, which is 2 ½ times denser than what we have. We’re at 11.1. All the commercial and retail is concentrated on the east end of the community, where the concentration will help strengthen the retail and keep the traffic away from residential areas, which was asked for at every single meeting. I’m sure some will talk about it. They don’t want retail/commercial brought in west of Kenneth Road. Please keep in mind that residents will drive the retail and commercial. Without the residential, there is no need for commercial and retail. I think you have a plan that said that there really isn’t a need for more commercial buildings; residential is what we need.

You saw a lot of differences from staff on what they say doesn’t meet the LDO. I’m going to go over some of the differences. Basically, the LDO wants dense buildings and taller buildings with parking garages. It makes these buildings much bigger. The scale gets too big. They’re not needed or wanted. Johnson County wants low-profile buildings that are smaller with lots of green space and walking trails. That’s what I did. If you cut it up with streets, it doesn’t come out as nice. We’re going to have private drive. We need them. We want to gate the community. As John Petersen just said, parking garages have gates to keep people out. We’re doing it at the street before people come in.
I don’t spend $700,000 if it’s not needed. I do it because it’s a major asset and benefit to the community and the residents. It reduces crime from outsiders. People don’t come cruise the street, looking for opportunities for “smash and grab.” With all the seniors and traveling executives that we have, they like the added security the fencing and gated community bring. Our residents like the “lock and leave.” A lot of our seniors have places in other cities. Now, they’re not traveling, but normally they do, and they love the extra security of the gate. Another odd reason we like the gated community is it keeps our grounds much cleaner. We DNA test all our dogs, so if we find feces in the ground, we test it, and we find the tenant who didn’t pick up after their dogs. If it’s not gated, we’ll get too many dogs coming through, and we won’t be able to monitor it. Therefore, for our clean grounds, we want to be able to monitor it. It doesn’t hurt the communities. These communities are so large that 30 acres and 25 acres have plenty of room. On the east community, the only entrance we have and the reason we want gates is it will allow us to have the one exit onto 133rd Street to be controlled access to only emergency services in and out. We will have no access to 133rd if I’m allowed to be gated. This is why some of the neighbors want us to have a gated community, just like we did at Milan. Gates, to me, add prestige. Villa Milano has been a great asset to Leawood, and we want to do the same thing here. On the big homes, staff has suggested that we remove the gutters. I don’t think they cause a problem to the looks of the building. They’re on the corners of the buildings. This is supposed to look like a house, and it’s residential-style construction. It’s not a good idea to have no gutters. On the east community, we have a flat roof and commercial-style construction, so it will have internal gutters. These are residential-style construction and should not have water introduced to the walls; it will just bring mold. We could eliminate the gutters completely, but that would cause erosion, and we don’t want that, either. Please don’t ask us to do something that goes against common sense, even if it’s in the LDO. Another difference that is required in the LDO is tile roofs. It becomes cost prohibitive. It is over $2 million to add tile roofs to the west community and adds no value to the residents. As a matter of fact, staff asked early on if the homes were for sale or rent. I asked why they wanted to know. They said there are different standards for rent or for sale. For sale doesn’t need tile roofs, but if it is for rent, it does. I would be very careful with stuff like that because it could be interpreted as redlining, discriminating, adding extra costs to keep renters out. I’d be very careful of that. As a Leawood resident, I don’t want to bring that upon us. None of the homes in our area have tile roofs; they’re all asphalt shingles, so we should have the same. We designed it like we did Villa Milano, which didn’t have tile roofs. I think it’s an unreasonable expense or just a misunderstanding. The next difference is really important, and it goes back to what they said about 75 feet, which goes to the middle of the hallway. We have one garage for every unit. We have to have separation so that people can back out. It is called a tucked-under because the garage is tucked underneath. Unfortunately, we can only get about 1/3 of the garages in the building. With the detached garages, every unit has one, which is nice asset that is needed and wanted. To have them attached would require some type of structure connecting the two. That’s silly. It doesn’t make sense. It has to be tall enough that fire trucks and moving trucks can get under. It’s not smart. The LDO just needs to be updated to handle something that is being built in the last 20 years. This is the only city whose LDO doesn’t allow this. This is the most sought-after product. Staff also wants us to have trash compactors attached to the buildings. This goes back to the same thing.
Trash compactors should never be attached to a residential building. They stink, and they’re a fire hazard. As we know, sometimes, fires can start inside. Therefore, we want the trash compactors by High Drive. It is detached from the buildings and provides easy access. We drive by twice a week to pick up trash. We also want it inside the gates because if we don’t have gates, neighbors drop off tires, batteries, and couches. We like to keep it clean, and the gated community helps us with that. Staff wants more streets, but if you look at the occupancy level of those that are all chopped up, you’ll see they’re not as high as what we get. We’re getting higher values for our communities than anywhere else in the city because we build it best. Staff wants Chadwick to go through. I think it would destroy it and serve no purpose. We’ve got traffic studies that show that Chadwick does not need to go through. We also show that the street over in Kenneth could loop around to commercial, which is not needed. These want destroy the green space and what we discussed to be successful. I want to stress that the church has also asked that Kenneth Road gets looped around and not go through. They want to preserve those trees. They don’t want the noise of the traffic going by their school and church. Kenneth will destroy that seclusion. Everybody wants to save those trees. We’re talking about 1,100 feet of trees about 80 feet wide that we’ll save by looping Kenneth around. Once again, the traffic report supports all of this.

In short, staff is pushing for a design with lots of streets that go from 135th to 133rd, which the neighbors do not want. The design requirements are so costly that we can’t afford to build them, or if we do, we end up having to put parking garages that the neighbors don’t want, and both height and density increase. I’m trying to keep the cost reasonable and keep a low profile with lots of green space. The MX-D plan as designed in the LDO doesn’t have a market, especially three miles of it. I can’t imagine how many Park Places that is, and you know that Park Place isn’t really knocking them dead with residential or retail. Other projects built as MX-D got started and have just stalled. If the current LDO is enforced, nothing will ever be built here. The neighbors don’t want streets doing through like Chadwick. The developer doesn’t want it, and the traffic study shows that it’s not needed. Why destroy the trees and green space? People move to the suburbs for elbow space, and they don’t want a College Boulevard on steroids. Plus, we need a design that can get tenants and keep residents here. Plus, I can get financing with this; whereas, the other products really can’t get financing.

In conclusion, I have a viable MX-D plan that is market-drive, that the community can support, and so will the market. The development team has worked very hard to design a plan that differs significantly from what others have tried to bring to the area with a lot less density and smaller scale. We may not have done what staff wanted, but we did what the neighbors wanted. We maintained the integrity of the neighborhood and dispersed the traffic away from the existing single-family homes, moving it to 135th and to State Line. The proposed High Drive connection at 133rd has been offset to the south, so it doesn’t line up correctly with the north side to disperse traffic from High Drive going straight through to Wilshire Place. Once again, it was requested by the neighbors. We moved commercial and retail away from the existing residential communities toward the high-density State Line Road. We also have different residential products that are needed and will make the retail more viable. We’ll produce millions of dollars in taxes that are needed, and we’re ready to start now. With that, I’m going to turn this over to Henry Klover, who worked hard with us and the community to try to get a
plan together. We’ll let him go through some of the notes and things that staff brought up as well.

Henry Klover, Klover Architects, 8813 Pembroke Lane, Lenexa, appeared before the Planning Commission and made the following comments (Chairman Elkins tried to interject throughout, but Mr. Klover could not hear him):

Mr. Klover: The first thing we wanted to talk about was the design. Rick went through a lot, so I’ll be brief. The big homes are designed to have individual garages that have internal access to each unit. They have direct access from the outside. There are no hallways or corridors. It is a very secure environment. The second type is what we call the tuck-unders. They are very popular, and it is not currently allowed by the LDO because of the garage issue and the attachment, which we view as an interpretation issue. We would like to ask to do that as well. The commercial is designed as all of those around the 135th Street Corridor are because of the rules. We are asking for a hotel, we can’t have limited parking. We are asking for a gas station. We have tried to encompass all the parking. We have a lot of trees at the request of the neighborhood. They did not want direct access to Overbrook. The design is in relationship to the ordinances. I’ll get into comments from staff briefly to deal with those as well. We do intend to comply with the LDO. The only differences are things that popped up fairly recently. For example, we planned on using the same basic analysis for this side of the street as was used on the other side of the street, but that is not actually what we’re asking for. The actual average is around 1.66. The 1.46 was a number that came from a study that we did. I told them it was something we had from before, but I actually gathered the information, did the research, worked with EPC on the units that had been stabilized, came up with the square footage. I could have just as easily taken the information I gave to Jeff that he put in the report and did it myself. All the information is accurate. The only reason it was put on there was because it was a very last-minute request on his part. He wanted documentation, and we gave it to him. Other than that, we would have been able to provide it. All three developers have come to the same basic conclusion in how they want to operate. I don’t think staff will have any objection because they don’t want parking spaces that will sit empty. The reality is we can put the deferred parking today; it is not really an issue. We can get more parking. We can put deferred parking that we don’t need, but we’ve all looked at it. We can provide a study again, which I actually did and wrote myself. This wasn’t really designed for a shared use because of the fact that residential in shared use stands on its own and doesn’t share parking. We’re more than happy to provide a parking study. We didn’t see an issue; it was a last-minute request. With regard to private streets and the number that they want, I’ll get into that in a bit. I kind of got ahead of myself because I’m trying to deal with comments from staff. What you see is my 18 years of working in Leawood. I started with Cornerstone in 2002. We did a proposal to staff in 2003 to put big box retail that is now existing on the other side of the street in Missouri. It wasn’t accepted in Leawood. In 2005-2006, we did Mission Corner, which did get approved. One of the buildings got designed, but it fell apart and failed. We worked on Blue Valley Promenade in 2006, which was a very grandiose plan that would have been a game-changer for the community, but the market didn’t accept it. Westside Mission was a project we went through the process and did not get approved.
The Village of Seville was built in 2007, and the neighbors have all brought up that it’s partly empty. We worked on Villagio in 2014, which was to try to get the grocery store moved into that area. We did Leawood Market also in 2014. We worked on 135th and Kenneth, which you just approved across the street, and now Cameron’s Court. We have nine projects over 18 years. You might notice that none of them have anything built with the exception of Cornerstone. Cornerstone had an office building with structural steel, and it failed. It’s partly to point out that we’ve been working on this for a very long time. The Regniers have owned a lot of this property, and Bob will talk in the future.

Obviously, this is MX-D, but one of the principles of design is what we call the dog bone, which is usually putting the highest and best use of commercial on the corners. It has been noted in appraisals that the properties on the corner of 135th and State Line are going to sell a lot more than the property in the middle of Kenneth or High Drive. The dog bone means retail at each end, and lesser uses go between. One of staff’s comments was about the streets. Putting intersections in just to put in a grid section is an urban environment, and it is not what we consider to be appropriate in this type of area because of sheer mass. You can see the densities they ask for. Inside of that block, there are 40 corners inside. There are 20 corners on 135th Street and 20 on 133rd Street. The nodes they call for are supposed to be activated by retail and restaurants. There is no way we can create anywhere close to 40-80 corner retail/entertainment environments. The intent is to have something like Park Place. It would be 6 million square feet if you multiply Park Place by 4 or 5. It’s not a feasible plan. It is more important to understand what can happen. This property has sat for a very long time. Obviously, this is straight out of your guidelines, and none of the residents have wanted it. They don’t want high rises; they don’t want density; they don’t want a 150’ building next to them.

I do want to go into staff comments. As I stated, the first was on the LDO. We do intend to comply with the LDO. We can provide the parking study. The private streets and the grid are not in the ordinance; they are in the 135th Street Community Plan. It does have sizes and connections, but the issue is that there is no way those can happen under your LDO. For example, the three types of streets that were mentioned all would have to be twice as wide as what they suggest, per the LDO. With all that is asked for: sidewalk, parking, median in the middle, the tightest is around 90 feet. By ordinance, it can’t be more than 116 feet or 140 feet with a setback reduction. If you know anything about urban design or these types of projects, the tightness and ability to connect is what’s important. There is a disconnect. I don’t remember who the councilmember was, but on the last project, he said it was like playing Whack-a-Mole. The minute we meet one, we get another one we can’t meet because they’re not compatible. We would request you review that. The accessory structure is the only thing we would ask for relief on because we do have a product we’d like to get built. We do intend to comply with the retaining walls. We thought we’d answered the question, but obviously, we didn’t answer it to their request. The comments from Public Works showed up a few days ago, and we’ll deal with those issues. The Fire Department comments came in only a few days ago, which is basically asking for circulations, patterns, and changes in radius. We’re able to do all those things. At this point, I’m going to turn it over to my colleague.

Curtis Holland, attorney with Polsinelli Law Firm, Kansas City, MO, appeared before the Planning Commission and made the following comments:
Unidentified Speaker: We need to take a small break and fix some technical issues.

Chairman Elkins: While the technical issues are getting resolved, we need to address the time. Do I hear a motion to extend the meeting?

A motion to extend the meeting for 30 minutes was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 7-0. For: McGurren, Coleman, Stevens, Hunter, Block, Hoyt, Belzer. Not present due to technical issues: Peterson.

Chairman Elkins: Our meeting is continued until 9:30. Mr. Holland, are you with us?

Mr. Holland: I am.

Chairman Elkins: We heard all of Mr. Klover’s presentation, despite my efforts to interrupt, and it is part of our record. We would be grateful.

Mr. Holland: I’m going to try to speak briefly on the issues concerning what you’ve always called the Golden Criteria and talk briefly on some of the stipulations. There’s a lot that I’m not sure I can go through in detail on every one, but I do want to talk about a couple of the ones that are more important. With respect to the Golden Criteria, staff prepared their comments. I’m not going to go through every one, but there are few I want to touch on. I’d like to speak to the one that says, “Suitability of the subject property for the uses to which it has been restricted.” I don’t know how long we’ve been talking about what the 135th Street Corridor Plan, Comprehensive Plan, and LDO all speak to. Of course, the LDO is an ordinance. The Comprehensive Plan and Corridor Plan are not ordinances, but I know staff likes to talk about the 135th Street Corridor as it relates to MX-D as well as the Comprehensive Plan. We’ve talked quite a bit about why it doesn’t work. I will just mention that I know Bob Regnier is here and wants to speak a little about the highest and best uses of the property. From our side, you’ve all heard that we don’t think MX-D as presented in the 135th Street Corridor Plan is a viable, workable, marketable development that can be done in this area. As Rick Oddo mentioned earlier, in all of our conversations with the area residents, none of them want to see that. Frankly, we don’t think that development of this area in accordance with the 135th Street Corridor Plan is suitable. We like the term Horizontal Mixed Use. We think that works well here. I also want to talk about the extent to which the removal of the restrictions will detrimentally affect nearby property. All I would say is we think we meet the spirit and intent of MX-D in that it’s horizontal and may not be the vertical that you want. It doesn’t seem appropriate here, and the neighbors don’t want to see that. Regarding the relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed as a result of denial of the application, I guess we would say that there’s really no gain to the public to deny the application as it was presented. I think some of the residents have issues with particular parts of our plan, but overall, the comments we got were pretty positive. We have a couple HOAs that submitted letters, and they may speak tonight. There is no real gain for denial. I would
also say that Henry Klover has been involved with the 135th Street Corridor for 18-19 years, and there’s no true MX-D that has been built out there. Frankly, denial to build something in conformance with the 135th Street Corridor is something that seems like you are restricting development of the property and making it almost unusable. For the Regnier family, I feel real sympathy for them because they’ve had to hold on to this property for so long without a plan being allowed to develop that makes sense and fits within the Leawood development patterns that we’ve seen and that made Leawood successful.

I’d like to move to the stipulations. There are a lot, and I know you’ve spent a lot of time listening to us, and I don’t want to delay it longer than I have to. Relative to the stipulations, I think we’re probably going to need to keep working with staff on some of this, but there are 31 stipulations that are written by staff, and I don’t know how many more that are listed in the Public Works memo. I want to speak to a couple of them. We are agreeable to at least half of these, which are toward the end. We can address how we’re handling trash and the memos in Nos. 3 and 4. Some, we simply can’t agree to. For example, No. 6 requires removal of RP-2, and it is directly against what the neighbors want. We can’t really do it. It’s easy for staff to say to follow the Comprehensive Plan and do everything in the stipulations, but if we do, we’re not going to have a marketable product, and frankly, no one in the neighborhood is going to like it. We disagree on a lot of the stipulations; we can agree on some. Overall, I think we need to keep working on them. We talked about them a lot throughout our presentation. For example, No. 9 requires a street grid network. It’s really not feasible. Connecting Kenneth Road and Chadwick is not wanted by anybody, and they are streets to nowhere that serve no purpose. Attaching our accessory structures to the primary buildings in No. 10 is one we talked about. No. 13 talks about an updated Tree Inventory Plan. We’ve already provided that, so we’re okay with that. No. 14 requires a Special Use Permit for gas station and hotel, and we can do that. There is one that talked about building all the streets in a single phase, which is not appropriate. No one would do that, and we’re not going to get a bank to finance something like that. We’re going to build the project in phases, and I think that’s what everybody else will do. We’ll meet and build the infrastructure as needed for each of the phases, and that’s No. 25. I’m trying to speed this up because I want Mr. Regnier to have time to talk after me. One of the comments that is really going to be challenging for us is to build a third lane on 135th Street. For us, that is a big legal issue. Maybe that is something you can’t necessarily deal with. Our traffic report doesn’t indicate a need for widening 135th Street, and frankly, it’s against the law because 135th Street is an arterial street. That is a city street, and there is case law in Kansas to support that it’s the city’s responsibility. We build collectors and local roads; instead, we have the privilege of paying fees that the city will collect to ultimately build arterial streets. That is, in fact, what is happening with the collection of the 135th Street Corridor Traffic Impact Fee. There are other fees in here as well. We don’t agree that we should be financially responsible for constructing 135th Street to widen it. The Public Works memo talks about the right-of-way, and I think maybe we can work with the city on the right-of-way dedication, but at least for construction of 135th Street, that is not our responsibility; that is the city’s. The only other thing I want to emphasize is that this is going to be a phased development. We’ll build the infrastructure as it’s need, bury the power lines as
they’re needed in an appropriate phase. With that, I will close and yield the rest of my
time to Bob Regnier.

Bob Regnier,

Mr. Regnier: Thank you for the opportunity to speak. I’m going to talk about feasibility
and a little bit of history. All of this property, except for State Line Airport, was
purchased by my father. He died in 2000, so we’ve owned most of this property for
somewhere between 30 and 40 years. Since 2000, I’ve been the person responsible for the
management of the property and have talked to numerous people about development of
this property, none of which has come to fruition except for the Lashbrook proposal,
which has been in process for over two years. Along this process, after having talked to
so many people and reviewing the 135th Street Corridor Plan, there was a disconnect.
There were a lot of plans, but to my knowledge, there has never been a feasibility study
done on what the highest and best use for this property is. I commissioned one from
RLCO, which is The Robert Charles Lesser Company. It has been around for 55 years
and is very well regarded. It touches over 5 billion square feet of real estate projects
annually. They provide strategic and tactical advice. It’s an excellent company with
sterling reputation. We engaged them to give a study of our property for highest and best
use analysis. It was done June 19, 2019. I would suggest that it would be a little harsher
today, given the COVID issues and impacts on commercial/retail development. The
survey has 205 pages, and I would ask you to take a hard look at the Executive Summary
on page 5 and the Key Findings on pages 60-63. I’m going to read a couple sentences in
each of those sections. It indicates that there is no near or medium-term market support
employment-oriented land uses. They’re saying that office is not a possibility here. Office
tends to come together in a sector, like 135th Street or Corporate Woods. There is just no
core of office in this area, so the possibility is very limited, if not impossible. I don’t have
it actually set out in a separate slide, but I’ll read for you. “Conceptual zoning plans like
those contemplated in the 135th Street Community Plan that call for vertical mixed-use
development and/or higher density residential and/or commercial uses are not supportable
in the overall Leawood marketplace, nor at the subject property in the near, mid or even
long term.” Read the top two paragraphs, and it will give you RLCO’s opinion of vertical
mixed-use in this corridor, which they feel is really not supportable. The report was done
in July, 2019. My contract with Mr. Oddo is dated November, 2019. He had not seen this
report when we first started talking. What he is proposing is exactly what this report says
is feasible: low-medium-density residential and then medium-density residential and
retail on the State Line property. This reflects the fact that what they said in ’19 is
feasible for this property. Page 61 talks about a very strong opportunity for rental
apartments in this subject site, which reiterates what Rick already said. It recommends to
phase the property in 260 units every two years, which is exactly what Rick is proposing.
I will finish by saying that to my knowledge, there has never been a feasibility study. I’m
more than happy to have this fellow come back and talk to the Planning Commission or
City Council. I have been approached by the members of City Council on numerous
occasions over the last 20 years saying, “Why aren’t you doing anything on 135th Street?
We want you to develop that property.” My answer is the same: the city can’t dictate
what goes on this property. I can’t dictate what goes on the property. The market will tell
us what is feasible. We’ve got a well-regarded developer that has the financial capacity to do this and move it forward, and that is the market today and probably for years into the future. The one comment that wasn’t brought up had to do with potential benefits for the City of Leawood by way of tax revenue. For Agricultural zoning, we pay about $1,000 a year in taxes on this property. That is really all I have. We would like to develop this and create something that is additive to the City of Leawood. We’d like to do it in the current time frame. For that, I will turn it back to Mr. Oddo in case he has further comments. If not, we’ll turn it back to you for questions.

**Chairman Elkins:** Thank you. We appreciate your comments.

**Mr. Oddo:** That’s all from our side. We have a team of engineers here as well to answer questions. We appreciate the time you’ve given us. We look forward to the discussion.

**Chairman Elkins:** Thank you. I’m going to depart from my normal practice to let the rest of the commission ask questions first and take the first question. This is primarily for Mr. Holland. A lot of our discussion tonight has been around the Comprehensive Plan and 135th Street Corridor Plan, but I note in staff’s presentation, there are a series of attributes that either violate or are inconsistent with the LDO. How would you advise us to even contemplate moving forward, varying from either the Comprehensive Plan or 135th Street Plan, in light of it?

**Mr. Holland:** I wrote down the various alleged issues where we were out of compliance. I’d like to just go through several of them. I think we’re frankly not terribly inconsistent; it’s just the way staff interpreted the LDO. We did address whether or not there was a parking study. Henry Klover did one specific to this project. We certainly feel we complied with that even though staff says it is not specific to this project. All of the information relative to the amount of parking that would be necessary has been met. The other issue is with respect to gates, which are not in violation of the LDO. They talk about regulations, and they used that word freely when talking about the 135th Street Corridor. Those aren’t really regulations; they’re guides. We talked about gates and why we want them, and I don’t think that’s a violation of the LDO. We also talked about private streets, which are permitted in the city and are not a violation of the LDO. They may not be consistent with the Comprehensive Plan or the 135th Street Corridor, but there are private streets in Leawood, and that’s what we’re asking for. They talked about retaining walls and encroaching. We don’t think that’s an issue. In this 114-acre development and all the units and square feet that we’re talking about, the retaining walls are the least problem we might have. I know Henry Klover said it was a late comment from staff. We had three rounds of submittals, and that was never mentioned. We think we addressed it, but we will address it and will be compliant with the LDO. The only real one that is potentially an issue is accessory structures not being attached to the primary buildings. We talked about how it’s impossible with the multi-family components we were seeking to get approved. Maybe we need to work on that one a little bit. With respect to the other ones, we meet the LDO or can meet it.
Chairman Elkins: I believe one of the other stipulations was the corner setbacks in the middle of the single-family residential elements.

Mr. Holland: Thank you; I forgot to mention that one. It is in the Staff Report, and I don’t know if we had it in the comments. We will meet it. That’s not an issue for us.

Chairman Elkins: Thank you. I’ll now defer to the rest of the commission. My concern was there are some good issues raised by this plan relate to our Comprehensive Plan as well as the 135th Street Plan. Mr. Regnier, as well as Mr. Oddo made some fairly strong policy comments. I still was concerned about how to get to that discussion. With that, I think it’s fair game to ask about the plan.

Comm. Coleman: Mr. Oddo, I asked the same question of staff. Can you give me some background of working with staff? I know we’ve talked about a big disconnect between the Staff Report and your comments, but I wanted some more background from your viewpoint.

Mr. Oddo: We went in and talked to several people upfront. They said, “If you do this and this, it’s really a good plan. We’d like to see that. Why don’t you submit it?” We went back and forth with a couple people. They were pretty receptive of it but wanted to see everything in one big plan, so we did that. Then, we got further in the meeting with staff, and basically, it was, “This won’t work because you have to have all the streets in, all the parking garages, etc.” Well, those don’t work. We already discussed the problems. We did the Interact Meetings, and those wanted one thing, which is what we designed. Staff was insistent on following some of these guidelines. We knew we couldn’t meet them. There really was no discussion. We tried to meet everything we could. I gave a lot with the residents, and we presented to staff, and they basically want to follow the LDO. I understand the position because their hands are kind of tied with that. I think the LDO is outdated and doesn’t keep up with the market that we’re dealing with now or the products that have come out. We’re trying to meet what the market needs and what the neighborhood wants and needs.

Chairman Elkins: Thank you. Other questions? Mr. Oddo, you mentioned a couple times that you had multiple Interact Meetings with different HOAs. I believe there were minutes from only a single meeting. Do you have the minutes from the other meetings you mentioned?

Mr. Oddo: Maybe I should clarify: I had meetings. The legal Interact Meeting was once, and from there, it broke off into meeting with the different subdivision HOAs and people they said were professionals. We had lots of different meetings. We went to the site to look at things with them. We had lots of meetings. Some were over the phone; some were in person. We kept modifying things so we could get approval from the church, a couple of the HOAs, and individuals. We met with representatives from various HOAs.

Chairman Elkins: Thank you. Do I hear a motion to extend the meeting for an additional 30 minutes? Under our rules, this will be the last extension tonight.
A motion to extend the meeting period for 30 minutes was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

Chairman Elkins: Mr. Oddo, you talked at some length about the density of this project as opposed to the one we spoke to earlier. Can you tell me what the density is in the Villa Milano complex?

Mr. Oddo: I’m going from memory, but I think it’s 13-14 units per acre with 15 at the max.

Chairman Elkins: You said it’s 11.7 for this development?

Mr. Oddo: 11.17; we really like our green space.

Chairman Elkins: That’s good. The city does as well. You also mentioned the tile roofs. Can you talk a bit more about what you understand to be staff’s view of the requirement for tile roofs?

Mr. Oddo: In the first couple meetings, they asked about that, and they want tile roofs. There is a possibility for a ½” shingle, but it doesn’t exist in the market. What they’ve asked for doesn’t really exist. They have Class A products, which would include the TPO roof on the flat roofs in the commercial space, tile, the metal roof we have in some areas, and a 50-year impact-resistant asphalt shingle that is 3/16”, which is the same as we have at Villa Milano. Nothing is perfect, but it is designed to handle the majority of what we get here in the Midwest. It’s a Class A product, so it’s technically allowed by ordinance, just not in MX-D.

Mr. Klover: It’s an aggregate, so it doesn’t have a thickness requirement. It doesn’t say it’s not permitted.

Mr. Oddo: It says you have to have ½”, but that doesn’t exist, so I don’t know if that’s a typo or what. We’re still doing a first-class product, and it’s the same as or better than what is on the neighbors’ houses all around us.

Chairman Elkins: My last question relates to Mr. Klover’s presentation. He went through quite a history of projects along 135th Street Corridor over the last 18 years that have been less than successful. What is it about this project that gives you confidence that it will succeed where the others have not?

Mr. Oddo: That is a great question. First, we don’t have parking garages. Parking garages in suburban markets don’t work for lots of reasons. It makes the mass and scale of the buildings a massive box. People don’t want them. Second, we did a more traditional layout on the retail that has parking front of retail so you can go right to it. Parking garages destroy retail. Look at Park Place. We all know how the retail is going
there. For that matter, the residential isn’t doing much better. They’re in the 70s for occupancy; we’re at 98%. Our product is one that’s proven successful. I don’t know if I answered that well. People don’t want parking garages and the multitude of streets going through. They want retail right upfront where it’s easily seen. You look at the three successful retail communities in Leawood built in the last 30 years are at 119th and Roe: Town Center, where the Apple Store is, and across the street where Hen House is. That is traditional suburban design, and it works. When you try to put a downtown in a cornfield where we want elbow space and green space, it doesn’t work.

Mr. Klover: I was involved with a lot of them. A lot didn’t get approved by the city or got rejected for various reasons, but the ones that did, including Cornerstone and Mission Corner, all died on the vine because there were too many upfront restrictions, too much cost. It couldn’t phase in. The problem is that projects need to develop organically. When there are so many upfront costs, it takes very few hiccups to make the project fail. In the case of Cornerstone, a tenant disappeared, and the next thing you know, things crumbled.

Mr. Oddo: I’m going to go a step further. Businesses go where businesses want. Also, I don’t think the design standards in Overland Park are low, but they’re more reasonable and more in the marketplace. The development stops at Leawood. I’m not trying to pick on anything; I’m trying to be positive, but I live in Leawood. I want this to be developed. I want the tax dollars brought in. We need it. If you look at what has been successful in the suburban market, it’s not MX-D. Even Prairie Fire, with the millions of dollars they got in special financing, they still can’t make it work, let alone trying to do it without $20 million in special financing. We are not asking for that for this project. Without extra help, it’s hard to make anything work, especially when the design standards make construction costs more expensive than any other city, and your property taxes are higher. Those all factor in to a product that is difficult to make work.

Chairman Elkins: Thank you. Other questions?

Comm. Hoyt: It’s really not a big point, but I’m trying to make sure I understood Mr. Oddo correctly. When you predicted only 6-8 children living in this entire development, is that what you said?

Mr. Oddo: We said 3-5 school-age children per apartment community, and that’s based on other communities in the area. I believe this will have even fewer because we have even fewer three-bedroom apartments.

Comm. Hoyt: I guess I was referring to the slide where you were showing all the money that was coming in versus the number of children in reference to the school children. I just assumed that the 56 single-family homes will be producing a lot of children going into the schools.

Mr. Oddo: I didn’t pick up on that part because single-family is single-family. Like Mr. Regnier said before, I independently came up with the same conclusion that RCLO did, and that is that my market is more mature. We are trying to get empty nesters. We are
going to build predominantly single-story or reverse ranches, which don’t typically lead
to families. It’s not that they can’t live there; I was just pointing out that the apartment
communities aren’t going to flood the schools. There may be some families, and I’m not
opposed to that.

Comm. Hoyt: I wouldn’t think that would be a problem; I was just trying to make sure
that I understood. I’m doing this remotely, so I don’t know what is in Council Chambers
right now in the way of additional documentation. Does the city have copies of this
RCLO report?

Mr. Oddo: I submitted it to staff months ago. I resubmitted weeks ago. It’s also on our
website for anyone to look at.

Mr. Klover: It was formally submitted with the package.

Comm. Hoyt: For my own sake of getting a handle on it, where specifically could I find
that then?

Mr. Oddo: We can email it again. Staff has it, and I can send it after the meeting
tomorrow?

Chairman Elkins: I think it would be appropriate for staff to send a copy out to the
commissioners and have it as part of the record.

Comm. Hoyt: Any maybe this is more for when we ever get to the discussion phase as a
Planning Commission, this plan has a number of LDO nonconformance issues. Then, we
get into the Comprehensive Plan and 135th Street Corridor and fundamental differences,
but also philosophy, sense of the marketplace, and best use, which is clearly going to take
a lot more discussion. It seems like whatever resources we can get to fuel that additional
discussion is going to be really helpful. As far as I’m concerned, it’s hard for me to see
exactly what the next step will be, other than simply looking again at a lot of the plans
that the city has set in place.

Chairman Elkins: Thank you. Additional questions for the Cameron’s Court team? Just a
couple comments as we wind down. The next step in our process would be to open the
Public Hearing, and I do propose to do that because I think a number of people have sat
very patiently. I think that I will limit the Public Hearing tonight to about 15 minutes
because we have administrative details we have to take care of. The process is that, once
the Public Hearing is over, the Cameron’s Court group will have an opportunity to
respond. The Planning Commission will have a chance to ask questions. Then, we’ll
move on to a discussion, and obviously, that’s all not going to get done tonight. We will
be continuing, with Planning Commission’s approval, to September 9th, which is a
Wednesday because of conflicts with the Governing Body’s schedule. Then, we’ll also be
looking at continuing the additional cases that were on our docket for tonight to
September 9th as well. With that, before I open the Public Hearing, I’ll go over the ground
rules. Because we’re doing this via Zoom, I’m going to go off the list I received from
staff. We ask that your comments be limited to four minutes. I would also note that we are very appreciative of the interest the public has in this case. I think we received more written input than we have in almost any case I’ve been involved with. Please rest assured that we have read all those written comments, and they become part of the record for our deliberations.

Public Hearing

Mr. Holland: I just wanted to mention that the first two names are on our team. They are in favor of it, and they don’t need to speak.

Julie Kincaid, appeared before the Planning Commission and made the following comments:

Ms. Kincaid: I’m a resident at The Enclave at Cedar Point, and I’m also the current President of the HOA. I’ve built two homes in Leawood and have had a third primary residence in Leawood. The value of the quality of living here for the last 21 years has been something we have really appreciated. We also appreciate the time that the Planning Commission is putting in. We’ve also spent two months as a group, working on this project with members of the staff and also Public Works. We’ve worked with the developer, and we appreciate everybody’s time in listening to our concerns. After the Interact Meeting that was held by Oddo on June 8th, we met with our Enclave neighbors and assembled a team to meet with the developer, architects, and representatives of the landowner to address our neighborhood’s three areas of concern. Our concern was mostly with the commercial side of the development. I don’t know if you know where Enclave is, but it’s located just behind Village of Seville, directly across where they are proposing the commercial development. We’re right on Overbrook. We have a community of 24 homes. Once we attended the Interact Meeting, we put together a group of volunteers from our neighborhood and some members from the board. We met with the developer to discuss our three objectives. These conversations occurred over a two-month period with the final revisions being made to the Site Plan submitted to us on August 11th. The original plan called for three entry-exit points east of the church to State Line, which was directly in front of our development. Our objective with the developer was to limit the number entry points from the commercial development onto 133rd, so all the ingresses and egresses to State Line. Through the revisions, the current plan reduces the number of entry-exit points to one entry at Kenneth and one right-only across from Village of Seville. It eliminates the Overbrook entry-exit, which was a big safety concern to our neighbors. There’s no outlet in our neighborhood. Having a commercial entry directly across from Overbrook would cause people to come into our neighborhood. There was also concern about headlights in parking lots and exit across from Overbrook shining down into homes. We also have the revision that shows that the elimination of the Kenneth Road cut-through from 135th north to 133rd. I work and live in the same area, and there is a lot of traffic on 135th and State Line, especially at rush hour, and it backs all the way up to Pawnee. The traffic study pointed that out. If Kenneth Road cuts through from 135th to 133rd, I guarantee that traffic will come straight down Kenneth to 133rd to bypass the congestion at 135th and State Line. We have serious concerns about that
because right where Kenneth hits 133rd is the end of our community sidewalk. We have to cross 133rd at Kenneth to get to the sidewalk. It ends on the north side and picks up on the south side at Kenneth. That’s another concern for our walkers, runners, and cyclists. We also appreciate the bike and hike trail that was mentioned by Mr. Sanchez that goes along the 135th Street Plan for Kenneth. Even if you eliminate Kenneth where you just come in and do a U shape through the commercial development and back out to 133rd, perhaps you could retain that hike-bike trail along that tree preservation that the current plan reflects. I hope you’re following me there. Diffusing traffic through the commercial development reduces the traffic to 133rd. Information from the traffic study will be addressed by another neighbor of ours later on. Those are concerns we’ve had with the traffic that the developer has addressed in his revised plan. Our second objective was to retain the tree line along 133rd, which preserves our residential quality, green space, walkability, privacy. Those are very dense trees with a lot of natural habitat along 133rd. This plan, between Kenneth and Village of Seville along 133rd is loaded with trees. We appreciate the retention of that. Our third objective in working with the developer was to move the high-density multi-story commercial, like the hotel and some of the taller buildings, more toward 135th, away from 133rd. We wanted the commercial portion on the commercial end of State Line Road and 135th and keep 133rd residential. The 135th Street Community Plan supports the development of a high-density infrastructure with retention of green space and walkability. We also think the Revised Site Plan by the developer addresses our original concerns and also appears to uphold the standards that the city has. I realize that, for you, this is very procedural, and it sounds like I’m hearing it’s a two-year process sometimes. For us, any kind of change is an emotional process and not so procedural because it affects the enjoyment of our homes and the safety of our families or the perceived safety of our families. We feel that when the developer came across the table and worked through these three objectives, there is a sincere interest in doing what’s best for the community. If I have another quick second, I’d like to make a couple comments on a personal note. I read through all the concerns. I own a property management company and have been in property management for ten years. I rarely see children in multi units. School-age children live in single-family homes. I think the trend in housing right now, with the aging population, is a downsizing luxury lifestyle with maintenance provided. That’s why a lot of us live here in The Enclave with maintenance provided. I personally believe the combination of high-end single-family maintenance-provided communities with nice amenities like what was just approved across 135th is a big improvement to the cornfields that we currently have. We also have a transient homeless population that we’ve dealt with in our neighborhood. We have people coming in and out of those woods. I just saw a transient person coming out of the woods last night. For me personally, I think that this kind of development is a good development for our community, and I really appreciate the time to let us voice those opinions.

Chairman Elkins: Thank you. We appreciate your comments. We’re coming up to the end of our hour. For those in the public who are still online, we would invite you to rejoin us on September 9th. The continuation of this case will be the first thing on our docket, and we’ll move through to the conclusion of those who wish to be heard. If any of your friends or neighbors couldn’t join us tonight and can on the 9th, they are certainly invited.
to join us. As time winds down, I would entertain a motion to continue Case 49-20 to the September 9th Planning Commission Meeting.

A motion to continue CASE 49-20 – CAMERON’S COURT – Request for approval of a Rezoning from AG (Agricultural) and SD-O (Planned Office) to RP-2 (Planned Cluster Residential Detached) and MXD (Mixed Use District), Preliminary Plan, and Preliminary Plat, located south of 133rd Street and west of State Line Road – to the September 9, 2020 Planning Commission meeting was made by Coleman; seconded by McGurren. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

Chairman Elkins: I would now entertain a motion to continue the following cases: Case 74-20, Case 75-20, Case 66-20, Case 67-20, Case 64-20, Case 68-20, and Case 70-20.

A motion to continue Cases 74-20, 75-20, 66-20 64-20, 68-20, and 70-20 to the September 9, 2020 Planning Commission meeting was made by Coleman; seconded by Stevens. Motion carried with a unanimous roll-call vote of 8-0. For: McGurren, Coleman, Block, Stevens, Hunter, Belzer, Hoyt, Peterson.

CASE 74-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-3-3, ADMINISTRATIVE APPROVALS – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to Tenant Finishes. PUBLIC HEARING – CONTINUED TO SEPTEMBER 9, 2020

CASE 75-20 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-2-6.3, SD-CR (Planned General Retail) - Request for approval of an amendment to the Leawood Development Ordinance, pertaining to building heights within SD-CR. PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020

CASE 66-20 – TOWN CENTER CROSSING – TENANT STOREFRONT DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of 119th Street and east of Roe Avenue. - CONTINUED TO SEPTEMBER 9, 2020

CASE 67-20 – TOWN CENTER PLAZA – TENANT STOREFRONT DESIGN GUIDELINES – Request for approval of a Revised Final Plan, located south of Town Center Drive and west of Roe Avenue. - CONTINUED TO SEPTEMBER 9, 2020

CASE 64-20 – TOWN CENTER PLAZA – FIRST ASCENT – Request for approval of a Preliminary Plan, located south of Town Center Drive and west of Roe Avenue. PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020

CASE 68-20 – PLAZA POINTE – GUIDEPOST MONTESSORI – Request for approval of a Revised Preliminary Plan, Revised Final Plan, and Special Use Permit for a
Daycare/Montessori, located south of 136th Street and west of Roe Avenue. **PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020**

CASE 70-20 – VILLA DE FONTANA – Request for approval of a Preliminary Plan, Preliminary Plat, and Rezoning from SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 ((Planned Custer Attached Residential District)(6,000 Sq. Ft. Per Dwelling)) to RP-2 ((Planned Cluster Detached Residential District ) (6,000 Sq. Ft. Per Dwelling)), located south of 135th Street and east of Roe Avenue. **PUBLIC HEARING - CONTINUED TO SEPTEMBER 9, 2020**

Chairman Elkins: I want to extend my thanks to staff and the Cameron’s Court team for their great presentations tonight and to the commission for deliberation and consideration on this important issue. I look forward to picking it up again on September 9th. Is there any other business that needs to come before the commission?

Mr. Sanchez: Staff would like to introduce Katherine Geist, our new planner.

Chairman Elkins: Welcome to the team. You got to go through one of our marathon meetings.

*MEETING ADJOURNED*
PLAZA POINTE – GUIDEPOST MONTESSORI – REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT, PRELIMINARY PLAN, AND FINAL PLAN LOCATED SOUTH OF 135TH STREET AND WEST OF ROE AVENUE - CASE 68-20  **PUBLIC HEARING**

STAFF RECOMMENDATION:
Staff recommends approval of Case 68-20 Plaza Pointe, Guidepost Montessori – request for approval of a Special Use Permit, Preliminary Plan, and Final Plan, with the stipulations outlined in the staff report.

APPLICANT:
- The applicant is Chris Horney with Murphy Real Estate Services.
- The property is owned by Mathews Real Estate Partnership LP.
- The architect is Eric Pepa with Allen+Pepa Architects.

REQUEST:
- The applicant is requesting approval of a Special Use Permit, Preliminary Plan, and Final Plan, including removal of 16 parking spaces with the addition of a playground and equipment, on the southeast corner of the Plaza Pointe development, in the SD-CR zoning district.
- No other exterior changes to the building are proposed to be made with this application.

ZONING:
- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:
- The Comprehensive Plan designates this property as Mixed Use.

LOCATION:
SURROUNDING ZONING:

- **North**  
  Directly north of 135th Street is the Parkway Plaza development, zoned MXD (Mixed Use Development).

- **South**  
  Directly south of 137th Street is Church of the Resurrection, zoned AG (Agricultural), with a Special Use Permit for a Place of Worship.

- **East**  
  Directly east of Roe Avenue is Villaggio at Leawood, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).

- **West**  
  Directly west is Briar Street is Cornerstone of Leawood, zoned SD-CR (Planned General Retail).

SITE PLAN COMMENTS:

- This application will use and an existing building that faces to the north with parking located on the north and east sides of the building.

- The site will be accessed from 136th Street (private street) though an existing shared driveway that runs along the west side of the building.

- The applicant proposes to remove 16 parking spaces and the construction of two playgrounds. A smaller playground (420 sq.ft.) located at the northwest corner of the building and a larger playground (4,512 sq.ft.) located on the east side of the building. Both playgrounds will consist of living material.

- Applicant will provide a direct sidewalk connection to Roe Ave.

- The playground equipment located on the east side of the building will be constructed of wooden logs adhering to LDO (Leawood Development Ordinance) requirements.

- The playgrounds will be enclosed by a Vinyl (wood look) fence with shade devices provided over the play equipment.

BULK REGULATIONS

- The following table outlines the required and provided regulations for the SD-CR Zoning District:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
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<tr>
<td>Front Exterior Structure Setback</td>
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<td>40'</td>
<td>Complies</td>
</tr>
<tr>
<td>Front Exterior Parking Setback</td>
<td>10'</td>
<td>10'</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Exterior Structure Setback</td>
<td>40'</td>
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<td>Complies</td>
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<td>Complies</td>
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<tr>
<td>Interior Parking Property Setback</td>
<td>10'</td>
<td>0'</td>
<td>Deviation Approved with Plaza Pointe Development</td>
</tr>
<tr>
<td>Open Space</td>
<td>30%</td>
<td>30%</td>
<td></td>
</tr>
</tbody>
</table>

PARKING

- The LDO requires a minimum of 28 parking spaces for this site. The site will include 28 parking spaces, this accounts for 1.5 spaces per employee on a maximum shift.
• Parking will be reduced 8 spaces with the addition of the playground.
• Additional parking spaces will be added on west side of the building and on the north side by reducing the parking lot islands in size.

LANDSCAPING
• The applicant is proposing to keep most of the existing landscaping along the north and east property lines that are adjacent to 136th Street and Roe Avenue.
• The applicant is also proposing to keep existing landscaping on the south and east sides of the building.
• Any landscaping that is removed within the project site will be replaced within the property. Shade/Ornamental Trees, Shrubs, and perennials will all be replanted along the north and east property lines.

ELEVATIONS:
• Building is a single story brick building with a flat roof with the front of the building facing north. A tower element is over the main entrance. It was previously occupied by Carpet Corner.
• The exterior façade of the building will not be altered, including brick masonry.
• No other changes to the façade of the building are proposed with the plan.

SIGNAGE:
• Plaza Pointe has sign criteria approved by the Governing Body.
• Signage for Guidepost Montessori will be approved administratively through a separate application.

LIGHTING:
• There are no proposed changes to lighting with this application.

INTERACT:
• An Interact meeting was held on August 06, 2020. A meeting summary and sign-in sheet are attached.

GOLDEN CRITERIA:
The character of the neighborhood:
The area is characterized by a major arterial street (135th); parkway plaza zoned Mixed use to the North, Church of the Resurrection zoned AG to the south, a major arterial (Nall); and the City of Overland Park to the west, a major arterial street (Roe); Villaggio a mixed use development to the east.

The zoning and uses of properties nearby:
• North Directly north of 135th Street is the Parkway Plaza development, zoned MXD (Mixed Use Development).
• South Directly south of 137th Street is Church of the Resurrection, zoned AG (Agricultural), with a Special Use Permit for a Place of Worship.
• East Directly east of Roe Avenue is Villaggio at Leawood, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).
• West Directly west is Briar Street is Cornerstone of Leawood, zoned SD-CR (Planned General Retail).

The Suitability of the subject property for uses to which it has been restricted:
Commercial properties surround the subject site. The applicant is requesting a Special Use Permit for a daycare within the commercial development. The subject property is suitable for the restricted uses.
The extent to which removal of the restrictions will detrimentally affect nearby property:
The project is suitable to this site, but the required Special Use Permit and stipulations recommended for approval with this application are necessary to ensure a high quality development.

The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:
Denial of this application will not result in a relative gain to the public health, safety and welfare because this project does not propose a disruptive use or any changes to the site.

The recommendation of the permanent staff:
Staff recommends the Planning Commission approve Case 68-20, Plaza Pointe – Guidepost Montissori – request for approval of a Special Use Permit, Preliminary Plan, and Final Plan, with the stipulations listed in the report.

Conformance to the adopted master plan of the City of Leawood:
The Comprehensive Plan designates this property as retail. The zoning is SD-CR. The use is allowed with a Special Use Permit.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission approve Case 68-20, Plaza Pointe – Guidepost Montissori – request for approval of a Special Use Permit, Preliminary Plan, and Final Plan, with the following stipulations:
1. The project is limited to the Plaza Pointe development, Guidepost Montessori and the construction of two playgrounds, and rearranging of parking areas.
2. Prior to Governing Body consideration, open area shall consist of 30% living material; and shown on plans.
3. Prior to Governing Body consideration, fencing shall be updated to remain consistent within the Plaza Pointe development; and shown on plans.
4. Prior to Governing Body consideration, curb height surrounding all playgrounds shall be increased, reducing the risk of vehicular accidents; and shown on plans.
5. All playground equipment shall meet all ASTM (American Society for Testing and Material) 1487 and CPSC (U.S. Consumer Product Safety Commission) current standards.
6. Per Section 16-4-3.6 of the Leawood Development Ordinance, this Special Use Permit shall have a duration of twenty (20) years from approval by the Governing Body, after which shall terminate if no new Special Use Permit is applied for and granted by the City of Leawood Governing Body.
7. A Special Use Permit for Guidepost Montessori shall be issued to Higher Ground Education Inc.
8. In the event the allowed use is discontinued for a period of three months or more, the Special Use shall be determined abandoned, and this permit shall become null and void.
9. A cross access/parking easement for the entire Plaza Pointe development shall be recorded with the Johnson County Registrar of Deeds prior to issuance of a building permit.
10. Per the Leawood Development Ordinance, where pedestrian routes intersect vehicular access routes, the material of the pedestrian route shall be enhanced and differentiated from the vehicular paving material to match existing crosswalks within the Plaza Pointe development.
11. Per the Leawood Development Ordinance, all landscaped areas shall be irrigated.
12. The approved final landscape plan shall contain the following statements:
    a. All trees shall be callipered and undersized trees shall be rejected.
b. All hedges shall be trimmed to maintain a solid hedge appearance.
c. All plant identification tags shall remain until issuance of a Final Certificate of Occupancy.
d. Any deviation to the approved final landscape plan shall require the written approval of the landscape architect and the City of Leawood, prior to installation.
e. All landscaped open space shall consist of a minimum of 60% living materials.

13. A letter, signed and sealed by a Kansas registered Landscape Architect, shall be submitted prior to final occupancy that states that all landscaping has been installed per the approved landscape plan and all plant material used is to the highest standards of the nursery industry.

14. No construction shall be allowed between the hours of 9:00 p.m. to 7:00 a.m. and not on Sundays.

15. A sign permit from the Planning Department shall be obtained prior to installation of any signs.

16. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo on file with the City of Leawood Planning and Development Department (Exhibit A), prior to issuance of a building permit.

17. Development rights under this approval shall vest in accordance with K.S.A. 12-764.

18. The conditions and stipulations of the preliminary plan approval remain in full force and effect except to the extent expressly modified herein.

19. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through nineteen.
MEMO

DATE: August 20, 2020

TO: Richard Coleman, Director of Community Development

FROM: Brian Scovill, P.E., City Engineer
Department of Public Works

SUBJECT: Plaza Point – Guidepost Montessori Preliminary Plan
Case Number: 68-20

The Department of Public Works has reviewed the aforementioned project. The recommended stipulations are listed below.

1) Traffic Impact Analysis: A trip generation comparison indicates traffic impacts are consistent with the traffic study that was approved for the larger development.

2) Storm Water Study:
   a) The proposed stormwater plan is consistent with the stormwater plan that was approved with the larger development and no additional detention is required.
   b) The proposed development intends to use a pervious turf playground area. This decreases the overall impervious area and stormwater BMPs are not required.

3) The parking lot pavement shall be constructed in accordance to the Leawood Development Ordinance.

4) Permanent structures, including monument signs, shall not be placed within the Right-of-Way and Public Easements.

5) All public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards as developed by the Department of Public Works (latest revision).

6) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

7) Construction vehicles, including vehicles of construction personnel, shall not be parked within the Right-of-Way. All staging and storage of equipment and/or materials for private improvements shall be contained on the proposed

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development unless an Access Easement has been granted by the adjacent property owner.

8) The Developer shall repair and restore all damaged areas between the back of curb and the Right-of-Way abutting this lot including any existing damage. This shall include but is not limited to street lighting equipment, traffic signal equipment, sidewalk, storm sewers, grass, etc.

If you have any questions, please call me at (913) 339-6700, extension 134.

Copy: Project File
TO: Grant Lang

FROM: Jarrett Hawley

DATE: August 20, 2020

SUBJECT: Plaza Pointe- Guideport Montessori

The Leawood Fire Department has no objections or recommendations on Case 68-20 at this time.

Jarrett Hawley
Deputy Chief
Leawood Fire Department
MEETING MINUTES

Date: Thursday, August 6, 2020 6:00 PM-7:00 PM
Location: Zoom Meeting

Presenters: Chris Horney & Higher Ground Education Staffs

Subject: Request a special use application for a daycare facility at 4701 W 136th Leawood, Kansas; commonly known as Carpet Corner building

ATTENDEES

Murphy Real Estate Service
Chris Horney, Kim Burrell, Bryan Li

Higher Ground Education
Alma Reza, Aaron Bailey, Jocelyn Scotty

Neighborhood Guests
Brad Tally (Owner of Tally J Brad DDS), Arjun & Sudha (Owner of Primrose School of Leawood)

Part 1 – INTRODUCTION

Chris Horney started the discussion by introducing himself and parties involved in this transaction, and then stated that the purpose of the meeting is to request special use permit for the building and wanted to generate feedbacks from the neighborhood. He further discussed high levels of the project including:

- The special use will be a daycare facility with maximum 134 student’s capacity and 27 parking spaces based on city’s zoning requirement.
- The building exterior will stay the same and a green space (~5,000 SF) will be added for children uses on the east of the building.
- The development team believed that the layout presented in the application has the least impact on the neighborhood after considering operational use and traffic flows.

Higher Ground Education team then joined and discussed school operation related topics including:

- The capacity initially with be limited to about 40 students, and gradually to achieve total of 134 students over four years period.
- The building will have total 7 classrooms and the operator intends to open 4 classrooms first and grow overtime based on demand.
- Pick up and drop off time is throughout the day between 7AM-7PM, and the peak hours are 7AM-9AM and 4PM-6 PM. Parents would bring kids in and out when pick up and drop off.
- Operation hour is between 7AM-6PM, and total employee will be 18 people maximum
Part 2 - Q&A

Q: Has the developer been to plan commission meeting?
A: No yet, given that there is step by step process, but the developer has been working with city administrators and planners for two months and received some feedbacks regarding park compliance and congestion in which will be addressed in the process. The feedback includes comply with parking requirement and congestion and add sidewalk from our property on to road which we are exploring.

Q: What is the daycare company background, and if this is the first daycare in this market?
A: Headquartered in Orange County, CA, Higher Grounded Education has opened 54 schools across the nation as June 30, 2020, and this will be the first venture for the company, if everything goes as planned. More information about school on the link. https://www.tohigherground.com/about/jocelyn-scotty

Q: Is the parking comply with city? How is the inflow and outflow?
A: Per city requirement, the parking is 1.5 per employee at max shift, in this case the max shift is 18 people hence 27 parking spaces. The kids will come from outside or front door and have direct access into playground area so will be limited exposure on the road. It will have some traffic given this is an urban environment. We will be cautious about where to put curb and fence and make sure kids are safe.

Q: What improvements will be on the building? Landscape?
A: The development team will clean up the building, do the landscape, high-quality finishes, etc. In general, this this will be a bit higher end class daycare in the market yet still affordable and accessible to families.

Q: What is project timeline and expect construction cross access during the construction process?
A: If everything goes well, it will take next 6-8 months to get through the full zoning process and design and then do the physical work. Give the most work will be interior, the team expect minimal construction noise or vibration, and will try to minimize any unharmonious work for the neighborhood. The end goal is to be a good neighbor for the community.

Q: Who will operate the daycare?
A: Higher Ground has administrative team that runs all the school locations, and the company will provide support to administrative team who is experienced in childcare to support any school operation.

Q: Next step and schedule?
A: The team will join plan commission meeting on August 25th, 2020. If have any comments, please reach out to the team members or staffs from the city of Leawood we contacted below.

Grant D Lang       City Planer       glang@leawood.org
Richard Sanchez       City Planer       richards@leawood.org
Grant - As we discussed, I am attaching concerns about the Guidepost Montessori Project. I have discussed this with Dr. Brad Talley who owns the Dental office and Erin Davis who owns Sydney Pet and Spa and they share these concerns. Both of them are directly to the south of this project.

Please let me know how we can be at the Planning Commission meeting to express our concerns to the committee members.

Thank You,

Arjun Amaran
Primrose School of Leawood
913-488-3841
WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Subject: Guidepost Montessori School Project

To: The City of Leawood City Council

I have a business in the Plaza Pointe Community in Leawood. I agree with the items outlined in the attached document of concerns. These include the Parking, Shared Easements, Fencing, Landscaping, Safety, and a new proposed sidewalk with stairs connecting to Roe Ave. There is a Cross Parking Easement Agreement for Plaza Pointe and the removal of parking spots from this property should not be allowed. I request that the City Council not approve the Special Use Permit for this project.

Sincerely,

Name: Kerry Lawing  Business Name: Prevail Strategies

Signature:  Date: 8/25/2020
Below are some issues we see with the Guidepost Montessori School Project.....

The number of parking spaces, shared easements, and landscaping is a value add for the Plaza Pointe community. All the buildings in Plaza Pointe had to abide by these rules when our buildings were constructed. There is even a Common Area Easement and a Cross Parking Easement that was agreed to. These rules do protect our property value. If this new project is not held to the same standards, they are reducing the value of the other properties in Plaza Pointe. We hope that the City of Leawood takes all of this in consideration before they consider approving a Special Use Permit for this project.

1.) **Parking** - They are removing many parking spots. We count a reduction of at least 11 parking spots on the East side. When the buildings were built in Plaza Pointe there was a **Cross Parking Easement**. A copy of these agreements is attached - Section 6.2. It was signed by the owner of the Carpet Corner building. The agreement means that all owners have the right to use the parking spots. They are removing 11 spots that other property owners could be using. Then when they use up all the spots they could still use the neighbors parking spots. They are using a smaller ratio of parking spots than was required when the Plaza Pointe buildings were built. As a comparison, the Primrose School of Leawood has 50 parking spots with a capacity of 178 children. Guidepost Montessori will have a capacity of 132 children, but will only have 27 spots. We know for a fact looking at their building layout they will need more than 18 staff. They will also need more parking for when parents come to pick up and drop off. If they will have vehicles to transport children they will need spots for that as well. All of this additional parking burden will be taken on by the neighboring Plaza Pointe Buildings which have this cross parking easement agreement.

2.) **Parking and 1.5 Employees at Max Shift.** Guidepost Montessori is basing their parking calculations on 18 staff. However they have seven rooms, an office, a kitchen, and an infant room. The seven rooms will require two teachers each for 14 teachers, the infant room will require three teachers, the kitchen will require one, and the office will require two(Director and an Assistant Director). That is a total of 20 staff minimum. If any of the rooms are changed to infant rooms the minimum will be higher. At 1.5 parking spots per staff they would need a minimum of 30 spots when they have only accounted for 27 spots.

3.) **Shared Easement Removal** - They are removing sidewalk and shared easements for Plaza Pointe. There is a Shared **Common Area Easement (Section 6.1)**. They are removing the shared common area between Dr. Tally’s building and the Carpet corner building. They are also removing the common area sidewalk on the East and North of the building.

4.) **Fencing** - They are putting their fencing right up against the parking lot. If you look at the Primrose School of Leawood, there is a lot of space between fencing and the
parking lot. This is for safety and aesthetics. The Primrose School of Leawood was also required to put a wall around all four corners. Anywhere there is a fence there is landscaping hiding the playground. There needed to be landscaping to hide the playground. The original owner who built this building, Ken Baude, said the City of Leawood was very particular about all of these items before they were given a special use permit for the Primrose School of Leawood. I believe the Leawood Development Ordinance requires screening outside of a fence. 16.4.7.6 B) The screening wall or fence shall be accented with landscaping materials to soften the appearance of the wall or fence. In fact two other childcare centers in Leawood have this. Please see pictures below with descriptions.

5.) **Landscaping** - They are removing a significant amount of landscaping. They are removing landscaping and easement on the West side of the building to accommodate additional parallel parking. **There has been no Parallel parking approved for use in any other area of Plaza Pointe.** It would be unfair to allow for the removal of landscaping and put in parking in that area. That also removed any setback between the building and the road.

6.) **Safety** - There is a huge safety issue with having the fence right up against the parking lot without any setbacks or buffers. Attached is an article about a preschool where there wasn't a proper buffer and a car hit the fence and injured several children. This was a serious situation that happened a few years ago. One child was critically injured and in the hospital for several days as a result of this. 16-4-7.3 C) **Perimeter Landscaping Not Adjacent to a Public Right-of-Way:** A landscaped setback/buffer area is required along all property lines on the periphery of the area covered by the plan, other than street frontages. 1.a) Notwithstanding any other provisions relating to yard requirements, such landscaped setback/buffer areas shall be a least 10 feet in width.

7.) **Proposed Sidewalk with Stairs** - The plan also calls for a sidewalk that connects to Roe on the East side. I don't think this should be allowed. This will encourage people to
park along Roe and walk to the building. We don’t have anything like this connecting the buildings in Plaza Pointe to Roe.
The items in Red above are all the parking spots they are removing. The Items in yellow are all of the Easements they are removing. The item in green shows the amount of landscaping required by Plaza Pointe and the City of Leawood at the time of construction to have between buildings and the parking lot. As you can see this new project does not allow for space between the parking lot and their building.
The above picture in the red circle shows the wall required by the City of Leawood to put in place for before the construction of the Primrose School of Leawood. The wall conforms to the same brick used throughout the Plaza Pointe Development. The yellow circle shows the fence and the landscaping right outside the fence. As you can see you can't see the playground from the street. In the plan they have shown they don't have any landscaping between the playground and the parking lot and street.
Primrose School of Leawood - In the above picture in the red shows the walls and landscaping. The green arrows show the amount of easement and landscaping between the property and the street and parking lot.
Kiddie Kollege of Leawood on 134th and Briar. Notice the Easements and setbacks from the Fence/Building and the street/parking marked with green arrows.
Primrose School of Leawood - 137th and Linden Ave. Notice the Easements and setbacks from the Fence/Building and the street/parking marked with green arrows.
BYLAWS OF
PLAZA POINTE OWNERS ASSOCIATION, INC.

ARTICLE I
OFFICES

1.1 Name. The name of the corporation is Plaza Pointe Owners Association, Inc. It is incorporated under the laws of the State of Kansas as a not-for-profit, non-stock corporation. The corporation is the owner’s association referenced in the Declaration (as defined below).

1.2 Location. The principal office of the corporation shall be located in Leawood, Kansas, but meetings of members and directors may be held at such other places in Johnson County, Kansas as may be designated by the Board of Directors from time to time.

ARTICLE II
DEFINITIONS

2.1 Association shall mean Plaza Pointe Owners Association, Inc., its successors and assigns.

2.2 Subdivision shall mean all of the property which is now or hereafter within the jurisdiction of the Association as provided in the Declaration.

2.3 Common Area shall have the meaning set forth in the Declaration.

2.4 Building Lot shall have the meaning set forth in the Declaration.

2.5 Owner shall have the meaning set forth in the Declaration.

2.6 Declaration shall mean that certain Declaration of Easements, Covenants and Restrictions for Plaza Pointe recorded on January 16, 2001 in Book 6824 at Page 51 in the Office of the Register of Deeds of Johnson County, Kansas (the “Register’s Office”), as amended by that certain First Amendment to Declaration of Easements, Covenants and Restrictions recorded August 12, 2002 in Book 8007 at Page 595 in the Register’s Office, and as further amended by that certain Second Amendment to Declaration of Easements, Covenants and Restrictions recorded June 20, 2003 in Book 9121 at Page 868 in the Register’s Office and any additional declarations as may be recorded from time to time with the Register's Office which relate to the Subdivision commonly known as “Plaza Pointe” or any other Subdivision under the jurisdiction or coverage of the Association from time to time.

ARTICLE III
MEMBERSHIP

3.1 Membership Generally. Membership in the Association shall be limited to persons or entities that are the Owners of any Building Lot which is now or hereafter within the jurisdiction of the Association. Persons or entities (other than a contract seller) who hold an interest merely as security for the performance of an obligation shall not be members. Membership shall be appurtenant to and may not be separated from ownership of a Building Lot.
3.2 **Suspension of Membership.** During any period in which a member shall be delinquent in the payment of any assessment levied by the Association as provided in the Declaration, the voting rights of such member shall be suspended, and the rights of such member to receive services provided by the Association may be suspended by the Board of Directors, until such assessment has been paid. Such rights of a member may also be suspended by the Board of Directors, after notice and hearing, for a period not to exceed ninety (90) days, for violation of any of the rules and regulations established by the Board of Directors governing the use of the Common Area in or available to the Subdivision.

**ARTICLE IV**

**VOTING RIGHTS**

4.1 **Voting.** The Association shall have one class of membership, namely Class A. Each Owner of a Building Lot shall be a Class A member. Class A members shall have one (1) vote for each square foot of building area contained on the lot. For purposes hereof, the term building area shall mean with respect to each building, or structure on an Owner’s Site, the number of square feet of floor area at each level or story (including basements and structural mezzanines) lying within the exterior faces of exterior walls (except party walls as to which the center line, not the exterior faces, shall be used), without deduction for stairways, elevators or escalators, interior walls, columns or other construction equipment. Where more than one (1) person holds an interest in a Building Lot, all such persons shall be members and the vote for such Building Lot shall be exercised as they may determine among themselves; however, the number of votes for such Building Lot shall never exceed the number of votes allocated to that Building Lot based upon square footage.

4.2 **Representatives.** Where a Building Lot is owned by a corporation, partnership or other entity, such entity shall designate a person who is entitled to vote respecting such Building Lot and to serve, if elected or appointed, as a director of the Association, such designation to be made by filing an instrument to that effect with the Association, either by post mail or electronic communication.

**ARTICLE V**

**USE OF COMMON AREA**

5.1 **Common Area.** The Owners of Building Lots within the Subdivision shall have the non-exclusive right to the use of all Common Area to the extent not located on any Building Lot.

5.2 **Rules and Regulations.** The Association shall have the right and the power to make reasonable rules and regulations which shall govern the use of the Common Area.

**ARTICLE VI**

**BOARD OF DIRECTORS**

6.1 **Number.** The affairs of the Association shall be managed by a Board of Directors composed of five (5) directors. Each director named in the Articles of Incorporation shall hold office until the first annual election of directors or until his or her earlier resignation or removal. Each individual elected as a director shall serve until the next annual election and until his or her successor is duly elected and has commenced his or her term of office or until his or her earlier resignation or removal.
6.2 **Qualification.** Each Owner that has designated a director must be and remain a member in good standing of the Association in order for such Owner’s designee to be elected and remain as a director.

6.3 **Removal.** Any director may be removed from the Board of Directors, with or without cause, by a majority vote of the members of the Association entitled to vote. In the event of death, resignation or removal of a director, his or her successor shall be selected by the remaining members of the Board of Directors and shall serve for the unexpired term of his or her predecessor.

6.4 **Compensation.** No director shall receive compensation for the service he or she may render to the Association as a director. However, any director may be reimbursed for his or her reasonable out-of-pocket expenses incurred in the performance of his or her duties.

6.5 **Newly Created Directorships.** Newly created directorships resulting from any increase in the authorized number of directors may be filled by a majority of the directors then in office, though less than a quorum, or by a sole remaining director, unless it is otherwise provided in the Articles of Incorporation or these Bylaws, and the directors so chosen shall hold office until the next annual election and until their successors are duly elected and qualified, or until their earlier resignation or removal. If there are no directors in office, then an election of directors may be held in the manner provided by statute.

**ARTICLE VII**

**MEETING OF DIRECTORS**

7.1 **Annual Meetings.** Annual meetings of the Board of Directors shall be held within 15 days following the annual meeting of the members at such place as may be fixed by the Board.

7.2 **Regular Meetings.** Regular meetings of the Board of Directors may be held without notice and shall be held at such place and time as may be fixed from time to time by the Board.

7.3 **Special Meetings.** Special meetings of the Board of Directors shall be held at such place and time as may be specified by and when called by the president of the Association or by any two or more directors.

7.4 **Notice of Special Meetings.** Written or printed notice stating the place, day and hour of a special meeting and the purpose or purposes for which the meeting is called, shall be delivered to each director not less than five (5) days before the date of the special meeting, either personally or by mail, by or at the direction of the person(s) calling the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the director at his address as it appears on the records of the Association, with postage thereon prepaid. Any meeting of the Board of Directors shall be a legal meeting without any notice thereof having been given if all directors shall be present.

7.5 **Quorum.** Unless otherwise required by law, a majority of the total number of directors shall constitute a quorum for the transaction of business. Except as otherwise required by law or as provided in Article XVI hereof, every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board of Directors.
7.6  **Adjournment.** If a quorum shall not be present at any such meeting, the directors present shall have the power successively to adjourn the meeting, without notice other than announcement at the meeting, to a specified date. At any such adjourned meeting at which a quorum shall be present any business may be transacted which could have been transacted at the original session of the meeting.

7.7  **Meetings by Conference Telephone or Similar Communications Equipment.** Members of the Board of Directors, or any committee designated by the Board, may participate in a meeting of the Board or committee by means of conference telephone or similar communications equipment whereby all persons participating in the meeting can hear each other, and participation in a meeting pursuant hereto shall constitute presence in person at such meeting.

7.8  **Action Taken Without a Meeting.** Any action required or permitted to be taken at any meeting of the Board of Directors or any committee thereof may be taken without a meeting if written consent thereto is signed by all members of the Board of Directors or of such committee, as the case may be, and such written consent is filed with the minutes of proceedings of the Board or committee.

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**ARTICLE VIII**

**NOMINATION AND ELECTION OF DIRECTORS**

8.1  **Nomination.** Nomination for election to the Board of Directors may be made in writing by any member delivered to the secretary of the Association in advance of the annual meeting or from the floor at the annual meeting of the members.

8.2  **Election.** Election to the Board of Directors shall be by written ballot or through electronic communication. At any such election, the members entitled to vote or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of Article IV hereof. The persons receiving the largest number of votes shall be elected. Cumulative voting shall not be permitted.

8.3  **Commencement of Term of Office.** A director shall be deemed elected at the time of his or her election, but he or she shall not be deemed to have commenced his or her term of office or to have any of the powers or responsibilities of a director until the time he accepts the office of director either by a written or electronic acceptance or by participating in the affairs of the Association at a meeting of the Board of Directors.

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**ARTICLE IX**

**POWERS OF THE BOARD OF DIRECTORS**

9.1  **General Powers.** The Board of Directors shall have the power to:

9.1.1  **Scope.** Exercise for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation or the Declaration.

9.1.2  **Rules and Regulations.** Adopt and publish rules and regulations governing the use of the Common Area and the personal conduct of the members and
their guests thereon, and to establish penalties for the infraction thereof; provided, however, that the Board of Directors may not, in any event, revoke, limit, restrict, or suspend in any way, the right of any Owner to use and enjoy any street for ingress and egress.

9.1.3 Employment. Employ (and contract with for such periods of time and on such terms as may be deemed appropriate) agents, independent contractors, managers and employees, and to prescribe their duties and responsibilities.

9.1.4 Records and Reports. Cause to be kept a complete record of all its acts and of the corporate affairs of the Association and to present reports thereof to the members.

9.1.5 Supervision. Supervise all officers, agents and employees of the Association, and see that their duties are properly performed.

9.1.6 Assessments. As more fully provided in the Declaration, provide for the levying of the regular assessments against each Building Lot and any special assessment against any Building Lot and to take all actions necessary or appropriate to collect the same.

9.1.7 Certificates. Issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not an assessment has been paid. A reasonable charge may be made by the Association for the issuance of these certificates.

9.1.8 Insurance. Procure and maintain public liability insurance, fire and extended coverage hazard insurance and other insurance on property owned by the Association and maintain officer’s and director’s liability insurance, all with such coverages and in such sums as may be deemed appropriate by the Board of Directors.

9.1.9 Bonding. Cause officers or employees having fiscal responsibility to be bonded, as the Board of Directors may deem appropriate.

9.1.10 Maintenance. Cause the Common Area and other areas to be maintained as provided in the Declaration.

9.1.11 Committees. Appoint one or more committees. Any such committee shall be composed of at least one (1) director and any other individuals as the Board of Directors shall designate. Not all members of a committee need be directors unless otherwise provided in the Declaration, Articles of Incorporation or Bylaws. A quorum of any committee so designated by the Board of Directors shall be any number of the members designated by the Board of Directors, but that quorum shall not consist of less than one-half (1/2) of the total number of members appointed to such committee. The Board may designate one (1) or more individuals as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee.

9.1.12 Performance. Perform all acts and do all things required or permitted to be done by the Association by the Declaration or otherwise; and perform all acts and do
all things permitted or required of a Board of Directors of a not-for-profit corporation under the laws of the State of Kansas.

9.2 Limitations on Power. The Board of Directors shall not have the power to take any of the following actions without the affirmative vote of the members:

9.2.1 Indebtedness of Association. Except for unsecured accounts payable incurred in the ordinary course of the business of the Association, borrow money and incur indebtedness for purposes of the Association or cause to be executed and delivered therefor, in the Association's name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations or other evidences of debt and securities therefor; provided, however, in all events, the repayment of any such indebtedness shall not be or become the personal obligation of any Owner or any director.

9.2.2. Sale or Disposal of Assets. Except for the disposal or replacement of personal property in the ordinary course of the business of the Association, sell, convey or otherwise dispose of any assets of the Association.

9.2.3. Loans and Guarantees. Except for obligations evidenced by assessments under the Declaration or other accounts receivable in the ordinary course of the business of the Association, lend funds or property to any other person or guarantee or become a surety of the debts or obligations of any other person.

ARTICLE X
MEETINGS OF MEMBERS

10.1 Annual Meetings. The annual meeting of the members of the Association shall be held on the second Tuesday of January of each year or as otherwise scheduled by the Board, but within the first 60 days of the year, at such place and time as may be fixed by the Board of Directors. If the day for the annual meeting of members is a legal holiday, the meeting will be held on the first day following which is not a legal holiday. At the annual meeting, directors shall be elected, reports of the affairs of the Association shall be considered, and any other business within the powers of the membership may be transacted.

10.2 Special Meetings. Special meetings of the members may be called at any time by the president or by a majority of the Board of Directors, or upon written or electronic request of members holding at least one-tenth (1/10th) of the votes of the members.

10.3 Place and Notice of Meetings. All meetings of the members shall be held in Johnson County, Kansas at such place as may be designated in the notice of the meeting. Written or electronic notice of each meeting of the members shall be given by, or at the direction of, the person(s) duly calling the meeting, not less than seven (7) days nor more than forty (40) days prior to such meeting to each member entitled to vote thereat, addressed to the member's address, electronic or physical, last appearing on the books of the Association. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose(s) of the meeting. Such notice shall be deemed to be delivered when it is deposited in the United States mail with postage thereon so addressed to the member.
10.4 **Quorum.** The presence at a meeting, in person or by proxy, of members entitled to cast at least a majority of the total votes of the membership on the specific actions shall constitute a quorum for any action. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be obtained. Except as otherwise provided in these Bylaws, the Declaration or the Articles of Incorporation or by law, a majority vote of those present at a meeting at which a quorum is present shall be necessary to transact any business entitled to be transacted by the members.

10.5 **Proxies.** At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary of the Association before the start of the meeting. Every proxy shall be revocable and shall automatically cease to be effective, if not sooner terminated by its terms or revoked, upon the expiration of eleven (11) months from the date of its issuance or upon conveyance by the member of his or her Building Lot, whichever event shall occur first.

**ARTICLE XI**

**OFFICERS AND THEIR DUTIES**

11.1 **Enumeration of Offices.** The officers of the Association shall be a president, a vice-president, a secretary and a treasurer, who shall be elected from among the members of the Board of Directors, and such other officers as the Board of Directors may from time to time elect.

11.2 **Election of Officers.** Initially, the officers shall be elected by the Board of Directors named in the Articles of Incorporation at the first meeting of that body, to serve at the pleasure of the Board until the first annual meeting of the Board and until their successors are duly elected and qualified or until their earlier resignation or removal. At the first and each subsequent annual meeting of the Board of Directors, the newly elected Board shall elect officers to serve at the pleasure of the Board until the next annual meeting of the Board and until their successors are duly elected and qualified or until their earlier resignation or removal. An officer shall be deemed qualified when he or she enters upon the duties of the office to which he or she has been elected or appointed and furnishes any bond required by the Board of Directors or these Bylaws; but the Board of Directors may also require of such person his or her written or electronic acceptance and promise faithfully to discharge the duties of such office.

11.3 **Special Appointments.** The Board of Directors may appoint such other officers and agents as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties consistent with these Bylaws as the Board may, from time to time, determine.

11.4 **Resignation and Removal.** Any officer may be removed from office by the Board of Directors whenever, in the Board's judgment, the best interests of the Association will be served thereby. Any officer may resign at any time by giving written or electronic notice to the Board through the president or the secretary. Such resignation shall take effect on the date of receipt of such notice by the Board or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.
11.5 **Vacancies.** A vacancy in any office may be filled by the Board of Directors at any time. The officer elected to such vacancy shall serve for the remainder of the term of the officer he or she replaces.

11.6 **Multiple Offices.** Any two (2) offices may be held by the same person.

11.7 **Duties.** The duties of the officers are as follows:

**President.** The president shall be the chief executive officer of the Association and shall, subject to the control of the Board of Directors, have general supervision, direction and control of the affairs and officers of the Association. He or she shall preside at all meetings of the membership and at all meetings of the Board of Directors. He or she shall be a non-voting *ex officio* member of all standing committees (and may also be a voting member of any such committee, in the capacity of an official appointee, as the case may be) and shall have the general powers and duties of management usually vested in the office of president and shall have such other powers and duties as may be prescribed by the Board of Directors or these Bylaws.

**Vice President.** The vice president shall act in the place and stead of the president in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties and have such other powers as may be prescribed by the Board of Directors.

**Secretary.** The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board of Directors and of the members, shall keep the corporate seal, if any, of the Association and affix it on all papers required to have the seal affixed thereto, shall serve notice of meetings of the board and of the members, shall keep appropriate current records showing the members of the Association, together with their addresses, and shall perform such other duties, and have such other powers as may be prescribed by the Board of Directors or usually vested in the office of secretary.

**Treasurer.** The treasurer shall have responsibility for the safekeeping of the funds of the Association, shall keep or cause to be kept full and accurate accounts of receipts and disbursements of the Association and such other books of account and accounting records as may be appropriate, and shall perform such other duties and have such other powers as may be prescribed by the Board of Directors or usually vested in the office of treasurer. The books of account and accounting records shall at all reasonable times be open to inspection by any director.

11.8 **Compensation.** Officers of the Association shall not receive any compensation or salary for their services, but may be reimbursed for their reasonable out-of-pocket expenses incurred in the performance of the duties of their offices.

**ARTICLE XII
ASSESSMENTS**

12.1 **Purpose.** The assessments levied by the Association shall be used to provide funds to enable the Association to exercise the powers, maintain the improvements and render the services provided for in these Bylaws, the Declaration and the Articles of Incorporation.
12.2 Provisions Governing Assessments. Assessments shall be levied in the manner provided in the Declaration.

ARTICLE XIII
BOOKS AND RECORDS

The books and records of the Association shall, at all times during reasonable hours and upon reasonable notice, be subject to inspection by any member for proper purposes. The Declaration, Articles of Incorporation and Bylaws of the Association shall also be available during reasonable hours for inspection by any member.

ARTICLE XIV
CORPORATE SEAL

If adopted by the Board of Directors, the Association shall have a corporate seal in a circular form having inscribed thereon the name of the Association and the words "Corporate Seal--Kansas". The corporate seal may be used by causing it or a facsimile thereof to be impressed or affixed or reproduced or otherwise attached.

ARTICLE XV
GENERAL PROVISIONS

15.1 Depositories and Checks. The moneys of the Association shall be deposited in such banks or financial institutions and shall be drawn out by checks signed in such manner as may be provided by resolution adopted by the Board of Directors from time to time.

15.2 Certain Loans Prohibited. The Association shall not make any loan to any officer or director of the Association.

15.3 Absence of Personal Liability. The directors, officers and members of the Association shall not be individually or personally liable for the debts, liabilities or obligations of the Association.

ARTICLE XVI
AMENDMENT

These Bylaws may from time to time be altered, amended, or repealed, or new Bylaws may be adopted by a majority vote of the members of the Association entitled to vote who are present at a meeting at which a quorum is present.

ARTICLE XVII
CONFLICT

In the case of any conflict between the Articles of Incorporation of the Association and these Bylaws, the Articles of Incorporation shall control. In the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

ARTICLE XVIII
FISCAL YEAR
The Board of Directors shall have power to fix and from time to time change the fiscal year of the Association. In the absence of action by the Board of Directors, the fiscal year of the Association shall end each year on the date which the Association treated as the close of its first fiscal year, until such time, if any, as the fiscal year shall be changed by the Board of Directors.

**ARTICLE XIX**

**WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the statutes of Kansas, or of the Articles of Incorporation or of these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to notice. Attendance of a person at a meeting shall constitute a waiver of notice of such meeting, except when the person attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at nor the purpose of any regular or special meeting of the members, directors or members of a committee of directors need be specified in any written waiver of notice unless so required by the Articles of Incorporation or these Bylaws.

**ARTICLE XX**

**INDEMNIFICATION**

20.1 **Indemnification Required by Law.** The Association shall provide to its directors and officers such indemnification as it is required to provide pursuant to the provisions of the Kansas general corporation code.

20.2 **Additional Indemnification.**

20.2.1 The Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, other than an action by or in the right of the Association, by reason of the fact that such person is or was a director, officer, employee, or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee, or agent of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys’ fees, taxes imposed by Chapter 42 of the Internal Revenue Code of 1986 [hereinafter in these Statutes the “Code”], and expenses of correction paid pursuant to Chapter 42 of the Code) and against judgments, fines, and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit, or proceeding if such person acted in good faith and in a manner such person reasonably believed to be in or not opposed to the best interests of the Association, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which such person reasonably believed to be in or not opposed to the best interests of the Association, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.
20.2.2 The Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action or suit by or in the right of the Association to procure a judgment in its favor by reason of the fact that such person is or was a director, officer, employee, or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee, or agent of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against expenses (including attorneys' fees) and against amounts paid in settlement actually and reasonably incurred by such person in connection with the defense or settlement of the action or suit if such person acted in good faith and in a manner such person reasonably believed to be in or not opposed to the best interests of the Association, except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of such person's duty to the Association unless and only to the extent that the court in which the action or suit was brought determines upon application that, despite the adjudication of liability and in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnification for such expenses as the court shall deem proper.

20.2.3 To the extent that a director, officer, employee, or agent of the Association has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in the two preceding paragraphs of this section or in defense of any claim, issue, or matter therein, such person shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred by such person in connection with the action, suit, or proceeding.

20.2.4 Any indemnification under section 20.2.1 or 20.2.2, unless ordered by a court, shall be made by the Association only as authorized in the specific case upon a determination that indemnification of the director, officer, employee, or agent is proper in the circumstances because such person has met the applicable standard of conduct set forth in section 20.2. Such determination shall be made: (i) by the Board of Directors by a majority vote of a quorum consisting of directors who were not parties to the action, suit, or proceeding; or (ii) if such a quorum is not obtainable or, even if obtainable, if a quorum of disinterested directors so directs, by independent legal counsel in a written opinion.

20.2.5 Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by the Association in advance of the final disposition of the action, suit, or proceeding as authorized by the Board of Directors in the specific case upon receipt of an undertaking by or on behalf of the director, officer, employee, or agent to repay such amount unless it shall ultimately be determined that such person is entitled to be indemnified by the Association as authorized in this section.

20.2.6 The indemnification provided by this section 20.2 shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any provision of law, the Articles of Incorporation, the Declaration, other provisions of these Bylaws, any agreement or contract, a vote of disinterested directors, or otherwise, both as to action in an official capacity and as to action in any other capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee, or agent and shall inure to the benefit of the heirs, executors, and administrators of such person.
20.2.7 The Association may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee, or agent of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against any liability asserted against such person or incurred by such person in any such capacity, or arising out of such person's status as such, whether or not the Association would have the power to indemnify such person against such liability under the provisions of this section.

20.2.8 For purposes of this section, references to the Association include all constituent entities absorbed in any consolidation or merger as well as the resulting or surviving entity.

20.2.9 The provisions of this section are intended to facilitate the Association's ability to attract and retain qualified individuals to serve as its directors and officers and at its request as directors and officers or in other capacities for other entities or enterprises by providing and maximizing the amount of indemnification that the Association is permitted to provide to such persons by the Kansas Nonprofit Corporation Act, and such provisions shall be construed accordingly. The provisions of this section do not limit the Association's power to pay or reimburse expenses incurred by a director or officer of the Association in connection with appearing as a witness in a proceeding at a time when the director or officer has not been made a named defendant or respondent to the proceeding.
SECOND AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS

THIS SECOND AMENDMENT TO DECLARATION ("Agreement") is made as of the 17th day of June, 2003, by The Sailors Company, LLC.

RECITALS

A. By a certain Declaration of Easements, Covenants and Restrictions recorded in Book 6824 at Page 51 of the land records for Johnson County, Kansas (the "Original Declaration"), easements, covenants and restrictions benefitting and burdening the real property legally described as

Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas (the "Entire Premises")

were created.

B. By a certain First Amendment to Declaration of Easements, Covenants and Restrictions recorded in Book 8007 at Page 595 of the land records for Johnson County, Kansas (the "First Amendment"), the Original Declaration was amended as therein set forth. (The Original Declaration as amended by the First Amendment is herein referred to as the "Declaration.")

C. Under Section 11.1 of the Declaration, the Developer has the right to modify the Declaration without the consent of the other owners of the Entire Premises provided such modification does not materially increase the obligations or decrease the rights of any such owner.

D. The undersigned is the Developer under the Declaration and the following modifications to the Declaration do not materially increase the obligations or decrease the rights of any owner of any part of the Entire Premises.

E. The undersigned desires to amend the Declaration in accordance with Section 11.1 thereof as hereinafter set forth.

AGREEMENT

1. Exterior Improvements. The legal description attached as Exhibit A to the First Amendment is hereby deleted in its entirety and the legal description attached hereto as Exhibit A is inserted in lieu thereof.

2. Section 5.1. Section 5.1 of the Declaration is amended by the insertion of the following sentence at the end of such section: "No parking spaces located on Lot 1 and adjoining Lot 2 shall be marked or designated for a particular building, owner, or user."
3. **Section 7.1.** Section 7.1 of the Declaration is amended by the insertion of the words "other than the Exterior Improvements on such Owner's Site" between the words "thereon" and "in" as appear in the third line of such section.

4. **Section 7.2.** In connection with Section 7.2 of the Declaration, Developer acknowledges that Developer is responsible for damage to areas outside of the Exterior Improvements located on Lots 1, 2 and 13, PLAZA POINTE resulting from erosion caused by Developer's failure to properly maintain the Exterior Improvements or as arises out of improper design or construction of the Exterior Improvements on such lots.

5. **Section 7.3.** Developer agrees to name the owners of Lots 1, 2 and 13, PLAZA POINTE as additional insureds under the commercial general liability policy of insurance it maintains and that is paid for pursuant to Section 7.3 of the Declaration.

IN WITNESS WHEREOF, the undersigned has executed this document effective as of the date first above written.

THE SAILORS COMPANY, LLC

By: Richard H. Sailors
Manager

State of Kansas  )
                     )  Ss:
County of Johnson  )

On this 18th day of June, 2003, personally appeared Richard H. Sailors, to me personally known to be the person described in and who executed the foregoing Second Amendment to Declaration, and acknowledged that he executed the same as the free act and deed of The Sailors Company, LLC, and that he was authorized to do so.

Witness my hand and Notary Seal subscribed and affixed in said County and State, the day and year in this certificate above written.

Cynthia S. Hixson
Notary Public

My Term Expires:

CYNTHIA S. HIXSON
My Appl. Exp. 11-19-06

BOOK 9121 PAGE 869
Exhibit A

DETENTION BASIN DESCRIPTION

A tract of land lying within Lots 1 and 2 of Plaza Pointe, a subdivision in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North 01 degree 50 minutes 17 seconds West along the West lot lines of said Lots 1 and 2 a distance of 585.76 feet to the Northwest corner of said Lot 2; thence North 88 degrees 09 minutes 43 seconds East along the North line of said Lot 2 a distance of 88.54 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 70.60 feet to a point; thence South 44 degrees 28 minutes 14 seconds East a distance of 30.20 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 77.78 feet to a point; thence South 25 degrees 18 minutes 31 seconds West a distance of 63.72 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 207.22 feet to a point; thence South 16 degrees 16 minutes 29 seconds East a distance of 42.06 feet to a point; thence North 88 degrees 09 minutes 43 seconds East a distance of 44.63 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 71.87 feet to a point on the South line of said Lot 1; thence South 72 degrees 11 minutes 24 seconds West along the South line of said Lot 1 a distance of 140.46 feet to the POINT OF BEGINNING and containing 1.2540 acres, more or less.
FIRST AMENDMENT
TO
DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION ("Agreement") is made as of the 29th day of March, 2002, by the undersigned owners of all of the property hereinafter described.

RECITALS

a. Together, the undersigned own fee title to the real property legally described as Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas (the " Entire Premises").

b. By a certain Declaration of Easements, Covenants and Restrictions recorded in Book 6824 at Page 51 of the land records for Johnson County, Kansas (the "Declaration"), easements, covenants and restrictions benefitting and burdening the Entire Premises were created.

c. The undersigned desire to amend the Declaration as hereinafter set forth.

NOW, THEREFORE, the parties agree and declare as follows:

AGREEMENT

1. Section 1.f. Section 1.f of the Declaration is deleted in its entirety and the following is inserted in lieu thereof:

"f. The term "Exterior Improvements" means (i) the detention and/or retention facilities located on the parts of Lots 1, 2 and 13, PLAZA POINTE, more fully described in Exhibit A hereto, and (ii) the lawn and landscaped areas between the property lines of the portions of the Entire Premises as adjoin 135th Street, Roe Avenue and 137th Street and the back of the curbs of such streets."

2. Section 6.1. Section 6.1 of the Declaration is supplemented by the addition of the following thereto:

"The Common Area shall at all times be subject to the exclusive control and management of the Developer, and the Developer shall have the right from time to time to establish, revoke, modify and enforce reasonable rule and regulations with respect to the all
or any part of the Common Area. Each Owner shall comply with all such rules and regulations and shall use reasonable efforts to cause such Owner’s Permitted Users to comply with the same.

Without limiting the generality of the foregoing, the paved portions of Tract A shall be used solely for ingress and egress and no parking of motor vehicles shall be permitted on any part of Tract A. The Developer shall have the right to enforce the foregoing prohibition against parking on Tract A by all lawful means, including but not limited to, posting no-parking signs, issuing citations for violations of the no-parking rules and having violators towed, but only to the extent any of the same is not prohibited by law."

3. **Section 6.3.** Cunningham Properties, L.P. joins with M3 Development Co. LC in the grant set forth in Section 6.3 of the Declaration.

4. **Section 7.1.** Section 7.1 of the Declaration is deleted in its entirety and the following is inserted in lieu thereof:

"7.1. **Owner Maintenance.** Each Owner shall, at its own expense and without contribution or reimbursement from any other Owner, maintain such Owner's Site together with the Improvements thereon in good order, condition and repair and in a sightly and attractive condition equal at least to other comparable developments in the greater Kansas City metropolitan area. Without limiting the generality of the foregoing, each Owner shall be responsible for properly irrigating and sprinkling and shall so irrigate and sprinkle the grass and landscaping on such Owner's Site. In so doing, each Owner shall cooperate and coordinate with Developer, including providing Developer reasonable access to the control panel for the irrigating and sprinkling system(s) on such Owners' Site. Except when construction is actively being conducted on an Owner’s Site, when vacant, each Owner's Site shall be planted in grass, shall be kept regularly and properly mowed and weed free and free of paper, refuse, debris and litter."

5. **Section 7.2.** The clause “Except as provided in Section 7.1 with respect to irrigation and sprinkling,” as set forth in Section 7.2 of the Declaration is hereby deleted.

6. **Section 7.2.g.** Section 7.2.g of the Declaration is hereby deleted in its entirety.

7. **Section 7.2.i.** The word “Removal” as appears in Section 7.2.i of the Declaration is hereby deleted and is replaced with the word “Clearing.”
8. **Section 7.4.** Section 7.4 of the Declaration is deleted in its entirety and the following is inserted in lieu thereof:

"7.4. Payments.

a. In each Fiscal Year during the term of this Agreement, each Owner shall pay to the Developer such Owner's Common Maintenance Contribution (as hereinafter defined).

b. The "Owner's Common Maintenance Contribution" for each Fiscal Year or part thereof shall be that portion of the Operating Costs equal to the product obtained by multiplying the Operating Cost for such Fiscal Year by a fraction ("Owner's Percentage"), the numerator of which shall be the "average" number of square feet of building area within the contributing Owner's Site for such Fiscal Year, and the denominator of which shall be the "average" number of square feet of building area within the Combined Owner's Sites for such Fiscal Year.

c. The Owner's Common Maintenance Contribution shall be paid to the Developer in advance in quarterly installments on the first day of each quarter of each Fiscal Year during the term of this Declaration, in an amount reasonably estimated by the Developer from time to time. In addition, if an unusual or extraordinary expense of a category that constitutes an Operating Cost but for which no provision has been made in the Developer's estimates is incurred, or if the actual expense incurred for an Operating Cost that is provided for in the Developer's estimates is materially higher than budgeted for, then the Developer may submit a supplemental billing to the other Owners on the same basis as provided above for the Owner's Common Maintenance Contribution, which billing shall be due and payable within 30 days after invoice. Within 90 days after the end of each Fiscal Year, the Developer shall furnish each Owner with a statement (the "Statement") summarizing such Owner's Common Maintenance Contribution for the preceding Fiscal Year and reconciling the installments paid on account thereof. The Developer and such Owner shall then adjust any overpayment or underpayment by such Owner of such charge within thirty (30) days. Any claim for revision of any statement submitted by the Developer which is not made within 90 days after the receipt of such Statement, shall be deemed waived and discharged.

d. The "average" number of square feet of building area within a contributing Owner's Site shall be the sum of the number of square feet of building area thereon as of the first day of each quarter of the Fiscal Year divided by the number of quarters in such Fiscal Year. The "average" number of square feet of building area within the Combined Owner's
Owner's Sites shall be the sum of the aggregate number of square feet of building area on all of the Owner's Sites as of the first day of each quarter of the Fiscal Year divided by the number of quarters in such Fiscal Year. Until the end of the fiscal quarter in which any building constructed on an Owner's Site is sufficiently complete so as to qualify for the issuance of a temporary certificate of occupancy from the City of Leawood, the number of square feet of building area on such site shall be deemed to be the number of square feet of building to be constructed thereon (i) as shown on the preliminary site plan of the Entire Premises, until a final site plan for such site has been approved by the City of Leawood, and (ii) as shown on the final site plan for such site upon approval thereof by the City of Leawood. For purposes hereof, the term building area shall mean with respect to each building, or structure on an Owner's Site, the number of square feet of floor area at each level or story (including basements and structural mezzanines) lying within the exterior faces of exterior walls (except party walls as to which the center line, not the exterior faces, shall be used), without deduction for stairways, elevators or escalators, interior walls, columns or other construction or equipment."

9. **Section 7.6.** Section 7.6 of the Declaration is deleted in its entirety and the following is inserted in lieu thereof:

"7.6. **Lien.** If any Owner fails to pay any amount due pursuant to Section 7.4, the Developer shall have, and is hereby granted, as security for such sum, for all interest on such sum as provided for in Section 7.5 above and for the costs provided for in Section 7.7 below, a valid and enforceable lien ("CMC Lien") upon such Owner's right, title and interest in and to its Site, and the Developer shall have the right to foreclose the CMC Lien in the manner provided by law, it being understood and agreed that the CMC Lien shall be prior to all matters recorded after this Declaration is recorded except that the CMC Lien shall be junior and subordinate to the lien of any first mortgage hereafter recorded against such Owner's Site."

10. **Section 9.2.** The policies of insurance maintained under Section 9.2 of the Declaration shall name Developer and the Association (following its formation, if any) as additional insureds.

11. **Section 9.3.** Section 9.3 of the Declaration is deleted in its entirety and the following is inserted in lieu thereof:

"9.3. **Indemnity.** Each Owner hereby indemnifies and saves each other Owner, Developer and the Association harmless from and against all claims, actions, damages,
liability, expense (including reasonable attorneys' fees and court costs), suits and judgments arising from bodily injury, death or property damage occurring on or from any part of its Site, except to the extent caused by the act or omission of such other Owner, Developer or the Association, their respective employees, agents or contractors:"

12. Miscellaneous.

a. Except as expressly provided herein, the Declaration is unamended and the parties hereby ratify the same as herein modified. In the event of conflict or ambiguity between the terms of the Declaration and the provisions of this Agreement, the provisions of this Agreement shall govern and control.

b. This Agreement:

   i. constitutes the entire agreement among the parties hereto with respect to the subject matter hereof;

   ii. shall be construed and governed by the laws of the State of Kansas;

   iii. shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns;

   iv. may not be amended except by written agreement; and

   v. may be executed in multiple counterparts, whether of the entire agreement or of the signature page, or both, all of which counterparts taken together shall constitute the complete Agreement.

IN WITNESS WHEREOF, this First Amendment to Declaration of Easements, Covenants and Restrictions has been duly executed by the undersigned as of March 29, 2002.

[Signatures appear on the pages attached]
THE SAILORS COMPANY, LLC

By: 

Joseph E. Werner
Manager

By: 

John Capito
Manager

STATE OF Kansas )
COUNTY OF Johnson ) ss.

The foregoing was acknowledged before me on May 6th, 2002 by Joseph E. Werner as Manager of The Sailors Company, LLC.

My Commission Expires:
9/21/05

STATE OF Kansas )
COUNTY OF Johnson ) ss.

The foregoing was acknowledged before me on May 6th, 2002 by John Capito as Manager of The Sailors Company, LLC.

My Commission Expires:
9/21/05
[Signature Page to First Amendment to Declaration of Easements, Covenants and Restrictions regarding Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas]

ZIPZ! POINTE LLC

By:  

Name:  Jack M. Beal

Title:  President

STATE OF Kansas )
  ) ss.
COUNTY OF Johnson )

The foregoing was acknowledged before me on 1-31-02 by
Jack M. Beal as President of ZIPZ! Pointe LLC.

Notary Public

My Commission Expires:  

CAROL A. CUNNINGHAM
My Appt. Exp. 9-6-04
[Signature Page to First Amendment to Declaration of Easements, Covenants and Restrictions regarding Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas]

PLAZA POINTE NINE, L.L.C.

By: [Signature] 8/1/02

Name: VINCENT W. DEAN

Title: AS AGENT

STATE OF KANSAS  )
COUNTY OF JOHNSON  ) ss

The forgoing was acknowledged before me on AUGUST 1, 2002 by Vincent W. Dean as AGENT of Plaza Pointe Nine, L.L.C.

Ellen Christine Maberry
Notary Public

My Commission Expires:

May 4, 2006

ELLEN CHRISTINE MABERRY
Notary Public - State of Kansas
My Appl. Expires May 4, 2006
[Signature Page to First Amendment to Declaration of Easements, Covenants and Restrictions regarding Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas]

M3 DEVELOPMENT CO. LC

By:

Max W. Greer
Member

STATE OF Kansas )
    ss.
COUNTY OF Johnson )

The foregoing was acknowledged before me on July 31, 2002 by Max W. Greer as Member of M3 Development Co. LC.

Carol D. Sloan
Notary Public

My Commission Expires:

13-03

[Notary Public Stamp]
[Signature Page to First Amendment to Declaration of Easements, Covenants and Restrictions regarding Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas]

MILLENNIUM PROPERTIES, L.L.C.

By:  

Name:  

Title:  MEMBER-MANAGER

STATE OF  

COUNTY OF  

The foregoing was acknowledged before me on  JULY 31, 2002 by  

as MEMBER-MANAGER of Millennium Properties, L.L.C.

Notary Public

My Commission Expires:  

RAYMOND L. JONSCHER

My Appl. Exp.  7-27-2004
MATHEWS REAL ESTATE PARTNERSHIP

By: ____________________________

Name: James M. Mathews

Title: Partner

STATE OF MISSOURI )
COUNTY OF JACKSON ) ss

The foregoing was acknowledged before me on AUGUST 6, 2002 by
James M. Mathews as Partner of Mathews Real Estate Partnership

Carol A. Saulsbury
Notary Public

My Commission Expires:

CAROL A. SAULSBURY
Notary Public - Notary Seal
STATE OF MISSOURI
CLAY COUNTY
MY COMMISSION EXPIRED OCT. 8, 2005
[Signature Page to First Amendment to Declaration of Easements, Covenants and Restrictions regarding Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas]

CUNNINGHAM PROPERTIES, L.P.

By: ______________________
Name: Sarah Cunningham Jurczyk
Title: Partnership Manager

STATE OF Ks )
COUNTY OF Jo ) ss

The forgoing was acknowledged before me on August 5, 2002 by Sarah Cunningham Jurczyk as partnership manager of Cunningham Properties, L.P.

Macy L. Brooks
Notary Public

My Commission Expires: 12-9-03

Macy L. Brooks
Notary Public-State of Kansas
My App. Expires 12-9-03
[Signature Page to First Amendment to Declaration of Easements, Covenants and Restrictions regarding Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas]

SCHROEDER LAND COMPANY, LLC

By: Anita J. Baude

Name: Anita J. Baude

Title: Member

STATE OF Kansas )
COUNTY OF Johnson ) ss.

The foregoing was acknowledged before me on August 6th, 2002 by Anita J. Baude as member of Schroeder Land Company, LLC

Linda G. Allen
Notary Public

My Commission Expires:
April 9, 2005

[Notary Seal]
A tract of land lying within Lots 1 and 2 Plaza Pointe, a subdivision in the City of Leawood, Johnson County, Kansas more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North 01 degree 50 minutes 17 seconds West along the West lot lines of said Lots 1 and 2 a distance of 585.76 feet to the Northwest corner of said Lot 2; thence North 88 degrees 09 minutes 43 seconds East along the North line of said Lot 2 a distance of 88.54 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 70.60 feet to a point; thence South 44 degrees 28 minutes 14 seconds East a distance of 43.49 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 70.17 feet to a point; thence South 25 degrees 18 minutes 31 seconds West a distance of 83.44 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 187.49 feet to a point; thence South 16 degrees 16 minutes 29 seconds East a distance of 42.06 feet to a point; thence North 88 degrees 09 minutes 43 seconds East a distance of 44.63 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 71.87 feet to a point on the South line of said Lot 1; thence South 72 degrees 11 minutes 24 seconds West along the South line of said Lot 1 a distance of 140.46 feet to the POINT OF BEGINNING and containing 1.2845 acres more or less.

A tract of land lying within Lot 13 Plaza Pointe, a subdivision In the City of Leawood, Johnson County, Kansas more particularly described as follows:

Beginning at the Southwest corner of said Lot 13; thence North 01 degree 50 minutes 17 seconds West along the West line of said Lot 13 a distance of 96.15 feet to a point; thence North 88 degrees 09 minutes 43 seconds East a distance of 50.82 feet to a point; thence South 40 degrees 53 minutes 31 seconds East a distance of 17.38 feet to a point; thence South 82 degrees 43 minutes 15 seconds East a distance of 32.56 feet to a point; thence South 01 degree 50 minutes 17 seconds East a distance of 77.49 feet to a point on the South line of said Lot 13; thence South 88 degrees 09 minutes 43 seconds West along the South line of said Lot 13 a distance of 93.92 feet to the POINT OF BEGINNING and containing 8439.6655 square feet more or less.

Exhibit A
DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS

THIS DECLARATION is made as of the ___ day of ___, 2000, by THE SAILORS COMPANY, LLC, a Kansas limited liability company, M3 DEVELOPMENT CO. LC ("M3"), a Kansas limited liability company, and 135TH AND ROE INVESTMENTS, LLC, a Kansas limited liability company ("ROLC").

RECOLL

A. Together, M3, ROLC and Developer own fee title to the real property legally described as Lots 1 through 13, inclusive, and Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas (the "Entire Premises").

B. M3, ROLC and Developer desire to create the easements, covenants and restrictions on the Entire Premises provided for below.

NOW, THEREFORE, M3, ROLC and Developer agree and declare as follows:

Section 1. Definitions.

a. The term "Association" shall mean an association of the Owners which, at the option of Developer, may be formed to acquire all of the rights, powers and reservations of Developer and/or to perform Developer's obligations and duties under this Declaration (collectively, "Developer's Rights") and/or to own the Common Area and Common Facilities.

b. The term "Building Lot" means each of Lots 1 through 13 inclusive, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas.

c. The term "Combined Owner's Sites" shall mean the aggregate of all Owners' Sites.

d. The term "Common Area" means Tract A, PLAZA POINTE, a subdivision in Leawood, Johnson County, Kansas, together with such other property as Developer may designate as Common Area under this Declaration by an amendment hereto made pursuant to Section 11.1.

e. The term "Common Facilities" shall mean the improvements constructed on the Common Area from time to time.
time intended for the non-exclusive use or benefit of all or substantially all Owners and Permitted Users, including, without limitation, access roads, driveways, entrances, sidewalks, curbs, fences, signs and monumentation, landscaped areas, fountains and stormwater collection, detention and retention facilities.

f. The term "Exterior Improvements" means the parking lots (including lighting facilities), sidewalks and other paved areas, grass and landscaping and sprinkler systems and stormwater collection, detention and retention facilities from time to time located on the Building Lots, but specifically excludes all buildings and other structures and all equipment serving the same and all building signs.

g. The term "Developer" means The Sailors Company, LLC and each of its successors and assigns as is a Successor Party.

h. The term "Fiscal Year" shall mean a period of 12 consecutive full calendar months, commencing and ending on such dates as Developer shall from time to time determine.

i. The term "Owner" shall mean the fee simple owner from time to time of any Site, PROVIDED, HOWEVER, the term "Owner" shall not include a party who, immediately after acquiring a Site, leases such Site back to the prior Owner of such Site or to an affiliate or subsidiary of such prior Owner in a sale-leaseback transaction, in which event the lessee under such sale-leaseback transaction (provided such lessee shall have assumed by a document in recordable form all of the fee owner’s-lessee’s obligation under this Declaration), and not the fee owner-lessee, shall be deemed the "Owner" of such Site for so long as such lease remains in effect if the provisions of such sale-leaseback lease shall so provide. The term Owner includes Developer with respect to any Site owned by Developer.

j. The term "Person" shall mean any person, partnership, limited liability company, trust, corporation or other form of business entity.

k. The term "Permitted Users" shall mean each Owner’s tenants, subtenants, concessionaires and licens-
ees and the respective officers, employees, agents, customers and invitees of each of the foregoing parties.

1. The term "Site" shall mean each Building Lot and the Improvements constructed thereon from time to time, if any.

Section 2. Declaration to Run with Land.

M3, ROLC and Developer hereby declare that (i) all of the Entire Premises shall be conveyed, encumbered, leased, occupied, used, improved and/or transferred (in whole or in part), subject to the provisions of this Declaration and (ii) this Declaration shall run with the Entire Premises and shall be binding upon and inure to the benefit of and be enforceable by Developer and each Owner and their respective heirs, successors and assigns.

Section 3. Improvements to be Constructed by an Owner; Alterations; Ordinances; Floor Area and Unavoidable Delays.

3.1. Improvements to be Constructed by an Owner. Subject to the other terms and provisions of this Declaration, each Owner may construct (but shall not be required to construct), and may permit others to construct, buildings, parking areas and other improvements (collectively, "Improvements") on its Site; PROVIDED, HOWEVER, so long as Developer is an Owner, no Improvements shall be constructed or reconstructed on a Site without Developer's prior written approval in each instance of the plans and specifications for such proposed Improvements pertaining to the following items: grading, building size, building height, building location, exterior building materials, exterior building design, parking layout, landscaping and building signage, which approval, in the case of reconstruction, shall not be unreasonably withheld if such plans and specifications are substantially identical to the plans and specifications approved by Developer for the initial construction of such Improvements. Each Owner shall construct and reconstruct the Improvements on its Site or cause the same to be constructed and reconstructed in accordance with the plans and specifications which may be required by governmental authorities having jurisdiction over the construction of such Improvements.

3.2. Alterations. Subject to the other terms and provisions of this Declaration (including Section 3.1 above if applicable), each Owner shall have the right, without the consent of Developer, to make changes, alterations and additions (collectively, "Alterations") to the Improvements from time to time located on
its Site, PROVIDED, HOWEVER, so long as Developer is an Owner, each Owner shall obtain the prior written consent of Developer before making any Alterations to the Improvements on its Site which would (i) increase the Floor Area of any building on its Site beyond the Floor Area originally approved by Developer; (ii) result in a different exterior appearance (i.e., materials, color and/or design) to the building located on its Site than existed before; (iii) result in a larger or different building footprint than existed before; (iv) alter the location of the building located on its Site; or (v) alter any parking in a manner such that the parking ratio set forth in Section 5 is not satisfied.

3.3. Other Owners. Subject to the other terms and provisions of this Declaration, each Owner shall have the right, without the consent of any other Owner (other than Developer as provided above), to construct Improvements on its Site and to make Alterations to the Improvements from time to time located on its Site.

3.4. Ordinances. Each Owner shall at all times, both during and after the completion of construction of any Improvements on its Site, comply with all Federal, State, County and Municipal laws, ordinances, rules and regulations ("Laws"), respecting the construction, maintenance and operation of the Improvements on its Site; PROVIDED, HOWEVER, each Owner shall have the right, at its own cost and expense, to contest or review by legal proceedings the validity or legality of such ordinance, law or regulation, but promptly upon final determination of the validity or legality thereof, such contesting Owner shall comply therewith to the extent held to be valid or legal.

3.5. Floor Area. The term "Floor Area" as used in this Declaration shall mean with respect to each building or structure on any Building Lot the number of square feet of floor area at each level or story (including basements and structural mezzanines other than mezzanines devoted exclusively to storage) lying within the exterior faces of exterior walls (except party walls as to which the center line, not the exterior faces, shall be used), without deduction for stairways, elevators or escalators, interior walls, columns, or other construction or equipment, excluding, however, utility vaults and penthouse areas used for mechanical equipment.

3.6. Unavoidable Delays. The time within which Developer or any Owner shall be required to perform any act under this Declaration, other than the payment of money, shall be extended by a period of time equal to the number of days during which perfor-
mance of such act is delayed unavoidably by strikes, lockouts, acts of God, governmental acts or restrictions, enemy action, civil disturbance, fire, casualties or any other similar cause beyond the reasonable control of such party ("Unavoidable Delays").

Section 4. Use and Other Building Restrictions.

The Improvements on each Site shall be used only for those purposes and uses which satisfy all of the following conditions and for no other purpose or use: (i) such purposes and uses are permitted by applicable zoning ordinances; (ii) such purposes and uses have been previously approved in writing by Developer, but only so long as Developer is an Owner; (iii) such purposes and uses are generally found in comparable retail (including restaurants), commercial (including hotels) and office development in the greater Kansas City metropolitan area. In no event shall any Site be used for an adult book store or adult entertainment facility.

Section 5. Parking Ratio; Deck Parking; Employer Parking; Rooftop Screening.

5.1. Spaces. There shall be maintained on each Site at all times a sufficient number of car spaces so that at any given time the parking ratio on each Site will not be less than that required to be maintained on each Site (without regard to the parking available on any other Site) by governmental authority, except to the extent that such ratio may be reduced as a result of a taking in condemnation not resulting in the termination of this Declaration.

5.2. Deck Parking. Except as approved in writing by Developer, all parking areas on the Entire Premises shall be at grade level and no deck parking shall be permitted.

5.3. Rooftop Screening. All rooftop equipment located on any building within the Entire Premises shall be screened in an appropriate manner approved by Developer.

Section 6. Easements.

6.1 Common Area Easement. Developer hereby declares and grants to the Owners (collectively, "Grantee") for the benefit of Grantee's Site and Grantee's Permitted Users, the perpetual non-exclusive right, privilege and easement to use the Common Facilities from time to time located on the Common Area for the respective purposes for which the Common Facilities are designed, in
common with the others entitled thereto, without payment of any fee or other charge being made therefor, except as otherwise provided in Section 7 below. Such rights shall constitute a servitude on the Common Areas and shall be appurtenant to Grantee's Site. The easement granted in this Section 6.1 shall continue in force and run with the land in perpetuity and shall survive the termination or expiration of this Declaration.

6.2 Cross Parking Easement. Developer and each of the Owners ("Grantor") hereby declares and grants to the Owners (collectively, "Grantee") for the benefit of Grantee's Site and Grantee's Permitted Users, the perpetual non-exclusive right, privilege and easement to use parking areas, driveways, access ways, sidewalks, walkways, exits, entrances and other paved areas as the same may exist from time to time on each Grantor's Site, in common with the others entitled thereto, without payment of any fee or other charge being made therefor, for the purpose of vehicular ingress and egress and parking and pedestrian ingress and egress. Such rights shall constitute a servitude on each Grantor's Site and shall be appurtenant to each Grantee's Site. The easement granted in this Section 6.2 shall continue in force and run with the land in perpetuity and shall survive the termination or expiration of this Declaration.

6.3 Developer Access. M3 hereby grants and Developer hereby reserves and retains, for the benefit of Developer and its successors and assigns, including the Association, a right of access to the Common Areas and to the Building Lots for the limited purpose of performing the Common Maintenance Obligations described in Section 7.2 below.

Section 7. Maintenance.

7.1. Owner Maintenance. Each Owner shall, at its own expense and without contribution or reimbursement from any other Owner, maintain the Improvements other than the Exterior Improvements on such Owner's Site in good order, condition and repair and in a sightly and attractive condition equal at least to other comparable developments in the greater Kansas City metropolitan area; provided, however, that each Owner shall be responsible for properly irrigating and sprinkling and shall so irrigate and sprinkle the grass and landscaping on such Owner's Site.

7.2. Developer Maintenance. Except as provided in Section 7.1 with respect to irrigation and sprinkling, Developer shall maintain the Exterior Improvements and the Common Area and Common
Facilities in good order, condition and repair and in a sightly and attractive condition equal at least to other comparable developments in the greater Kansas City metropolitan area (the "Common Maintenance Obligations"). The Owner of each Site shall reimburse the Developer for the "Operating Costs" (hereinafter defined) incurred by the Developer in performing the Common Maintenance Obligations in accordance with Section 7.4 below. The Common Maintenance Obligations include the following:

a. Maintenance, repair and replacement of all paved surfaces in a level, smooth and evenly covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be at least equal to the original material in quality, use, appearance and durability.

b. Maintenance, repair and replacement of all curbs, curb cuts, gutters, sidewalks, walkways and retaining walls.

c. Painting and striping of all parking areas.

d. Maintenance, repair and replacement of all directional signs and markers and all artificial lighting equipment and facilities (including replacement of fixtures and bulbs).

e. Maintenance of all landscaped areas, including mowing and trimming, planting and replacement of shrubbery, flowers and other plantings.

f. Maintenance, repair and replacement of all storm drains, stormwater collection, detention and retention facilities, sewers, utility lines and systems.

g. Policing and regulating of vehicular and pedestrian traffic.

h. Removal of all paper, debris and refuse, including thorough sweeping.

i. Removal of snow and ice from all driveways and sidewalks.

7.3. Operating Costs. The term "Operating Costs" shall mean the total cost and expense incurred in insuring, operating,
maintaining, equipping, inspecting, protecting, replacing and repairing the Exterior Improvements and Common Facilities including, without limitation, the cost or expense of or incurred in connection with or reasonably attributable to: lighting the Common Area; electrical energy, water and other utility charges; gardening and landscaping (including planting, replanting and replacing flowers, shrubs and trees); cleaning; commercial general liability (including "umbrella coverage") and hazard insurance (including fire and extended coverage [with vandalism and malicious mischief endorsement], boiler and machinery and all-risk or "DIC" policies) covering the Common Area; fire protection; fees for required licenses; real estate taxes (ad valorem and general and special assessments) for the Common Area; personal property taxes; line painting, sanitary control; sanitary and storm sewer charges for the Common Area; resurfacing and restriping of parking areas; removal of ice, snow, trash, rubbish, debris, garbage and other refuse; maintaining, repairing, replacing and certifying stormwater collection, detention and retention facilities; depreciation on machinery and equipment used in such maintenance; personnel (including security personnel) to provide and supervise any of the foregoing service (including wages, unemployment and Social Security taxes, workmen’s compensation insurance and the cost of uniforms for such personnel); reasonable accounting and data processing fees and costs attributable to the determination of Operating Costs; plus a reasonable management fee covering the administrative costs incurred by the Developer in connection with the foregoing.

7.4. Payments. In each Fiscal Year during the term of this Agreement, each Owner shall pay to the Developer such Owner’s Common Maintenance Contribution (as hereinafter defined). "Owner’s Common Maintenance Contribution" for each such Fiscal Year shall be that portion of the Operating Costs equal to the product obtained by multiplying the Operating Costs for such Fiscal Year by a fraction, the numerator of which shall be the number of square feet of land area within an Owner’s Site and the denominator of which shall be the number of square feet of land area within the Combined Owner’s Sites. Owner’s Common Maintenance Contribution shall be paid to the Developer in monthly installments on the first day of each calendar month in advance during the term of this Declaration, in an amount reasonably estimated by the Developer. Within 90 days after the end of each Fiscal Year, the Developer shall furnish each Owner with a statement (the "Statement") summarizing such Owner’s Common Maintenance Contribution for the preceding Fiscal Year and reconciling the monthly installments paid on account thereof. The Developer and such Owner shall then adjust any overpayment or underpayment by such Owner of such charge within thirty (30) days.
Any claim for revision of any Statement submitted by the Developer which is not made within 90 days after the receipt of such Statement, shall be deemed waived and discharged.

7.5. Interest. All amounts payable under any provision of this Section 7, if unpaid when the same become due as herein provided, shall bear interest from the date due until paid at an annual interest rate equal to four percent (4%) in excess of the prime rate published in the midwest edition of the Wall Street Journal on the date due, but in the event the rate of interest payable by the party being charged is limited by the laws of the State of Kansas, the interest rate shall not exceed the highest rate of interest which may be legally charged to each party (the "Interest Rate").

7.6. Lien. If any Owner fails to pay any amount due pursuant to Section 7.4, then in addition to interest on such sum as above provided the Developer shall have, and is hereby granted, as security for such sum, a valid and enforceable lien ("CMC Lien") upon such Owner's right, title and interest in and to its Site, and the Developer shall have the right to foreclose the CMC Lien in the manner provided by law, it being understood and agreed that the CMC Lien shall be prior to all matters recorded after this Declaration is recorded except that the CMC Lien shall be junior and subordinate to the lien of any first mortgage hereafter recorded against such Owner's Site.

7.7. Costs. Any Owner which fails to pay such Owner's Common Maintenance Contribution as set forth herein shall pay all costs and expenses incurred by Developer in collecting such amounts, including, without limitation, the reasonable attorneys' fees and court costs of Developer.

7.8. Survival. The rights granted under this Section 7 shall survive the termination or expiration of this Declaration.

Section 8. Eminent Domain.

Nothing in this Declaration shall be construed to give an Owner any interest in any award or payment made to any other Owner in connection with any exercise of eminent domain or transfer in lieu thereof affecting any other Owner's Site or giving the public or any government any rights in the Entire Premises. Any Owner may file a collateral claim with the condemning authority for its losses which are separate and apart from the value of the land area and Improvements taken from another Owner.
Section 9. Insurance and Waiver of Subrogation.

9.1 Property Insurance.

a. Each Owner shall keep the Improvements on its Site insured against loss or damage by fire and the perils commonly covered under an "all risk" insurance policy with vandalism and malicious mischief coverage in an amount sufficient to prevent such Owner from being a co-insurer thereof.

b. Any loss covered by such insurance shall be adjusted with the insured and the insurance proceeds shall be held in trust by the insured and used for restoration as herein required to the extent required therefor.

c. Such policies may be made payable to the holder of any first mortgage which is a lien upon the Site of the insured under a standard mortgagee clause, provided such mortgagee agrees that it will, in the event of loss, apply the proceeds thereof, to the extent necessary, to satisfy the obligations of the Owner under Section 10 hereof.

d. Each Owner (the "Releasing Party") for itself and its property insurer hereby releases every other Owner (collectively, "Released Party") from and against any and all claims, demands, liabilities or obligations whatsoever for damage to the Releasing Party's property or loss of rents or profits resulting from or in any way connected with any fire or other casualty whether or not such fire or other casualty shall have been caused by the negligence or the contributory negligence of the Released Party or by any agent, associate or employee of the Released Party, this release being to the extent that such damage or loss is covered by the property insurance which the Releasing Party is carrying or is obligated hereunder to carry, or, if the Releasing Party is not carrying such required insurance, then to the extent such damage or loss would be covered if the Releasing Party were carrying that insurance.

9.2 Liability Insurance. Each Owner shall maintain a policy of commercial general liability insurance, naming itself as the insured, against claims on account of bodily injury and prop-
erty damage incurred upon or about its Site, such insurance to be written with combined single limit (bodily injury and property damage) of not less than $2,000,000.00. The foregoing policy shall also contain a contractual endorsement covering the insured’s obligations under the provisions of Section 9.3.

9.3. Indemnity. Each Owner hereby indemnifies and saves each other Owner harmless from and against all claims, actions, damages, liability, expense (including reasonable attorneys' fees and court costs), suits and judgments arising from bodily injury, death or property damage occurring on or from any part of its Site, except if caused by the act or omission of such other Owner, its employees, agents or contractors.

9.4. Certificates. Each Owner, upon request, shall deliver to each requesting Owner certificates of the insurance required to be maintained under this Section 9 and evidence of the renewal of such insurance from time to time. Each certificate of insurance shall, upon request, stipulate thereon that the insurance evidenced thereby shall not be materially reduced or canceled unless ten (10) days' prior written notice shall have been given by the insurer to the requesting Owner.

9.5. Blanket Coverage and Self-Insurance. Any Owner may carry any insurance required to be maintained under this Section 9, either in whole or in part, (i) under any plan of self-insurance which such party may have in effect provided the self insurance does not exceed $1,000,000.00 and the aggregate net worth of such Owner or any party guaranteeing or otherwise liable for such Owner's performance hereunder is $50,000,000 or more, (ii) under a "blanket policy" covering other properties of such Owner or its affiliates, or (iii) by use of an umbrella coverage policy.

Section 10. Damage or Destruction.

If any Improvements on an Owner’s Site shall be damaged or destroyed, such Owner shall, at its own expense, either (i) promptly repair or rebuild the same to as good condition as existed prior to such damage or destruction, or (ii) promptly clear away all debris and take all other actions (including paving and landscaping) required by good construction practice so that the area occupied by the demolished building or part of an improvement will be clean and attractive, it being agreed that this provision shall not prevent such party from subsequently building on such Site.
Section 11. Term and Membership.

11.1. Term. This Declaration shall continue and the obligations hereunder shall remain binding and effective from the date hereof until the twenty-fifth (25th) anniversary of the date of the recording of this Declaration in the land records of Johnson County, Kansas, PROVIDED, HOWEVER, (i) the easements which by specific provisions herein are perpetual or survive such expiration or sooner termination of this Declaration shall continue in force as so provided and (ii) this Declaration, or any provision hereof, may be terminated, extended, modified or amended with the written consent of the Owners of fifty-one percent (51%) of the land area of the Entire Premises. Notwithstanding anything to the contrary contained herein, unless this Declaration is terminated at least six months before the expiration of the then applicable term of this Declaration, the term of this Declaration shall automatically be extended for successive periods of 10 years. Notwithstanding the foregoing, until the sooner to occur of (i) the tenth annual anniversary of the date of recording this Declaration; or (ii) the date Developer no longer owns any Site, no such termination, extension, modification or amendment shall be effective without the prior written approval of Developer. In addition, at any time prior to the fifth annual anniversary of the date of recording this Declaration, Developer shall have the right to modify or amend this Declaration, each such modification or amendment to have priority and be effective as of the date of recording this Declaration, without the consent of the other Owners provided such modification or amendment does not materially increase the obligations or decrease the rights of an Owner. During such five-year period, each Owner shall sign any such amendment or modification within 20 days after request by Developer. If an Owner fails to sign and deliver such amendment or modification to Developer within such 20-day period, then such Owner hereby appoints Developer as Owner’s attorney-in-fact for the purpose of executing any such amendment or modification on behalf of such Owner. Further, all the Owners hereby consent and agree to any and all amendments hereto designating additional property as Common Area as contemplated by Section 1.d above, and all such amendments shall be effective if executed by Developer and recorded in the land records for Johnson County, Kansas without the requirement for joinder therein by any Owner with the same force and effect as though all the Owners joined in the execution thereof.

11.2. Membership. If Developer shall convey the Common Areas and Common Facilities to the Association, then each Owner of a portion of the Combined Owner’s Sites shall automatically become
a member of the Association, and shall be entitled to exercise voting rights in accordance with the provision of the bylaws of the Association, which bylaws shall be prepared by Developer and shall include such terms and provisions as Developer shall determine in Developer’s sole discretion; provided such bylaw terms and provisions are not inconsistent with the provisions of this Declaration and such bylaw terms and provisions do not further limit or encumber the Owner’s sites beyond those provisions already provided for in this Declaration. The bylaws of the Association may prescribe conditions (such as the payment of all authorized dues and assessments, including the payment of each Owner’s Common Maintenance Contribution) as prerequisites to the exercise of voting rights. Each Owner shall be entitled to one vote per square foot of land area owned by such Owner. Within 20 days after request, each Owner shall execute such documents as Developer may reasonably request evidencing the formation of the Association and that such Owner is a member of the Association bound by all of the terms and provisions of such bylaws. If any Owner fails to sign and deliver such document to Developer within such 20-day period, then such Owner hereby appoints Developer as Owner’s attorney-in-fact for the purpose of executing any such document on behalf of such Owner.

Section 12. Mechanic’s Lien.

No Owner will permit any mechanic’s, laborer’s, materialmen’s or similar lien resulting from the acts of such Owner or its contractors, subcontractors, agents or employees, or any Permitted User of such Owner to attach to any portion of the Entire Premises other than such Owner’s Site.

Section 13. Taxes.

Each Owner shall promptly pay all real estate taxes, special assessments, water charges, sewer rates and other like municipal charges levied against its Site, the non-payment of which would give rise to a lien superior to any other Owner’s rights under this Declaration. Each Owner may contest the validity or amount of any such tax on its Site but upon final determination as to the validity and amount thereof, such Owner shall promptly pay the same.

Section 14. Unperformed Covenants.

a. If any Owner (the “Defaulting Party”) fails to perform any of the covenants on its part to be performed as set forth in this Agreement, Developer or any other
Owner (the "Curing Party") may (but shall not be required to) (i) if no emergency exists, perform the same after giving twenty (20) days' notice to the Defaulting Party (unless within such twenty (20) day period the Defaulting Party shall commence the necessary action and thereafter continue the same with diligence), and (ii) in an emergency situation, perform the same without notice or delay. The Defaulting Party shall, on demand, reimburse the Curing Party for the reasonable costs, including professional and attorney fees, incurred to perform such covenant.

b. Except for willful misconduct or gross negligence, the Curing Party shall not be liable or in any way responsible for any loss, inconvenience, annoyance or damage resulting to the Defaulting Party or anyone holding under the Defaulting Party for any action taken pursuant to this Section.

c. No act or thing done or performed by a Curing Party pursuant to this Section shall be construed as a waiver of any default of the Defaulting Party or as a waiver of any covenant, term or condition herein contained or of the performance thereof.

d. All amounts payable under any provision of this Section 14, if unpaid when the same become due as herein provided, shall bear interest from the date such expense was incurred until reimbursed at an annual interest rate equal to the Interest Rate.

e. Each Owner hereby grants to Developer and the other Owners non-exclusive rights of entry and non-exclusive easements over and under any and all parts of the granting Owner's Site (excluding the right to enter any building or other structure thereon) for all purposes reasonably necessary to enable such Owners (acting directly or through agents, contractors or subcontractors) to perform any of the terms, provisions, covenants or conditions of this Declaration which the granting Owner shall have failed to perform. Such right shall be exercised at such times and in such manner as to cause the least practical interference with the conduct of business upon the granting Owner's Site.
f. If a Defaulting Party is required by the terms of this Declaration to pay a Curing Party any sum, then in addition to interest on such sums as above provided, the Curing Party shall have, and is hereby granted, as security for such sum, a valid and enforceable lien ("Lien") upon the Defaulting Party's rights, title and interest in and to its Site and the Improvements thereon (the "Defaulting Party's Property") upon recording a notice of such Lien in the land records of Johnson County, Kansas that includes the legal description of the Defaulting Party's Site, and the Curing Party shall have the right to foreclose the Lien in the manner provided by law, it being understood and agreed that the Lien shall be junior and subordinate to any other lien or encumbrance on the Defaulting Party's Property recorded prior to the recording of the notice of such Lien.

g. The rights and easements granted under this Section 14 shall survive the termination or expiration of this Declaration.

Section 15. Estoppel Certificate.

Developer and each Owner shall, from time to time, upon not less than twenty (20) days' prior written request therefor from Developer or any other Owner, execute and deliver a certificate in recordable form stating whether this Declaration is unmodified and in full force and effect, or if modified, that this Declaration is in full force and effect, as modified, and stating the modifications, stating whether or not, to the best of the knowledge of the Owner executing the same, such requesting party is in default in any respect under this Declaration, and if in default, specifying such default and stating such additional matters concerning this Declaration, the requesting party's Site, the Common Areas, Common Facilities or Entire Premises or the Common Maintenance Contribution as is within the knowledge of the executing Owner.

Section 16. Waivers.

No delay or omission by Developer or any Owner in exercising any right or power accruing upon the non-compliance or failure of performance by any other Owner under the provisions of this Declaration shall impair any such right or power or be construed to be a waiver thereof. A waiver by an Owner hereto of any of the covenants, conditions or agreements hereto to be performed by Developer or any Owner shall not be construed to be a waiver of
any subsequent breach thereof or of any other covenant, condition or agreement herein contained.

Section 17. Remedies Cumulative.

a. All rights, privileges and remedies afforded any Developer or Owner by this Declaration shall be deemed cumulative and the exercise of any one of such remedies shall not be deemed to be a waiver of any other right, remedy or privilege provided for herein.

b. Developer and each Owner shall have the right to enforce any provision of this Declaration in any court of competent jurisdiction by injunction, specific performance or otherwise.

c. In any legal or equitable proceeding for the enforcement or to restrain the violation of this Declaration or any provision herein, the prevailing party or parties shall be entitled to judgment for the reasonable attorneys' fees and court costs incurred in any such action.

Section 18. Construction.

a. The Section headings of this Declaration are for convenience of reference only and in no way define or limit the scope or conduct of this Declaration or in any way affect its provisions.

b. All personal pronouns used in this Declaration, whether used in the masculine, feminine or neuter genders, shall include all other genders; the singular shall include the plural, and vice versa.

c. The word "including" as used in this Declaration shall be construed as being expansive, descriptive and inclusive and not limiting or exclusive and, in each instance that it appears without expressly so providing, shall be construed as being followed by the words "without limitation."

Section 19. Applicable Law.

This Declaration shall be governed by, and construed in accordance with, the laws of the State of Kansas.
Section 20. Partial Invalidity.

If any provision of this Declaration or the application thereof shall, to any extent, be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby and each provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.


Every notice, demand, consent, request, approval or other document or instrument required or permitted to be served upon an Owner shall be in writing and shall be deemed to have been duly served on the day of mailing (it being agreed, however, that the time period in which a response to any such notice, demand, consent, request or other document shall commence to run from the date of receipt by the addressee thereof), and shall be sent by overnight delivery, registered or certified United States Mail, postage prepaid, return receipt requested, or hand-delivery addressed to the address where the real estate tax bills for such Owner's Site are to be delivered by the tax assessor's office. Each Owner may change the place for serving of notices upon it, by ten (10) days' prior written notice informing the other Owners of the change in the address to which notices shall be sent. Rejection or other refusal to accept or the inability to deliver because of a changed address of which no notice was given shall be deemed to be the receipt of the notice as of the date of such rejection, refusal or inability to deliver.

Section 22. Limitation on Developer's Liability; Assignment of Developer's Duties; Sale by an Owner; Notification to Mortgagee.

22.1. Limitation on Developer's Liability. Notwithstanding anything set forth in this Declaration to the contrary, it is agreed that each Owner shall look solely to the equity of Developer (which term for the purposes of this Section 22.1 shall also include any "Successor Party" as defined in Section 22.2 below) in the Entire Premises for the satisfaction of the remedies of any Owner in the event of a breach of any of the covenants or conditions of this Declaration by Developer, and Developer shall not be liable for any such breach except to the extent of its equity in the Entire Premises.

22.2. Assignment of Developer's Rights. Developer's Rights may be assigned to any party that assumes the duties of Developer pertaining to the particular right, power and reserva-
tions assigned ("Successor Party") and upon any such Successor Party evidencing its consent in writing to accept such assignment and assume such duties, such Successor Party shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Developer herein and the Developer shall thereupon be released and relieved of such obligations and duties accruing thereafter. In no event shall any of Developer’s Rights inure to the benefit of any party other than a "Successor Party" who has been assigned such rights from Developer and who has accepted such assignment from Developer.

22.3. Sale by an Owner. If an Owner sells all or any portion of its Site (which sale may be affected without the consent of any other Owner), upon such sale such Owner (and in the case of any subsequent sales, the then grantor or transferor) shall be entirely released and relieved from all liability with respect to the performance of any covenants and obligations on the part of such Owner to be performed under this Declaration which accrue from and after the date of such sale with respect to such Owner’s Site or portion thereof which was sold; it being intended hereby that the covenants and obligations on the part of each Owner to be performed under this Declaration shall be binding on each Owner, its heirs, successors and assigns, or any subsequent owner of all or any portion of the Entire Premises, only during and in respect of their respective periods of ownership of a portion of the Entire Premises and only with respect to such portion so owned.

22.4. Notification to Mortgagee. Each Owner serving a notice of default under this Declaration shall send by registered or certified United States Mail, postage prepaid, a copy of such notice to any holder of a first mortgage on the Site of the Owner so served provided such holder shall have sent the Owner serving the notice of default a notice informing it of the existence of such mortgage and the address to which copies of such notices of default are to be sent, and such holder shall be permitted to cure any such default within the grace period permitted under Section 14.
IN WITNESS WHEREOF, Developer has caused this Declaration of Easements, Covenants and Restrictions the day and year first set forth above.

M3 DEVELOPMENT CO., LLC

By: Max W. Greer, Jr.
Member

THE SAILORS COMPANY, LLC

By: Joseph E. Werner
Manager

By: John Capito
Manager
STATE OF } )
COUNTY OF } )

The foregoing was acknowledged before me on June 8, 2000 by Max W. Greer, Jr., as a Member of M3 Development Co. LLC.

[Signature]
Notary Public

My Commission Expires:
NOTARY PUBLIC
Jo Ellen Tiernay
Exp. Date 11/18/2000
STATE OF KANSAS

STATE OF } ) ss.
COUNTY OF } )

The foregoing was acknowledged before me on Nov. 14, 2000 by Joseph E. Werner as Manager of The Sailors Company, LLC.

[Signature]
Notary Public

My Commission Expires:

Dec. 14, 2003

MARY L. WRIGHT
Notary Public – Notary Seal
STATE OF MISSOURI
Jackson County
The foregoing was acknowledged before me on Mar. 14, 2000 by John Capito as Manager of The Sailors Company, LLC.

Mary L. Wright
Notary Public

135TH AND ROE INVESTMENTS, LLC

By: August L. Huber, III
   Member

STATE OF _____________ ) ss.
COUNTY OF _____________ )

The foregoing was acknowledged before me on ________, 2001 by August L. Huber, III, as a Member of 135th and Roe Investments, LLC.

[Signature]
Notary Public

My Commission Expires:

[Signature]
EVELYN M. JARRETT
My Appt. Exp. 11/14/04
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TO: Brian Scovill, PE, City of Leawood  
FROM: Tom Fulton, Vice President  
   Shannon Jeffries, PE, PTOE  
RE: Plaza Pointe Redevelopment  
   Trip Generation Comparison  
DATE: August 5th, 2020  
PROJECT #: 020-2090

This memorandum provides a comparison of expected trip generation for a portion of the existing Plaza Pointe development located in the southwest quadrant of 135th Street and Roe Avenue in Leawood, Kansas. An existing carpet showroom is proposed to be redeveloped to a preschool. This memorandum compares the number of trips expected to be generated by the existing and proposed land uses for this site. No other buildings within the existing site are proposed to be impacted, and no access changes are proposed. The proposed site plan is attached to this memorandum.

A study is not available for the existing site; thus, trip generation was conducted for the existing and proposed land uses. The proposed redevelopment is one building within a fully developed site, which would typically be viewed in its entirety, potentially as a shopping center. However, reviewing the individual building as a shopping center results in unrealistic trip generation estimates. Evaluated as a single building, the existing building represents a square footage on the lower end of the sample size for shopping center and reduces the consideration of shared trips that would be expected to occur within a larger development of this type. For the purposes of this memorandum, the existing building was reviewed individually without the influence of adjacent development.

Trip generation for the existing and proposed uses was conducted using the ITE Trip Generation Manual (10th Edition). The land use that most resembles the existing site is Furniture Store (LU 890). The land use that most resembles the proposed site is Daycare (LU 565).

Table 1 illustrates the land use comparison between the existing and proposed sites.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Existing Site Plan</th>
<th>Proposed Site Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Furniture Store</td>
<td>8,104 SF</td>
<td>-</td>
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<tr>
<td>Daycare</td>
<td>-</td>
<td>8,104 SF</td>
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</tbody>
</table>
Table 2 illustrates the existing and proposed land use expected trip generation for daily, AM, and PM peak hour periods and compares the difference for each.

Table 2: Daily and Peak Hour Trip Generation Comparison

<table>
<thead>
<tr>
<th></th>
<th>Daily Comparison</th>
<th>AM Peak Hour Comparison</th>
<th>PM Peak Hour Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing Site Plan</td>
<td>Existing Site Plan</td>
<td>Existing Site Plan</td>
</tr>
<tr>
<td>Total</td>
<td>Enter 45</td>
<td>Exit 44</td>
<td>Total 89</td>
</tr>
<tr>
<td>Proposed Site Plan</td>
<td>Enter 193</td>
<td>Exit 193</td>
<td>Total 386</td>
</tr>
<tr>
<td>Difference</td>
<td>Total 148</td>
<td>149</td>
<td>297</td>
</tr>
<tr>
<td></td>
<td>Total 45</td>
<td>Exit 41</td>
<td>Total 86</td>
</tr>
<tr>
<td></td>
<td>Total 40</td>
<td>Exit 45</td>
<td>Total 85</td>
</tr>
</tbody>
</table>

Referencing Table 2, the proposed land use is expected to generate approximately 297 more trips during a typical weekday, 86 more AM peak hour trips, and 85 more trips during the PM peak hour when compared to the existing land use. Trip generation calculations are attached to this memorandum.

As stated above, this memorandum reviews the redevelopment of one building within an established development. Reviewing the site as a whole, it is anticipated that the redevelopment of this building will have a minimal impact on operations of the site or the adjacent roadway network.

We hope that we have provided adequate information for your request. If you have additional questions, please contact us at 913.381.1170.
Land Use: 890
Furniture Store

Description

A furniture store is a full-service retail facility that specializes in the sale of furniture and often carpeting. Furniture stores are generally large and may include storage areas. The sites surveyed included both traditional retail furniture stores and warehouse stores with showrooms. Although some home accessories may be sold, furniture stores primarily focus on the sale of pre-assembled furniture. A majority of items sold at these facilities must be ordered for delivery. Discount home furnishing superstore (Land Use 869) is a related use.

Additional Data

Time-of-day distribution data for this land use are presented in Appendix A. For the seven general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:00 a.m. and 12:00 p.m. and 4:30 and 5:30 p.m., respectively.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Florida, Massachusetts, New Hampshire, New York, Texas, and Wisconsin.

Source Numbers

126, 280, 439, 532, 617, 883, 959, 975
Trip Generation A - Existing Site Plan

### Daily Trip Generation

<table>
<thead>
<tr>
<th>ITE Code/Page</th>
<th>Land Use</th>
<th>Size</th>
<th>Trip Gen. Avg. Rate/Eq.</th>
<th>Daily Trips Enter/Exit</th>
<th>Trip Distribution Enter/Exit</th>
<th>Daily Trips Enter/Exit</th>
</tr>
</thead>
<tbody>
<tr>
<td>890</td>
<td>Furniture Store</td>
<td>8,104 Sq. Ft.</td>
<td>Equation</td>
<td>89</td>
<td>50% 50%</td>
<td>45 44</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>89</strong></td>
<td><strong>50% 50%</strong></td>
<td><strong>45 44</strong></td>
</tr>
</tbody>
</table>

### AM Peak Hour Trip Generation

<table>
<thead>
<tr>
<th>ITE Code/Page</th>
<th>Land Use</th>
<th>Size</th>
<th>Trip Gen. Avg. Rate/Eq.</th>
<th>AM Peak Hour Trips Enter/Exit</th>
<th>Trip Distribution Enter/Exit</th>
<th>AM Peak Hour Trips Enter/Exit</th>
</tr>
</thead>
<tbody>
<tr>
<td>890</td>
<td>Furniture Store</td>
<td>8,104 Sq. Ft.</td>
<td>Equation</td>
<td>3</td>
<td>71% 29%</td>
<td>2 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>3</strong></td>
<td><strong>71% 29%</strong></td>
<td><strong>2 1</strong></td>
</tr>
</tbody>
</table>

### PM Peak Hour Trip Generation

<table>
<thead>
<tr>
<th>ITE Code/Page</th>
<th>Land Use</th>
<th>Size</th>
<th>Trip Gen. Avg. Rate/Eq.</th>
<th>PM Peak Hour Trips Enter/Exit</th>
<th>Trip Distribution Enter/Exit</th>
<th>PM Peak Hour Trips Enter/Exit</th>
</tr>
</thead>
<tbody>
<tr>
<td>890</td>
<td>Furniture Store</td>
<td>8,104 Sq. Ft.</td>
<td>Equation</td>
<td>5</td>
<td>47% 53%</td>
<td>2 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>5</strong></td>
<td><strong>47% 53%</strong></td>
<td><strong>2 3</strong></td>
</tr>
</tbody>
</table>
Land Use: 565
Day Care Center

Description
A day care center is a facility where care for pre-school age children is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas and playgrounds. Some centers also provide after-school care for school-age children.

Additional Data
Time-of-day distribution data for this land use are presented in Appendix A. For the 21 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 7:15 and 8:15 a.m. and 4:45 and 5:45 p.m., respectively.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Florida, Georgia, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin.

Source Numbers
### Trip Generation B - Proposed Site Plan

#### Daily Trip Generation

<table>
<thead>
<tr>
<th>ITE Code/Page</th>
<th>Land Use</th>
<th>Size</th>
<th>Trip Gen. Avg. Rate/Eq.</th>
<th>Daily Trips</th>
<th>Trip Distribution</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>565</td>
<td>Daycare</td>
<td>8,104 Sq. Ft.</td>
<td>Average</td>
<td>386</td>
<td>50% 50%</td>
<td>193 193</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>386</strong></td>
<td><strong>193</strong> 193</td>
<td></td>
</tr>
</tbody>
</table>

#### AM Peak Hour Trip Generation

<table>
<thead>
<tr>
<th>ITE Code/Page</th>
<th>Land Use</th>
<th>Size</th>
<th>Trip Gen. Avg. Rate/Eq.</th>
<th>AM Peak Hour Trips</th>
<th>Trip Distribution</th>
<th>AM Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>565</td>
<td>Daycare</td>
<td>8,104 Sq. Ft.</td>
<td>Average</td>
<td>89</td>
<td>53% 47%</td>
<td>47 42</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>89</strong></td>
<td><strong>47</strong> 42</td>
<td><strong>42</strong></td>
</tr>
</tbody>
</table>

#### PM Peak Hour Trip Generation

<table>
<thead>
<tr>
<th>ITE Code/Page</th>
<th>Land Use</th>
<th>Size</th>
<th>Trip Gen. Avg. Rate/Eq.</th>
<th>PM Peak Hour Trips</th>
<th>Trip Distribution</th>
<th>PM Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>565</td>
<td>Daycare</td>
<td>8,104 Sq. Ft.</td>
<td>Average</td>
<td>90</td>
<td>47% 53%</td>
<td>42 48</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>90</strong></td>
<td><strong>42</strong> 48</td>
<td><strong>48</strong></td>
</tr>
</tbody>
</table>
MEMO

TO: City of Leawood, Kansas
    Public Works, Engineering, Community Development

FROM: Brett Lauritsen, PE
      Brad Sonner, PLA
      Olsson, Inc.

RE: Higher Ground Education
    136th & Roe Ave (Carpet Corner Redevelopment)
    Olsson #020-2090

DATE: August 6, 2020

Purpose of Memo

The purpose of this memorandum is to provide comparative analysis of existing and proposed impervious surfaces, peak runoff rates, and overall stormwater drainage patterns associated with proposed redevelopment of the Carpet Corner property at 136th & Roe Avenue.

Project Summary & Background

This current project application reflects converting the existing Carpet Corner store into a children’s school and care facility. The project also includes minor site infrastructure modifications, landscaping improvements, and a new turfed, fenced playground area on the east and north sides of the building upon removal of existing parking stalls.

Drainage Analysis

As minimal pavement and curb is being repaired or replaced with the project, overall site drainage patterns will remain the same, in compliance with all previously approved design plans. Preliminary evaluation of site modifications indicates an overall reduction in impervious area (Table 1 below):

Table 1. Pre & Post-Development - Impervious Surface

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Impervious Area (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Development Scenario</td>
<td>29,129</td>
</tr>
<tr>
<td>Post-Development Scenario</td>
<td>26,621</td>
</tr>
</tbody>
</table>

*From August 2020 Site Plans & Design*
A reduction in impervious area will result in lower peak storm water runoff flow rates when compared to those in existing conditions. See also included preliminary site plans for additional information, as well as Exhibits A & B of the respective Existing and Proposed impervious surface areas.

The total turfed area is approximately 5,200 square feet and considered *pervious* given typical characteristics and subgrade rock base, which is reflected in Table 1 figures above. As design for the project progresses, final turf specifications will be provided with construction plans, and likely similar to that shown in Figure 1 below. The turf provides a stable surface for activities while permitting water to infiltrate down, similar to a grass field.

*Figure 1. Synthetic Turf - Typical Section (Example)*

---

**Summary & Conclusions**

- Review and approval of drainage improvements pertaining to this redevelopment project are requested with this Memorandum.
- This building-focused redevelopment requires minimal site improvements and no changes to drainage patterns will occur. Drainage will continue to be routed to existing curb inlets as in current conditions.
- Proposed improvements to the property result in a reduction of impervious area, thus reducing peak storm water flow rates.
- The proposed playground synthetic turf will include an aggregate base layer below the turf’s surface. The section will also include perforated drainage as necessary determined on final grades and soil strata, in line with manufacturer specifications.
- This project will not require installation of Best Management Practices (BMPs) in accordance with applicable City rules and ordinances.
EXHIBIT A
Existing Impervious Surface
(26,129 SF)
EXHIBIT B
Proposed Impervious Surface
(26,621 SF)
City of Leawood Planning Commission Staff Report

MEETING DATE: September 9, 2020
REPORT WRITTEN: August 14, 2020

VILLA DE FONTANA – REQUEST FOR APPROVAL FOR REZONING, PRELIMINARY PLAT, AND PRELIMINARY PLAN – LOCATED SOUTH OF 135TH STREET AND EAST OF ROE AVENUE
CASE 70-20 **PUBLIC HEARING**

STAFF RECOMMENDATIONS:
Staff recommends the Planning Commission deny Case 70-20, Villa de Fontana – approval request for Rezoning from SD-CR, SD-O, and RP-3 to RP-2, Preliminary Plat, and Preliminary Plan for the reasons outlined in the staff report and Golden Factors.

APPLICANT:
• The applicant is Mark Simpson with Fontana Land Company, LLC.
• The property is owned by Fontana Land Company, LLC.
• The engineer is Tim Tucker with Phelps Engineering, Inc.

REQUEST:
• The applicant is requesting approval for Rezoning from SD-CR, SD-O, and RP-3 to RP-2, Preliminary Plat, and Preliminary Plan.

ZONING:
• The property is currently zoned SD-CR (Planned General Retail), SD-O (Planned Office), and RP-3 (Planned Cluster Attached Residential District).

COMPREHENSIVE PLAN:
• The Comprehensive Plan designates this property as Mixed Use north of 137th Street.

LOCATION AND CURRENT ZONING:
SURROUNDING ZONING:
- North  Directly north of 135th Street is undeveloped property, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).
- South  Directly south is the single family subdivision of Leawood Meadows, zoned R-1 (Planned Single Family Low-Density Residential).
- East  Directly east of Fontana Street is open undeveloped property, zoned SD-NCR (Planned Neighborhood Retail).
- West  Directly west is Roe Avenue is Plaza Pointe, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).

SITE PLAN COMMENTS:
- The applicant is proposing to build 63 single family homes and 11 tracts within the RP-2 Zoning District.
- Entrances into the property include, one off 135th street, two off Fontana street, along with an eyebrow, two off 137th accessing the north portion of the development, one off 137th accessing the south portion of the development, and one off Roe avenue.
- Lot size range from 25,374 sq. ft. to 9,776 sq. ft., with an average lot size of 14,223 sq. ft.
- Entrance off Roe avenue and 135th will have fountains on each side of said entrance.
- All islands within the development will incorporate some form of statuary or flower urn.
- Cul-de-sacs within the property include, one off Fontana street, one off 137th street, one off Granada Road, and two off 136th Street.
- All internal streets are private.
- Amenities include a dog park in the northwest corner (Tract A), pitch and putt golf (Tract F), bocce ball, and pickle ball (Tract G) in the southeast corner.
- The development will have 6’ integrated retaining wall and fence along the north and west sides.
- Lots 20-23 are facing 137th Street along the south side of 137th Street.

BULK REGULATIONS:
- The following table outlines the required and provided regulations for the RP-2 Zoning District:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Required</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>30’</td>
<td>25.5’</td>
<td>Deviation Requested</td>
</tr>
<tr>
<td>Side Setback</td>
<td>10’</td>
<td>10’</td>
<td>Complies</td>
</tr>
<tr>
<td>Corner Lot Street Side</td>
<td>20’</td>
<td>22.5’</td>
<td>Complies</td>
</tr>
<tr>
<td>Setback</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback</td>
<td>20’</td>
<td>22.5’</td>
<td>Complies</td>
</tr>
<tr>
<td>Lot Size</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6,000 Square Feet per dwelling unit</td>
<td>Average = 15,000 sq. ft.</td>
<td>Complies</td>
<td></td>
</tr>
</tbody>
</table>

PRELIMINARY PLAT:
- The applicant is proposing 63 single family lots for the Villa de Fontana subdivision.
- The applicant is proposing twelve common area tracts, a total of 9.89 acres, which shall be maintained by the Homes Association. The tracts are as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Sq. ft.</th>
<th>Acres</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract A</td>
<td>53,082.86</td>
<td>1.2186</td>
<td>Northwest corner of the development along 135th Street. This tract will contain landscaping, development monument, Retaining wall/Fence, and Dog Park.</td>
</tr>
</tbody>
</table>
**ELEVATIONS:**
- The applicant has provided preliminary elevations of proposed buildings. Elevations are reviewed and approved at the time of final site plan application.
- The applicant is proposing single family homes with pitched roofs, and forward facing garages.

**LANDSCAPING:**
- The applicant has provided preliminary landscaping for the development. Landscaping is reviewed and approved at the time of final site plan application.
- The applicant is proposing to plant street trees along both sides of the private streets along with trees in the medians. Existing street trees are located along the perimeter public streets. The applicant proposes to supplement street trees in these areas.
- The applicant is also proposing to add trees to an existing sporadic tree line that runs along the common property line with Leawood Meadows.

<table>
<thead>
<tr>
<th>Tract</th>
<th>Area</th>
<th>Acres</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract B</td>
<td>13,792.46</td>
<td>0.3166</td>
<td>Northeast corner of the development along 135th Street. This tract will contain landscaping, Retaining wall/Fence, and development monument.</td>
</tr>
<tr>
<td>Tract C</td>
<td>10,404.14</td>
<td>0.2388</td>
<td>Internal open space of the development along Roe Ave. This tract will contain landscaping, Retaining wall/Fence, and development monument.</td>
</tr>
<tr>
<td>Tract D</td>
<td>11,650.80</td>
<td>0.2675</td>
<td>West boundary of the development along Roe Ave. This tract will contain landscaping, Retaining wall/Fence, and development monument.</td>
</tr>
<tr>
<td>Tract E</td>
<td>1,0002.48</td>
<td>0.2296</td>
<td>Southwest corner of the development along Roe Ave. This tract will contain landscaping, Retaining wall/Fence, and development monument.</td>
</tr>
<tr>
<td>Tract F</td>
<td>57092.30</td>
<td>1.3107</td>
<td>Southern boundary of the development, south of 137th Street. This common area will contain underground detention basins and open play space.</td>
</tr>
<tr>
<td>Tract G</td>
<td>43,791.76</td>
<td>1.0053</td>
<td>Southern boundary of the development, south of 137th Street. This common area will contain underground detention basins and open play space.</td>
</tr>
<tr>
<td>Tract H</td>
<td>193,727.54</td>
<td>4.4474</td>
<td>Contains all private streets within the main development, excluding cul-de-sacs</td>
</tr>
<tr>
<td>Tract I</td>
<td>8,790.87</td>
<td>0.2018</td>
<td>Internal cul-de-sac along 136th Ter, contains landscaping and statuary.</td>
</tr>
<tr>
<td>Tract J</td>
<td>7,893.23</td>
<td>0.1812</td>
<td>Internal cul-de-sac along Fontana St, contains landscaping and statuary.</td>
</tr>
<tr>
<td>Tract K</td>
<td>15,244.45</td>
<td>0.3500</td>
<td>Internal cul-de-sac along 137th St, contains landscaping and statuary.</td>
</tr>
<tr>
<td>Tract L</td>
<td>4,260.93</td>
<td>0.0978</td>
<td>Eyebrow drive along 137th St, contains landscaping and statuary.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>429,733.82</strong></td>
<td><strong>9.8653</strong></td>
<td></td>
</tr>
</tbody>
</table>
SIGNAGE:
- No signage is proposed with this application, signage is reviewed and approved at the time of Final Site plan application.

LIGHTING:
- Lighting is reviewed and approved at the time of Final Plan application

INTERACT:
- An Interact meeting was held on August 13, 2020. A meeting summary and sign-in sheet are attached.

REQUESTED DEVIATIONS:
- The applicant is requesting the following deviations to the Leawood Development Ordinance.
  Front Yard Setbacks:
  - Section 16-2-5.5 RP-2 requires that front yard setbacks to be a minimum of 30 ft. The applicant is proposing a deviation to the setback to allow for a 25.5’ front yard setback for twenty eight lots (lot 7, 8, 13-16, 18, 19, 24-30, 36, 44, 45, 51-53). Section 16-3-9 (A)(5)(b): provides a deviation for setbacks of buildings and paved areas from other than a public street may be reduced to 75% of the standard requirement. The deviation may be granted only if compensating common open space (not less than 1:1 ratio) is provided elsewhere in the project and where there is ample evidence that the deviation will not adversely affect the neighboring properties.

IMPACT FEES:
- Park Impact Fee
  - The applicant shall be responsible for a Park Impact Fee prior to the recording of the Final Plat in the amount of $400.00 per dwelling unit. This amount is subject to change by Ordinance.
- 135th Street Corridor Impact Fee
  - The applicant shall be responsible for a 135th Street Corridor Impact Fee prior to the recording of the Final Plat in the amount of $389.40 per dwelling unit. This amount is subject to change by Ordinance.
- South Leawood Transportation Impact Fee
  - The applicant shall be responsible for a South Leawood Transportation Impact Fee, for the portion of the development that is south of 137th Street, prior to the recording of the Final Plat at a rate of $625 x gross acres platted x miles from 135th Street. This amount is subject to change by Ordinance.

GOLDEN CRITERIA:
The character of the neighborhood:
The area is characterized by a major arterial street (135th); a undeveloped parcel of land comprehensively zoned Mixed use to the North, Leawood Meadows a low density residential subdivision zoned R-1 to the south, a collector street (Fontana); a undeveloped property zoned SD-NCR to the east, a major arterial street (Roe); Plaza Pointe a mixed use development to the west.

The suitability of the subject property for uses to which it has been restricted:
Due to the mix of uses within the surrounding area and the property is adjacent to two major arterial and collector streets, the property is suitable to a mixed-use development. The property is surrounded on all sides by major streets: 135th St. to the north, 137th St. to the south, Roe Ave. to the west and Fontana St. to the east, providing the best opportunity for a mixed use development.
The original development for this area was a mixed use development which better fit within the 135th Street Corridor. The project does not currently meet the 2019 comprehensive plan or 135th street community plan, as these plans indicate that mixed use in the best zoning for the area/corridor.

The time for which the property has been vacant:
The property was rezoned (Ord. 2091) in 2004 from Agriculture (AG) to Planned General Retail (SD-CR), Planned Office (SD-O), and Planned Cluster Attached Residential (RP-3) as part of the Pawnee Place mixed use development. The final plan for the Gardens of Villaggio portion of the development was approved (Res. 3254) in 2009 with only one of the three offices being built to date. The final plan for the M&I Bank portion of the development was approved (Res. 2927) in 2007.

The extent to which removal of the restrictions will detrimentally affect nearby property:
The development in this application is proposing to rezone existing SD-O and SD-CR properties, resulting in said properties to be in non-conformance with building setback and minimum acreage requirements. Building setback from residential for SD-CR is required to be 125’ and SD-O is required to be 75’. Minimum Acreage requirements for SD-CR and SD-O are required to be a minimum of 10 acres per development.

The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed, if any, as a result of denial of the application:
Maintaining Mixed Use zoning along the north side of 137th Street would keep this area compatible with existing and approved adjoining residential development, which may create a relative gain to the public health, safety, and welfare to the neighboring community by reducing density, traffic, and overall impact to this residential area.

Conformance to the adopted master plan of the City of Leawood:
The proposed application does not conform to the Comprehensive Plan for the City of Leawood, the comprehensive plan designates this area as Mixed Use while the applicant is requesting Medium Density Residential.

STAFF COMMENTS:
- The proposed application does not conform to the Comprehensive Plan for the City of Leawood or the 135th street Community Plan. The Comprehensive Plan and 135th street Community Plan designate this area as Mixed Use while the applicant is requesting Medium Density Residential. The neighborhood is characteristically defined by the major arterial streets (135th and Roe). Given the access to major arterial streets, the area should be developed with the highest/best use for the property. Removing existing restrictions on the property will allow for the existing office buildings to not be in conformance with Leawood Development Ordinance. The development is proposing to spot-zone by rezone existing SD-O and SD-CR properties, resulting in said properties to be in non-conformance with building setback and minimum acreage requirements. Building setback from residential for SD-CR is required to be 125’ and SD-O is required to be 75’.
- The proposed application does not conform to Leawood Development Ordinance, section 16-8-3.2 including that all private streets shall be built to public standards.
- The proposed application does not conform to Leawood Development Ordinance, section 16-8-3.7 including; lots fronting on a cul-de-sac shall maintain a minimum frontage of 45 feet on
the turn around and 100 feet at the building line and lots shall not have a depth greater than three times the width and shall have buildable width generally facing and directly relating to the street upon which such lots front

**STAFF RECOMMENDATIONS:**

Staff recommends the Planning Commission deny Case 70-20, Villa de Fontana – approval request for Rezoning from SD-CR, SD-O, and RP-3 to RP-2, Preliminary Plat, and Preliminary Plan. If the Planning Commission were to approve the application against the recommendation from planning staff, the following stipulations are provided.

1. The project is limited to 63 lots and 12 tracts on 30.44 acres. of construction for the residential subdivision Villa de Fontana, zoned RP-2.
2. The project shall comply with the bulk regulations for SD-O and SD-CR, not allowing existing property to be in non-conformance.
3. The applicant/owner shall be responsible for the following impact fees:
   a. Park Impact Fee prior to the recording of the Final Plat in the amount of $400.00 per dwelling unit. This amount is subject to change by Ordinance.
   b. 135th Street Corridor Impact Fee prior to the recording of the Final Plat in the amount of $389.40 per dwelling unit. This amount is subject to change by Ordinance.
   c. South Leawood Transportation Impact Fee, for the portion of the development that is south of 137th Street, prior to the recording of the Final Plat at a rate of $625 x gross acres platted x miles from 135th Street. This amount is subject to change by Ordinance.
4. All new utility boxes with a height of less than 56 inches, a footprint of equal to or less than 15 square feet in area, or a pad footprint of equal to or less than 15 square feet, may be installed only with the prior approval of the Director of Community Development as being in compliance with this Ordinance. However, all new electric vehicle-charging stations shall only be permitted within the interior of a garage.
5. All new utility boxes with a height of 56 inches or greater, a footprint greater than 15 square feet in area, or a pad footprint greater than 15 square feet in area, shall be authorized only by approval of a special use permit prior to construction.
6. This development shall include a deviation of 25.5’ front yard setback for lots 7, 8, 13-16, 18, 19, 24-30, 44, 45, and 51-53. The development shall meet all other required setbacks without deviations.
7. Prior to Governing Body consideration, the applicant shall provide revised plans and plat that accurately reflect the setbacks being requested with this application.
8. All streets within the subdivision shall be private with the exception of 137th street, and shall comply with Section 16-8-3.2, of the Leawood Development Ordinance, including that all private streets shall be built to public standards. The developer or Homes Association shall maintain any planting or statuary within the street right of way. The developer shall execute a right-of-way maintenance agreement with the Public Works Department for any planting or statuary improvements within the public right-of-way.
9. All monument signs shall be placed within a common area designated as a separate tract of land to be maintained by the homes association.
10. All monument signs shall be located outside of all sight triangles, and shall be a minimum of 5’ from all property lines and sidewalks.
11. The development shall comply with Section 16-8-3.7 of the Leawood Development Ordinance including the following:
   a. Lots fronting on a cul-de-sac shall maintain a minimum frontage of 45 feet on the turn around and 100 feet at the building line.
b. Lots shall not have a depth greater than three times the width and shall have buildable width
generally facing and directly relating to the street upon which such lots front.

12. Per the Leawood Development Ordinance, all landscaped areas shall be irrigated.

13. Per the Leawood Development Ordinance, all medium and large deciduous trees (including street
trees), shall be 2 ½" caliper as measured 6" above the ground, all small deciduous and ornamental
trees shall be a minimum of 1 ½" caliper as measured 6" above the ground, conifers and evergreen
trees shall be a minimum of 6’ in height, and shrubs shall be a 24” in height at the time of planting.

14. Per the Leawood Development Ordinance, at the time of planting, plant material screening the ground
mounted utilities shall be a minimum of 6” taller than the utility it is to screen, with lower shrubs in the
foreground to eliminate any gaps in screening.

15. The approved final landscape plan shall contain the following statements:
   a. All trees shall be callipered and undersized trees shall be rejected.
   b. All hedges shall be trimmed to maintain a solid hedge appearance.
   c. All plant identification tags shall remain until issuance of a Final Certificate of Occupancy.
   d. Any deviation to the approved final landscape plan shall require the written approval of the
      landscape architect and the City of Leawood, prior to installation.
   e. All landscaped open space shall consist of a minimum of 60% living materials.
   f. A letter, signed and sealed by a Kansas Registered Landscape Architect, shall be submitted prior
to final occupancy that states that all landscaping has been installed per the approved landscape
plan and all plant material used is to the highest standards of the nursery industry.

16. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all
common areas and common area improvements including, but not limited to, streets, walls, and storm
water system improvements. The mechanism will include a deed restriction running with each lot in
the development that will mandate that each owner must contribute to the funding for such
maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such
maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such
common areas or common area improvements may result in the City of Leawood maintaining, repairing
and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood
will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of
such lot.

17. At the time of Final Plan, the applicant shall provide City staff with a copy of the covenants and
restrictions proposed for the development.

18. All sidewalks shall be installed as per street construction standards.

19. The applicant shall obtain all approvals and permits from the Public Works Department, per the public
works memo on file with the City of Leawood Planning and Development Department, prior to issuance
of a building permit and recording the plat.

20. No construction shall be allowed between the hours of 9:00 p.m. to 7:00 a.m. and not on Sundays.

21. This preliminary plan approval shall lapse in two years, if construction on the project has not begun or
if such construction is not being diligently pursued; provided, however, that the developer may request
a hearing before the City Council to request an extension of this time period. The City Council may
grant one such extension for a maximum of 12 months for good cause shown by the developer.

22. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all
ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation
has been granted, and to execute a statement acknowledging in writing that they agree to stipulations
one through twenty-two.
MEMO

DATE: August 20, 2020

TO: Richard Coleman, Director of Community Development

FROM: Brian Scovill, P.E., City Engineer
Department of Public Works

SUBJECT: Villa De Fontana Rezoning, Prelim Plat, & Prelim Plan
Case Number: 70-20

The Department of Public Works has reviewed the aforementioned project and would like to make the following stipulations as part of the Planning Commission Approval:

1) Plat:
   a) No access shall be granted directly to 137th street from lots 20, 21, 22, and 23 and said lots shall be noted LNA – Limits of No Access on the plat.

2) Traffic Impact Analysis:
   a) The proposed plan indicates a less intense traffic impact than the previously approved Villaggio development. Prior to Final Plan Submittal the developer shall provide a memo to supplement the latest Traffic Study documenting the reduced traffic impact.

   b) The developer shall pay into escrow One Hundred Forty Thousand ($140,000) Dollars for traffic signals at 137th Street and Roe Ave. This amount is fifty (50) percent of the estimated cost of Two Hundred Eighty Thousand ($280,000) for traffic signal design, construction and inspection. This fee shall be paid prior to the City releasing the plat.

3) Storm Water Study:
   a) This development is proposed to occur on the previously approved Villaggio project. Since then the City Code has been updated and BMPs are now required.

   b) The latest stormwater study was received on August 19, 2020 and is being reviewed by the City and our consultant. The applicant shall work with the city on any follow up comments and questions and resolve the same prior to Final Plan Submittal.

Sister City to I-Lan, Taiwan, R.O.C. • Sister City to Regional Council Gezer, Israel
c) The latest study indicates the following is proposed:
   i) Reduction to the southwest detention basin to make room for an additional lot. Sufficient detention remains to reduce off site runoff to a level within the capacity of downhill storm water facilities.
   ii) Three hydrodynamic separators will be added as BMPs. One will be located at each detention facility.
   iii) Modification to the outlet control structure of the south center basin is also proposed.

4) Permanent structures, including monument signs, shall not be placed within the Right-of-Way and Public Easements.

5) All public improvements shall be designed and constructed in accordance with the City of Leawood Public Improvement Construction Standards as developed by the Department of Public Works (latest revision).

6) The developer shall obtain and submit to the Department of Public Works and the Building Official a copy of the NPDES Land Disturbance Permit issued by the Kansas Department of Health and Environment prior to any grading work at the site.

7) The permit fee for plan review and construction observation shall be five (5) percent of the construction cost for all improvements within the Right-of-Way or Public Easement(s) granted to the City of Leawood. The fee will be charged and collected from the Contractor prior to issuance of the permit from the Department of Public Works.

8) Construction vehicles, including vehicles of construction personnel, shall not be parked within the Right-of-Way. All staging and storage of equipment and/or materials for private improvements shall be contained on the proposed development unless a Right-of-Way Permit has been obtained by the Contractor.

9) The Developer shall repair and restore all damaged areas between the back of curb and the Right-of-Way abutting this development including any existing damage. This shall include but is not limited to street lighting equipment, traffic signal equipment, sidewalk, storm sewers, grass, etc.

10) The Developer shall provide documentation by a licensed professional engineer certifying on City forms the BMPs have been constructed in accordance with City standards and the approved plans.

11) The developer shall provide as-built storm sewer information in accordance with City standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flow line information at each structure, pipe size information, downstream structure numbers and type of structure. This information shall be provided to us on the Johnson County AIMS coordinate system. The spreadsheet for the data will be provided to the developer after the storm sewer improvements have been completed.
12) Prior to the City releasing the plat, the Developer shall file at the County an executed Right Of Way Maintenance Agreement for private infrastructure within the right-of-way.

13) Building Permits will not be issued and the plat will not be released for recording until all public improvement plans have been approved by the City Engineer.

14) The Certificate of Occupancy shall not be approved until the above requirements including payments to escrow accounts have been met.

If you have any questions, please call me at (913) 663-9134.
Memorandum

TO: Grant Lang
FROM: Jarrett Hawley
DATE: August 24, 2020
SUBJECT: Villa de Fontana

The Leawood Fire Department has been presented with additional site plans showing street layout which meet minimum requirements for fire apparatus. After reviewing the updated street map and site plan, The Leawood Fire Department has no objections to the present site plan presented.

Jarrett Hawley
Deputy Chief
Leawood Fire Department
Villa de Fontana
August 13, 2020 Interact Meeting

Attendance:
Saul Ellis, Contract Purchaser/Developer
Tim Tucker, Phelps Engineering
John Petersen/Amy Grant, Polsinelli PC

The meeting was held via Zoom call. There is no sign-in sheet, however, approximately 15 invitees attended the meeting.

The meeting began at 6:00 p.m. Mr. Petersen presented the project. Mr. Petersen began with a bit of history about the project and referenced the 2008 zoning plan, which resulted in the construction of the existing street network and storm water improvements. Mr. Petersen walked through the proposed site plan and indicated that the project would consist of 63 single-family lots with various amenities. The projected cost of these single-family villa homes would be in the range of $850,000 to more than a $1,000,000. Mr. Petersen then discussed the southern property line that is shared with the Leawood Meadows subdivision. Mr. Petersen explained that the applicant will not change the existing embankment that is adjacent to the Leawood Meadow homes in that area. These residents currently enjoy an embankment/berm area that ranges from a few feet to 10-feet in height and the applicant agrees that it will not changing that area for those neighbors. However, the applicant will be planting additional landscaping along this southern property line with evergreen and pine trees that will be planted at 15-20 feet in height on approximately 25-foot centers. Mr. Petersen also indicated that there will not be a fence or wall place along the existing embankment. Next, Mr. Petersen explained the active open spaces that are proposed for Tracts F and G on the site plan. These area will be utilized as open space/amenity areas as there is existing underground storm water facilities in these two areas. Mr. Petersen indicated that the pitch and putt golf, bocce ball, pick ball and other amenities are all very conceptual at this point and the applicant would provide more detailed information at the final plan stage for the areas. Mr. Petersen then shared the perimeter fencing/walls that will be constructed adjacent to the public streets and shared the overall quality, theme and concept that this project will reflect.

The following is a summary of the question and answer portion of the meeting.

Question: The project looks very nice. We live near your proposed lots 22 and 23 and have cleaned up the tree line and brush in that area but know that the property line runs down the center of this landscape area. Will you be removing any of the existing trees in this area?
Response: No.
Question: Will the proposed 5’ walking trail shown in Tract G be provided along the entire southern property line?
Response: No, only in the area of Tract G.

Question: Will we see the new 5’ trail from our back yard?
Response: No. We will not be modifying your current view of the embankment/berm.

Question: Are you making any modifications to the existing detention/retention system?
Response: We will be making slight modifications to the existing system as we need to size it appropriately for the single-family homes. The current system is too large as it was built for commercial development so we will likely be abandoning some of the underground cells that are not be utilized. We are working with City staff to work through those issues.

Question: Will the homes along the southern property line have enough room for patios?
Response: Yes.

Question: Will the August 25th Planning Commission meeting be in-person?
Response: City Hall is currently closed and is holding all meetings on-line at this time. We would recommend you contact the City Planning staff regarding the August 25th meeting.

Mr. Petersen took a brief moment to explain the public meeting dates. The application is currently scheduled for the August 25th Planning Commission agenda. However, we understand that this agenda is very full and there is a chance that our application will not be heard that evening. If that happens, the City will hold a special Planning Commission meeting on September 8th to consider this application and others. This means that the project will potentially be considered by the City Council on either September 21st or October 5, 2020.

2. Mr. Gagliano
Question: Will all homes be one story?
Response: Yes, Single level with some walk-out basements.

3. Mr. Groom
Question: Some concern about trajectory of golf balls within the pitch and putt area – people getting hit or windows being broken?
Response: Mark Simpson is currently working to design this concept. He is aware of the concern and would be happy to meet with any of you individually to help explain how this amenity will be designed to protect again this happening.

Question: Will the price of these villa homes being $1 million dollars affect our property taxes?
Response: It is hard to predict that. This is a different type of single-family home product from what is currently constructed in your subdivision and we do not know if the appraiser will consider these comp properties.
At this point in the meeting, Mr. Higday expressed several concerns with the development of the Majestic of Leawood proposing to be constructed east of the applicant’s project. There was discussion between Mr. Higday and Mr. Sharp (owner of the property) about that project.

4. Mr. Proderio
Question/Comment: I think this project is very well designed. I do have a concern about whether or not anything will be built on top of the berm? I am glad to see the amenity area with bocce ball. You should know that there are several weekend warrior individuals who currently use this property and the berm for the enjoyment of the off-road vehicles?
Response: No, the applicant will not build anything on top of the existing embankment/berm. Thank you for making us aware of the off-road vehicles. Obviously, that activity will be eliminated once the project is developed.

5. Mr. Sharp
Question: Will the existing streets remain private?
Response: Yes.

Questions: Mark Simpson and Saul Ellis are the Developers?
Response: Yes.

6. Mr. Groom
Question: Will this be an age-restricted project?
Response: No. However, the proposed product appeal more to the 50+ age demographic.

7. Mr. and Mrs. Franklin
Question: Mrs. Franklin provided some insight as to whether or not the adjacent property values will be impacted by the development. She also commented that this will help retain/increase the value of adjacent properties and is happy about less traffic along 137th Street and no adjacent parking lots and commercial development.

Question: Mr. Franklin asked what the average lot size will be for the homes around the Grandad Drive cul-de-sac?
Response: Lot 15 will be approximately 18,000 sq. ft., Lot 16 will be approximately 13,500 sq. ft. and Lot 17 will be approximately 20,000 sq. ft. in size.

Question: When will construction start?
Response: The Developer would like to break ground in Spring 2021.

Comment: The project looks very nice – best he has seen in a while.

8. Mr. Gagliano
Question: Where will the model homes be located?
Response: In the northern portion of the project near the entrance at Granada Drive and Lola Drive (Lots 38, 39 and 40).
9. Mr. Arnette

Question: I used to serve on the Worthington HOA board. The homes in that subdivision have struggled their pond needing to be drudged because of silt and runoff from other projects to the north not be constructed property.
Response: We appreciate how expensive that can be and the proposed development will follow the requirements that dictate how storm water run-off is handled. The Developer provided Phelps Engineering contact information should Mr. Arnette want to discuss this further with an engineering team.

Question: Will Doug Patterson’s office building remain?
Response: Yes.

Question: Will there be fencing along Roe as well?
Response: Yes.

Comment: Mr. Petersen indicated that the applicant will let the neighbors know about the final design of the amenity areas along the southern property line at the time final development plans are submitted to the City for review and approval.

The meeting concluded at 7:05 p.m.
July 31, 2020

RE: Interact Meeting (Thursday, August 13, 2020 at 6:00 p.m. via zoom meeting)

Project Name and Location: Villa de Fontana, located at the southeast corner of 135th Street and Roe Avenue, Leawood, KS (see attached legal description and map) – Case No. NC#70-20,
Rezoning, Preliminary Plan and Preliminary Plat

Dear Citizen:

We have confirmed that you own property within 500 feet or are a registered Homes Association within 1,500 feet of the above referenced property. We have filed an application with the City of Leawood for a rezoning, preliminary plan, and preliminary plat for this property. The proposed rezoning will be from RP-3 (Planned Cluster Attached Residential District), SD-0 (Planned Office), and SD-CR (Planned General Retail to RP-2 (Planned Cluster Detached Residential District). This property is generally located at the Southeast corner of 135th Street and Roe Avenue. The development will consist of 60 single family lots on 30.44 acres.

In conformance with the City of Leawood’s Interact Program, you are invited to an Interact meeting to provide you, as a nearby property owner, an opportunity to learn about the project and to discuss any issues or concerns that you may have. Prior to a public hearing before the Planning Commission, a summary of the meeting will be filed with the City of Leawood Planning Department.

The Interact meeting will be held on Thursday, August 13, 2020 at 6:00 p.m. via zoom call. You will need to download the zoom meeting application on your phone or computer at zoom.com and can then join the zoom call with the Meeting ID: 995 2195 0699 and Passcode: 323941.

A public hearing before the Planning Commission will be held on August 25, 2020 at 6:00 p.m. in the City Council Chambers of Leawood City Hall, 4800 Town Center Drive, Leawood KS. The Planning Commission meeting will be broadcast via YouTube live. The general public will have an opportunity to comment on the proposed development by contacting the City at planning@leawood.org
IMPORTANT NOTE:

City Hall is currently closed to the public due to COVID-19. As such, your only opportunity to view the plans submitted with this application will be at the Interact meeting or by requesting copies from either Tim Tucker at ttucker@phelpsengineering.com or Grant Lang at glang@leawood.com.

If you have any questions or if you cannot attend the meeting we can be contacted at 913-393-1155.

Sincerely,

Tim Tucker, P.E.
Phelps Engineering, Inc.
Dear Leawood Planning Commission:

We have lived at 13701 Fontana Lane, Leawood, Kansas for eighteen years. This is the fourth or fifth proposal for the property located on 135th between Roe and Mission Roads. This one is by far the most ridiculous. The 135th Street Corridor is prime land for commercial retail and/or professional office development. A dog park on such expensive property is idiotic. The northern half of the property at 135 should be commercial. The Southern portion of this property should be developed as residential. Any residential lots should be at least 1/2 acre. A concrete pickle ball structure on top of an underground water retention system is a recipe for disaster.

The City of Leawood has an obligation to its residents to develop the property surrounding residents in the most reasonable manor to benefit the city and the citizens as best as possible. This plan does not meet those obligations. It is doomed to fail.

Sincerely,

Dr. David M. Blomeyer
Kristi L. Blomeyer

Sent from Windows Mail

WARNING: This email originated from an EXTERNAL SOURCE. DO NOT CLICK LINKS or ATTACHMENTS unless you recognize the sender and know the content is safe.
Hello, My husband Joseph Franklin and I live in Leawood Meadows at 4652 W 137th Terrace and our home is adjacent to the land that will become the Villa's de Fontana. We have seen the plat map and plans and are supportive of the development. In the past, the idea of a tall building and parking lot lights concerned us. Having neighbors in luxury homes on large lots are more preferable to us. I believe as a realtor there is a real need for this type of maintenance provided housing and as a house borders the plans, I believe it will help my property values and my neighbors.

This is also an opportunity to tell you how much we appreciate the beauty of Leawood and thanks for keeping the parks and streets so well kept.

Best wishes,

Denise Franklin
Dear Richard,

On behalf of myself and all of the fellow owners of the office building located at 4630 W. 137th Street as well as surrounding common areas, I am pleased to write in support of the above referenced rezoning Application. We have had the opportunity to review the proposed Villa de Fontana Plan with Mr. Ellis and Mr. Simpson and are convinced that this development will have a positive impact not only on our building but the general 135th corridor as well. Specifically, we have reviewed the proposed setbacks from our building to the adjacent single family residences and coupled with landscaping and other features fell it will provide an excellent transition between the two uses.

We strongly encourage the Planning Staff, Planning Commission and the City Council to approve the Project. Please place this correspondence in the public record for consideration as this application is reviewed.

Doug Patterson
Gardens of Villaggio Condominium Association, Inc.
HOAD, LLC

CC. Mayor Peggy Dunn
City Administrator, Scott Lambers

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NOTICE: During the current quarantine order/stay at home/shelter in place orders, our office has limited access, but Property Law Firm is fully operational. Its attorneys and staff remain working full time sometimes on a remote basis. All emails, documents, faxes, court matters and your files are just as available to us as if we were in the office and at our desks.

Douglas J. Patterson
PROPERTY LAW FIRM, LLC
4630 West 137th Street, Suite 100
Leawood, KANSAS 66224
913-663-1300 X.105
913-396-5105 direct dial
VILLA DE FONTANA
A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 13, RANGE 25
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
VILLA DE FONTANA
A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 38, TOWNSHIP 13, RANGE 25
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
VILLA DE FONTANA VILLAS
A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13, RANGE 29
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS
Preliminary Stormwater Study

Villas of Fontana
Single Family Residential

135th Street and Roe Avenue
Leawood, Kansas

Prepared by:

PHELPS ENGINEERING, INC
1270 N. Winchester
Olathe, KS 66061
(913)393-1155

PEI #200597
August 7, 2020
August 7, 2020

Brian Scovill, P.E.
City of Leawood, Kansas
4800 Town Center Drive
Leawood, KS 66211

Re: Villa de Fontana
Preliminary Stormwater Study
PEI #200597

Dear Mr. Scovill:

Phelps Engineering, Inc. is pleased to submit this Preliminary Stormwater Management Study for the above referenced project. Villa de Fontana is located at the southeast corner of the intersection of 135th Street and Roe Avenue. The site is 30.44 net acres and is currently zoned as a RP-3 Planned Cluster Attached Residential District, SD-O Planned Office, and SD-CR Planned General Retail and will be rezoned to RP-2 Planned Cluster Detached Residential District. The preliminary plat contains 63 lots with a density of 2.07 lots / acres (equal to 1/2 acre lots).

The Villa de Fontana is the eastern half of an existing approved development plan called the Villaggio at Leawood; which was proposed to be developed as a mixed use of apartments, office, and retail. The public and private infrastructure was previously constructed on the Villaggio at Leawood, which includes utilities, sanitary sewers, storm sewers, streets, and stormwater detention facilities. The Villa de Fontana development proposes to modify the eastern half of the Villaggio at Leawood by down zone 30.44 acres to single family residential lots utilizing the existing infrastructure in place.

**Onsite Drainage System**
The existing site is contained in four watersheds draining to the northwest, north central, south central and to the southwest. The proposed storm sewer system will maintain the approximate existing drainage paths.

Stormwater runoff will be conveyed in an enclosed public storm sewer system sized to convey the 10-year storm in accordance with APWA Section 5600 and City of Leawood requirements.

The 100-year overflow will be conveyed in the street system in conjunction with engineered overflow swales. The lowest openings of any building adjacent to a 100-year overflow will be set a minimum of one-foot above the 100-year water surface elevation.
Downstream Analysis
A stormwater study was previously approved for the currently approved Villaggio at Leawood Development, which was prepared by Continental Consulting Engineers, Inc. and dated December 21, 2007.

The streets, storm sewer, and stormwater detention has been constructed for this project and is currently in place.

The approved study included a very extensive analysis of downstream drainage system. The Villaggio at Leawood development has six watersheds discharging the site at the Northwest, North Central, Northeast, Southeast, South Central, and Southwest. An existing runoff model was developed for each watershed, and the capacity of each downstream system was analyzed. A site release was determined by using the lowest runoff based on the two criteria; existing runoff or downstream storm sewer capacity. If the downstream capacity was the controlling criteria, then the site release rate was further reduced based on the ratio of onsite runoff and offsite runoff. The following table outlines the approved release rates for the Villaggio at Leawood:

The Villaggio at Leawood - Site Release Rates

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<th>Downstream Capacity, cfs</th>
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<td>18</td>
<td>76.95</td>
<td>56.93</td>
<td>Existing Runoff</td>
</tr>
<tr>
<td>Southwest Basin</td>
<td>25</td>
<td>69.86</td>
<td>436</td>
<td>18</td>
<td>76.95</td>
<td>69.86</td>
<td>Existing Runoff</td>
</tr>
<tr>
<td>Southwest Basin</td>
<td>50</td>
<td>79.2</td>
<td>436</td>
<td>18</td>
<td>76.95</td>
<td>76.95</td>
<td>% Capacity 72” RCP</td>
</tr>
<tr>
<td>Southwest Basin</td>
<td>100</td>
<td>92.34</td>
<td>436</td>
<td>18</td>
<td>76.95</td>
<td>76.95</td>
<td>% Capacity 72” RCP</td>
</tr>
<tr>
<td>South Central Basin</td>
<td>2</td>
<td>27.71</td>
<td>39.7</td>
<td>81</td>
<td>32.2</td>
<td>27.71</td>
<td>Existing Runoff</td>
</tr>
<tr>
<td>South Central Basin</td>
<td>10</td>
<td>55.25</td>
<td>39.7</td>
<td>81</td>
<td>32.2</td>
<td>32.2</td>
<td>Existing Runoff</td>
</tr>
<tr>
<td>South Central Basin</td>
<td>25</td>
<td>67.83</td>
<td>39.7</td>
<td>81</td>
<td>32.2</td>
<td>32.2</td>
<td>% Capacity 36” CMP</td>
</tr>
<tr>
<td>South Central Basin</td>
<td>50</td>
<td>76.83</td>
<td>39.7</td>
<td>81</td>
<td>32.2</td>
<td>32.2</td>
<td>% Capacity 36” CMP</td>
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<td>South Central Basin</td>
<td>100</td>
<td>89.7</td>
<td>39.7</td>
<td>81</td>
<td>32.2</td>
<td>32.2</td>
<td>% Capacity 36” CMP</td>
</tr>
</tbody>
</table>

** NC, NE, and SE basin are offsite basins to Villa de Fontana therefore are not included in table

See The Villaggio at Leawood Stormwater Study dated December 21, 2007 by Continental for more details.
Detention
Underground detention is currently provided for the entire Villaggio at Leawood development. The detention was designed for a mixed land use of office, apartments, and commercial. The Villa de Fontana site is located on the western half of the Villaggio at Leawood development which is proposed to be developed as single family residential, a much less intense development. Villa de Fontana is located in the Northwest, North Central, South Central, and Southwest drainage basins of the Villaggio at Leawood; therefore no detention analysis is included for the Northeast or Southeast basins.

All detention analyses were completed using HydroCAD V10 storm modeling software, using SCS Unit Hydrograph detention modeling with SCS Type II 24-hr storm duration. The CN values used in the proposed analysis are the same valued used in the currently approved Villaggio at Leawood Stormwater Study for soils and land cover, except for the addition of single-family land use into the model. The drainage areas have been re-evaluated and updated to the proposed plan.

See Appendix “D” for the proposed HydroCAD modeling results.

Northwest Watershed
The northwest detention basin is an existing underground detention facility utilizing 84” diameter CMP pipes. The existing detention facility will be utilized as constructed with no modifications to the storage or outlet structure. The existing storage consists of 1,233 linear feet of 84” CMP pipe. The existing outlet structure is a multi-stage outlet structure designed to control peak runoff rates in the 2, 10, 25, 50, and 100-year storm events. The first stage is an 8"x8" orifice at an elevation of 999.0, the second stage is a 24-inch wide by 12-inch tall orifice with a flowline elevation of 1002.0, and the third stage is a 9-feet wide by 31” tall orifice at an elevation of 1005.91. The 100-year WSE in the basin is 1005.23 with a storage volume of 0.886 ac-ft and contained in the outlet structure with a top of structure elevation of 1009.0 See Table below for the northwest watershed proposed conditions.

<table>
<thead>
<tr>
<th>Storm</th>
<th>Discharge Pt.</th>
<th>Allowable Condition</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Release Rate, cfs</td>
<td>Inflow Rate, cfs</td>
</tr>
<tr>
<td>2-year Basin</td>
<td>NA</td>
<td>17.84</td>
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<tr>
<td>Northwest Total Outfall</td>
<td>12.87</td>
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<td>5.05</td>
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<tr>
<td>10-year Basin</td>
<td>NA</td>
<td>33.69</td>
<td>13.57</td>
</tr>
<tr>
<td>Northwest Total Outfall</td>
<td>23.9</td>
<td>NA</td>
<td>14.28</td>
</tr>
<tr>
<td>25-year Basin</td>
<td>NA</td>
<td>40.81</td>
<td>16.55</td>
</tr>
<tr>
<td>Northwest Total Outfall</td>
<td>25.4</td>
<td>NA</td>
<td>17.43</td>
</tr>
<tr>
<td>50-year Basin</td>
<td>NA</td>
<td>45.92</td>
<td>18.48</td>
</tr>
<tr>
<td>Northwest Total Outfall</td>
<td>25.4</td>
<td>NA</td>
<td>19.48</td>
</tr>
<tr>
<td>100-year Basin</td>
<td>NA</td>
<td>50.09</td>
<td>21.08</td>
</tr>
<tr>
<td>Northwest Total Outfall</td>
<td>25.4</td>
<td>NA</td>
<td>22.24</td>
</tr>
</tbody>
</table>
North Central Watershed
The north central detention basin was not analyzed since the tributary area from the Villa de Fontana project is unchanged. The area contributing to the north central watershed from Villa de Fontana consist of existing streets with no changes proposed.

Southwest Watershed
The southwest detention basin is an existing underground detention facility utilizing 84" diameter CMP pipes. The existing detention facility consist of 3,561 linear feet of 84" diameter CMP pipes, and this development proposes to remove 1,216 feet of storage pipe and utilize 2,345 of the existing pipes for storage. The existing outlet structure will not be modified. The existing outlet structure is a multi-stage outlet structure designed to the control peak runoff rates in the 2, 10, 25, 50, and 100-year storm events. The first stage is an 16-inch wide and 8-inch tall orifice at an elevation of 980.5, the second stage is a 30-inch wide by 10-inch tall orifice with a flowline elevation of 982.0, the third stage is a 5-feet wide by 12" tall orifice at an elevation of 984.5, and the fourth stage is a 9-feet wide by 13.2" tall orifice at an elevation of 987.9. The 100-year WSE in the basin is 987.84 with a storage volume of 1.886 ac-ft and contained in the outlet structure with a top of structure elevation of 989.5 See Table below for the southwest watershed proposed conditions.

<table>
<thead>
<tr>
<th>Storm</th>
<th>Discharge Pt.</th>
<th>Allowable Release Rate, cfs</th>
<th>Proposed Condition</th>
<th>Storage, ac-ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-year Basin</td>
<td>NA</td>
<td>43.03</td>
<td>19.32</td>
<td>983.84</td>
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<tr>
<td>10-year Basin</td>
<td>NA</td>
<td>86.77</td>
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<td>985.59</td>
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<tr>
<td>25-year Basin</td>
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<td>106.84</td>
<td>57.4</td>
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<tr>
<td>50-year Basin</td>
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<td>64.84</td>
<td>121.34</td>
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<tr>
<td>100-year Basin</td>
<td>NA</td>
<td>141.44</td>
<td>75.27</td>
<td>987.84</td>
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</tbody>
</table>

South Central Watershed
The south central detention basin is an existing underground detention facility utilizing 84" diameter CMP pipes. The existing detention facility will be utilized as constructed with no modifications to the storage. The existing storage consists of 2,805 linear feet of 84" CMP pipe. The existing outlet structure is a multi-stage outlet structure designed to the control peak runoff rates in the 2, 10, 25, 50, and 100-year storm events. The outlet structure will be modified utilizing the following multi-stage outlet. The first stage is an 20" diameter orifice at an elevation of 984.0, and the second stage is a 9-feet wide and 13.2-inch tall orifice with a flowline elevation of 994.0. The 100-year WSE in the basin is
993.6 with a storage volume of 2.333 ac-ft and contained in the outlet structure with a top of structure elevation of 996.0. See Table below for the south central watershed proposed conditions.

### South Central Watershed Proposed Conditions

<table>
<thead>
<tr>
<th>Storm</th>
<th>Discharge Pt.</th>
<th>Allowable Release Rate, cfs</th>
<th>Proposed Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Inflow Rate, cfs</td>
<td>Outflow Rate, cfs</td>
</tr>
<tr>
<td>2-year</td>
<td>Basin</td>
<td>NA 35.13</td>
<td>20.63</td>
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<td></td>
<td><strong>South Central Total Outfall</strong></td>
<td>27.71</td>
<td>NA</td>
</tr>
<tr>
<td>10-year</td>
<td>Basin</td>
<td>NA 64.26</td>
<td>25.41</td>
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<tr>
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<td><strong>South Central Total Outfall</strong></td>
<td>32.2</td>
<td>NA</td>
</tr>
<tr>
<td>25-year</td>
<td>Basin</td>
<td>NA 77.22</td>
<td>27.37</td>
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<tr>
<td></td>
<td><strong>South Central Total Outfall</strong></td>
<td>32.2</td>
<td>NA</td>
</tr>
<tr>
<td>50-year</td>
<td>Basin</td>
<td>NA 86.64</td>
<td>28.8</td>
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<tr>
<td></td>
<td><strong>South Central Total Outfall</strong></td>
<td>32.2</td>
<td>NA</td>
</tr>
<tr>
<td>100-year</td>
<td>Basin</td>
<td>NA 99.65</td>
<td>31.11</td>
</tr>
<tr>
<td></td>
<td><strong>South Central Total Outfall</strong></td>
<td>32.2</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Stream Buffers
The entire property has been enclosed in storm sewer pipes with the current approved Villaggio at Leawood development.

### FEMA
All parts of the property have been designated as Zone X, per Map Panel 20091C084G of the Flood Insurance Rate Map dated August 3, 2009. Zone X is defines areas outside the 0.2% annual chance flood plain. No permit is required since all portions of the property are located outside the regulatory floodplain.

### Corps of Engineers
The entire property is improved with streets and storm sewer, which is part of the current approved Villaggio at Leawood development. No water or wetlands of the United States are located on this property.

### Water Quality BMP Requirements
The proposed development is part of the currently constructed Villaggio at Leawood development. The Villaggio at Leawood is a mixed use development consisting of apartments, office buildings, and retail; which was approved with no Stormwater Quality BMP requirements. The streets, storm sewers, and detention for the project where constructed with the Villaggio, and the only change to the Villaggio development plan is the down zoning to single family residential. The Villas de Fontana development...
proposes to down zone 30.44 acres of the Villaggio at Leawood mixed use to single family residential lots.

The site is 30.44 net acres and is proposed to be zoned as a Single Family Residential Development. The proposed plan has 63 lots for a density of 2.07 units per acre.

**Pre-development CN**
The pre-developed CN was calculated by evaluating the site based on existing ground cover and soil type. The existing land cover consists of asphalt streets and grass in good condition. The site consists of HSG Type “B” and HSG Type “C” soils, which have been bumped up one soil group to HSG “C” and HSG “D” soils to account for hard panning of soil from previous construction. See enclosed soil survey printouts in Appendix “G”. The predevelopment CN is calculated at 80.

The proposed CN was calculated by using a land type of 1/2 acres single family residential lots. The HSG has not been bumped up one level from the pre-developed condition since this was accounted for in the pre-development CN calculations since this is a previously constructed site. The post development CN is calculated at 84.

The proposed development has increased the existing CN by 4, therefore requiring a level of service of 5.3 in accordance with APWA Best Management Practices for Water Quality. See Level of Service Worksheet 1 and the Predevelopment CN Exhibit in Appendix “C” for more details.

The proposed development BMP mitigation required to provide a minimum water quality level of service of 5.3 is provided with hydro-dynamic separators being installed at the Northwest, Southwest, and Southcentral discharge points.

The Level of Service provided is 5.3, meeting the requirements set forth in APWA.. See Level of Service Worksheet 2 and the Post Development Mitigation Exhibit for more details.

All maintenance of BMP’s will be the sole responsibility of the Homes Association an BMP's are contained in a Tracts providing maintenance access.
**Conclusion**
This stormwater management plan and attached exhibits complete Phelps Engineering’s submittal of the Preliminary Stormwater Study for the Villas de Fontana. Please feel free to contact PEI at (913) 393-1155 if you require additional information.

Sincerely,

Phelps Engineering, Inc.

Tim Tucker, P.E.

Enclosures 8–7–20