

**City of Leawood
Planning Commission Agenda
January 10, 2017
Dinner Session – 5:30 p.m. - No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL:

Belzer, Hoyt, Levitan, Pateidl, Elkins, Strauss, Ramsey, Coleman, and Block

APPROVAL OF THE AGENDA:

APPROVAL OF MINUTES:

Approval of the minutes from the November 22, 2016 Planning Commission meeting.

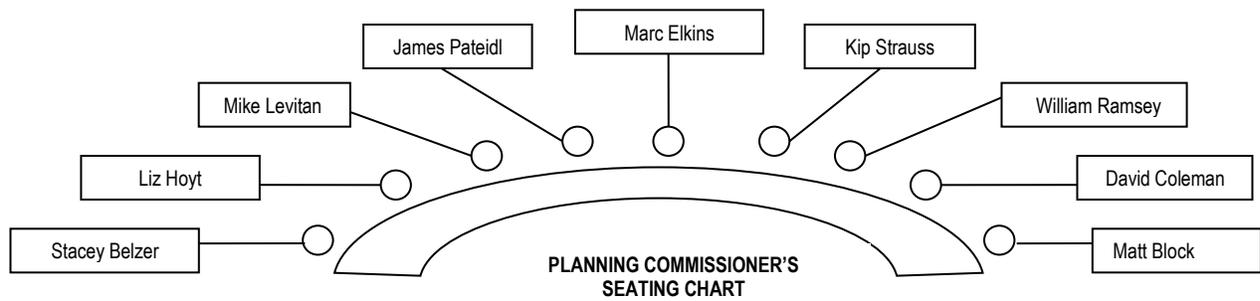
NEW BUSINESS:

CASE 113-16 – VILLAGE OF LEAWOOD – Request for approval of a Rezoning from REC (Planned Recreation) to RP-2 (Planned Cluster Detached Residential District), Preliminary Plan, Final Plan and Final Plat, located north of 91st Street and east of High Drive. **PUBLIC HEARING**

CASE 65-16 – CORNERSTONE DEVELOPMENT AND THE ELEMENT HOTEL – Request for approval of a Revised Preliminary Plan for the Cornerstone development and Special Use Permit for a hotel, located south of 135th Street and east of Nall 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.

City of Leawood Planning Commission Staff Report

MEETING DATE: January 10, 2017

REPORT WRITTEN: January 3, 2017

VILLAGE OF LEAWOOD - REQUEST FOR APPROVAL OF A REZONING FROM REC (PLANNED RECREATION) TO RP-2 (PLANNED CLUSTER DETACHED RESIDENTIAL), PRELIMINARY PLAN AND FINAL PLAN AND FINAL PLAT - Located north of 91st Street and east of High Drive - Case 113-16 **PUBLIC HEARING**

APPLICANT:

- The applicant is John Petersen, Polsinelli PC.
- The property is owned by Leawood Country Club Partners, LLC.
- The engineer is Tim Tucker, Phelps Engineering.
- The landscape architect is Brick Owens.

REQUEST:

- The applicant is requesting approval of a Rezoning from REC (Planned Recreation) to RP-2 (Planned Cluster Detached Residential), Preliminary Plan, Preliminary Plat, Final Plan, and Final Plat.
- The development is proposed to consist of 24 single family lots, zoned RP-2, on 16.25 acres for a density of 1.48 dwelling units/acre.

ZONING:

- The property currently has 23 undeveloped single family lots zoned RP-2 and 2 common area tracts zoned REC. The applicant is proposing to rezone the common area tract on the west side of Sagamore (1.29 acres) to RP-2 and to leave 7.72 acres of the eastern common area tract, on the east side of Sagamore, zoned as REC. Rezoning approximately 0.45 acres to RP-2 on the east side of Sagamore to be incorporated into single family lots.

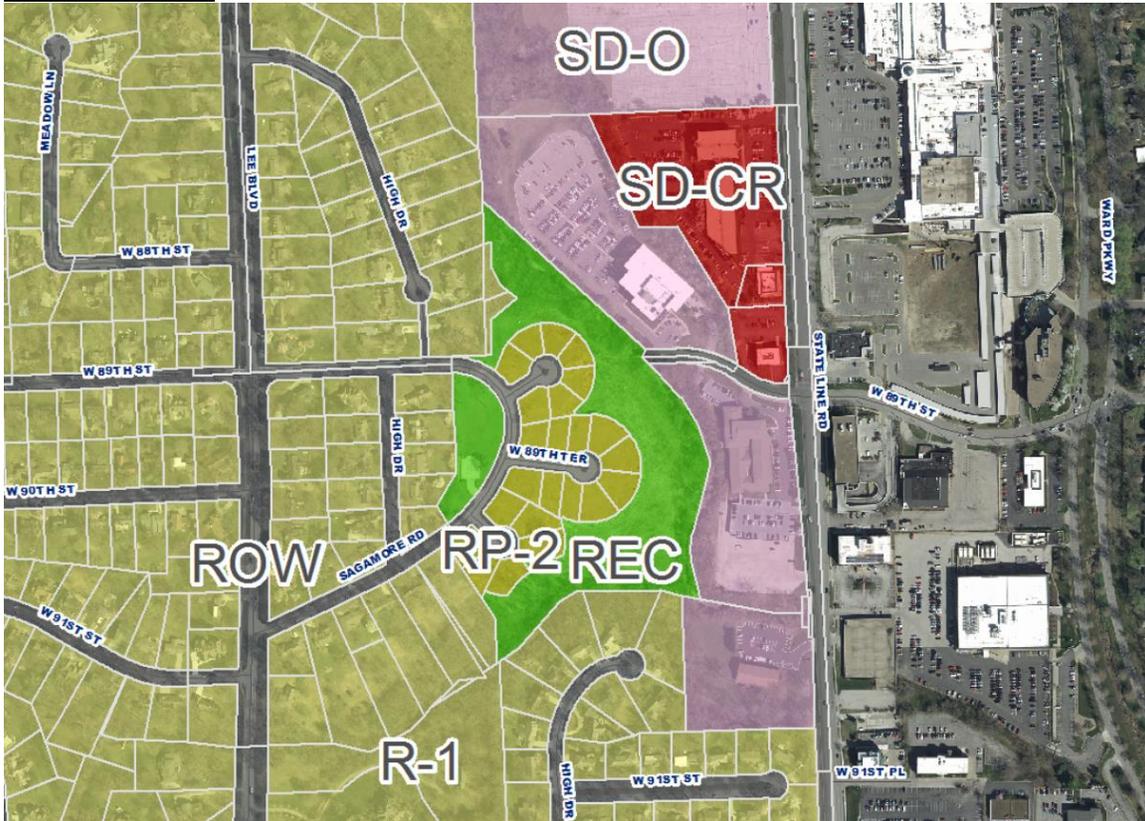
COMPREHENSIVE PLAN:

- The Comprehensive Plan designates this property as Open Space – Private and Low Density Residential.

SURROUNDING ZONING:

- North The property to the north is the single family residential subdivision of Leawood, zoned R-1 (Planned Single Family Low Density Residential), and existing office buildings zoned SD-O (Planned Office).
- East The property to the east is developed with existing office buildings zoned SD-O.
- South The properties to the south are single family residential lots within the subdivisions of Leawood, Leawood Estates and Stonebridge, all zoned R-1.
- West The property to the west is the single family residential subdivision of Leawood, zoned R-1.

LOCATION MAP:



PROPOSED CHANGES TO CURRENT PLAN

- This application is proposing to rezone Tract A of the Estates of Old Leawood, which is a 1.29 acre common area tract on the west side of Sagamore, adjacent to single family lots within the Leawood Subdivision zoned R-1, to RP-2 and divide this tract into 4 lots. Currently Estates of Old Leawood Tract A is approved for the construction of a pool and cabana with a small parking lot. The parking lot has been constructed, but the pool and cabana have not. Note that Estates of Old Leawood had 2 common area tracts. Tract A, a 1.29 acre common area tract on the west side of Sagamore, and Tract B, a 8.17 acre common area tract on the east side of Sagamore. Village of Leawood is proposing to rezone Estates of Old Leawood Tract A to RP-2 and create 4 new lots. Village of Leawood will have a common area tract on the east side of Sagamore, which is labeled as Tract A (this is generally the area where Tract B of the Estates of Old Leawood was located).
- Estates of Old Leawood planned walking trails and tennis courts within the area that is proposed as Tract A of Village of Leawood, which wraps around the east side of the lots around the existing cul-de-sacs on the east side of Sagamore. Tract A is primarily located within the floodplain. The trails and tennis courts were never constructed. This application is proposing that Tract A be a riparian forest and meadow and is not proposing the construction of walking trails or tennis courts within this area. As was approved with the Estates of Old Leawood, a hardscaped pedestrian trail to connect 89th Street with an existing pedestrian bridge over Dykes Branch is proposed with this application.
- The applicant is proposing to increase the number of lots in the subdivision from 23 lots on 16.25 acres for a density of 1.42 dwelling units/acre to 24 lots on 16.25 acres for a density of 1.48 dwelling units per acre. Currently the 23 lots of Estates of Old Leawood are grouped around 3 cul-de-sacs on the east side of Sagamore, which have been constructed. The applicant is proposing the following changes to lots:

- As stated above, Rezone Tract B on the west side of Sagamore from REC to RP-2 and plat 4 new lots.
- Remove 1 lot from around the northern cul-de-sac on the east side of Sagamore, going from 7 lots to 6 lots.
- Remove 2 lots from the central cul-de-sac on the east side of Sagamore, going from 10 lots to 8 lots.
- The southern cul-de-sac on the east side of Sagamore will maintain the same number of lots as currently platted, 6 lots.
- The applicant is proposing to increase the size of lots around the northern 2 cul-de-sacs by reducing the number of lots around the cul-de-sacs as stated above, and by increasing the depth of some of the lots around the northern and southern cul-de-sacs. As a result of the increase in the lot depth, Tract A, that will remain zoned REC will decrease in size from 8.17 acres to 7.72 acres, with the difference of 0.45 acres being zoned RP-2 and incorporated into the proposed single family lots.
- Estates Old Leawood was not approved with deviations to setbacks. The Village of Leawood is requesting the following deviations:
 - Front setbacks of 22.5 ft. for all lots except Lot 11 which will have a front setback 26 ft. and Lot 12 which will have a front setback of 23.5 ft.
 - Interior side yard setbacks of 7.5 ft. for Lots 1 through 20.
 - Rear yard setbacks of 0 ft. for Lots 1 through 4, Lots 9 through 12, and Lots 16 through 18.
 - Rear yard setbacks of 15 ft. for Lots 5 through 8, and Lot 14.

BACKGROUND:

- **November 1, 2004**, Case 39-04, Estates of Old Leawood was approved by the Governing Body for a request to Rezone the former Leawood Country Club property from REC to RP-2, a Preliminary Plan and Preliminary Plat for 27 single family lots on 16.25 acres for a density of 1.66 dwelling units/acre. (Ordinance 2887) This application rezoned only the 27 single family lots around 3 cul-de-sacs on the east side of Sagamore to RP-2. Tract B (in the location of Tract A of Village of Leawood), was an 8.17 acre tract on the east side of Sagamore, and Tract A (where Village of Leawood is proposing 4 single family lots on the west side of Sagamore), a 1.29 acre tract, directly adjacent to the single family subdivision of Leawood, zoned R-1, remained zoned REC. Tract B was approved to have pedestrian trails and tennis courts, and Tract A was approved for the construction of a pool and cabana with a small parking lot.
- **May 2, 2005**, Case 12-05, Estates of Old Leawood was approved by the Governing Body for a request of a Final Plan and Final Plat for 27 single family lots on 16.25 acres for a density of 1.67 dwelling units/acre. (Resolution 2398) The Planning Commission recommended approval of this application.
- **March 20, 2006**, Case 06-06, Estates of Old Leawood was approved for a Final Plan and Final Plat to adjust lot lines of the single family lots to provide more uniform lots that could accommodate a house more easily. The number of lots did not change and remained 27 single family lots on 16.25 acres for a density of 1.66 dwelling units/acre. (Resolution 2565)
- **November 5, 2007**, Case 97-07, Estates of Old Leawood was approved for a request for a Revised Preliminary Plan, Revised Final Plan, and Revised Final Plat to reduce the number of lots from 27 single family lots to 23 single family lots on 16.25 acres for a density of 1.42 dwelling units/acre. (Ordinance 2274).

- **April 20, 2009**, Case 13-09, Estates of Old Leawood was approved for a request for a Final Plan to amend the type and placement of street lights within the development and to change the location of the monument signs for the development. (Resolution 3198)
- **August 16, 2010**, Case 40-10, Estates of Old Leawood was approved for a Special Use Permit for a Temporary Sales Trailer. (Ordinance 2457)

SITE PLAN COMMENTS:

- The applicant is proposing 24 single-family lots zoned RP-2, 1 common area tract (Tract A) to the east to remain zoned REC. The density of the development will be 1.48 dwelling units/acre. The maximum density permitted by the Leawood Development Ordinance for the RP-2 district is 7.26 dwelling units per acre. The maximum density of the R-1 district, which is the zoning of the adjacent single family subdivision is 2.90 dwelling units per acre.
- The applicant is proposing to rezone Tract B of the Estates of Old Leawood, a 1.29 acre tract located on west side of Sagamore, adjacent to the single family residential subdivision of Leawood, zoned R-1 to RP-2. The project proposes to replat this tract into 4 single family lots. This tract was approved with the Estates of Old Leawood for a pool with cabana along with a small parking lot. The pool and cabana were never constructed, but the parking lot was installed along with a small retaining wall and a decorative parking lot light fixture. The applicant is proposing to remove the parking lot, parking lot light fixture, and the retaining wall. The applicant is showing that another retaining wall will be constructed on Lot 21 (at the southwest corner of the development) by the home builder to accommodate a home on that lot.
- The remaining 20 single family lots are proposed to be located around 3 existing cul-de-sac streets that extend to the east off of Sagamore. The applicant is proposing to replat the existing 23 single family RP-2 lots of the Estates of Old Leawood subdivision into 20 single family RP-2 lots by removing 1 lot from the northern cul-de-sac (going from 7 lots to 6 lots), removing 2 lots from the central cul-de-sac (going from 10 lots to 8 lots), and leaving the southern cul-de-sac with 6 lots.
- The average size of the lots around the cul-de-sacs will increase due to the number of lots being reduced around the 2 northernmost cul-de-sacs, and the applicant proposing to increase the depth of the lots along the eastern side of the subdivision, adjacent to Tract A. As a result of increasing the lot depth of the easternmost lots around the cul-de-sacs, the applicant is proposing to remove, or reconfigure some of the existing retaining walls along the eastern side of some of the lots.
- The average lot size of the lots on the east side of Sagamore is 11,927 sq.ft. The average lot size for the Estates of Old Leawood is 9,535 sq.ft.. The average lot size for the proposed lots on the west side of Sagamore are 14,081 sq.ft. The minimum lot size permitted by the RP-2 zoning district is 6,000 sq.ft. per lot.
- All the streets within the subdivision have been constructed with the Estates of Old Leawood and are public streets. As part of that project Sagamore was looped to the east and north to connect with 89th Street and 3 short cul-de-sacs were constructed that extended to the east off of Sagamore. The central cul-de-sac is the longest and is approximately 220 ft. in length (measured from curb return). The streets were constructed to City standards and have 50 ft. of right-of-way and are 28 ft. in width back-of-curb to back-of-curb.
- With the exception of a small section of 4 ft. concrete sidewalk connecting to the existing sidewalk along the north side of 89th Street, sidewalks were not constructed with the Estates of Old Leawood. The applicant is proposing to remove the existing section of 4 ft. sidewalk and construct 5 ft. sidewalks to City standards along the east side of Sagamore and along both sides of all 3 cul-de-sacs. The 5 ft. sidewalk on the east side of Sagamore will replace the existing 4 ft. sidewalk to be removed, and provide the connection to the existing 5 ft. sidewalk on the north side of 89th Street.

- Tract A is a large common area tract that is 7.72 acres and circumscribes the east and north boundaries of the lots around the cul-de-sacs. This tract is proposed to remain zoned REC and to be planted with a riparian forest and meadow.
- Dykes Branch runs along a portion of the north and east side of Tract A and separates the development from existing office buildings, zoned SD-O. The majority of this tract is located within the FEMA floodplain.
- The applicant is proposing a 10 ft. wide concrete sidewalk that will connect the existing pedestrian bridge across Dykes Branch to 89th Street. This sidewalk will be in a 20 ft. public access easement, with the exception of a small section where the easement narrows to 15 ft., between the Lot 1 and the adjacent exterior boundary of the subdivision.
- Tiered retaining walls, constructed of a mosaic of Versa-Lok concrete masonry units, were built with the Estates of Old Leawood. These retaining walls are along the eastern side of Lot 5 within the northern cul-de-sac, Lots 9 through 12 of the central cul-de-sac, and Lots 16 and 17 of the southern cul-de-sac. The height of the wall varies with the number of tiers at a particular location (between 1 and 3 tiers). Each tier is approximately 5 ft. in height with a 5 ft. setback between tiers. The tallest portion of the wall is approximately 15 ½ ft. The retaining walls will be the 100 year floodplain limit and were constructed to bring the residential lots on the eastern side of the development out of the floodplain.
- The southernmost lots around the southern cul-de-sac have no retaining wall. The portion of Tract A that is directly east and south of these lots will generally maintain its natural grade.
- A monument sign is proposed to be located at the northwest corner of Tract A. This monument sign was constructed with the Estates of Old Leawood. The applicant is proposing to face the sign with the name of the proposed subdivision.

FINAL PLAT:

- The project proposes to plat 24 single-family RP-2 lots and 1 common area tract (Tract A) on 16.25 acres for a density of 1.48 dwelling units per acre.
- Twenty single family RP-2 lots are proposed to be platted on the west side of Sagamore around the 3 existing cul-de-sacs, and 4 lots on the west side of Sagamore. The average lot size of the lots around the 3 cul-de-sacs is 11,927 sq.ft. and the average lot size of the lots on the west side of Sagamore is 14,081 sq.ft.
- Tract A is a private common area that wraps around the east side of the proposed single-family lots on the east side of Sagamore. This area will be 7.72 acres in size. The average lot size of the overall Village of Leawood development is 12,286 sq.ft.
- All of the proposed lots are to have a front setback 22.5 ft., with the exception of Lot 11 and Lot 12, which are requesting a deviation to allow a 26 ft. and 23.5 ft. front setback respectively. This requires a deviation under Section 16-3-9(A)(5)(a) of the Leawood Development Ordinance, which allows setback from public streets to be reduced to 75% of the standard requirement, if compensating open (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 neighboring properties.
- Per the Leawood Development Ordinance, corner lot street side setbacks are platted at 20 ft.
- Per City standards the public right-of-way for streets is shown to be 50 ft. in width.
- Easements within the development include but are not limited to the following:
 - With the exception of a 15 ft. section at a narrow area between Lot 1 and the adjacent exterior boundary of the development, a 20 ft. sidewalk easement extends east from 89th Street around the lots on the north side of the northern cul-de-sac, to the existing pedestrian bridge across

Dykes Branch. This sidewalk easement is granted to the City of Leawood to construct and maintain a public sidewalk.

- 10 ft. utility easement along the front lot line of all single family lots within the development.
- 10 ft. utility easement along the back of the single family lots around the 3 cul-de-sacs.
- 15 ft. utility easement along the west (back) property line of the 4 lots on the west side of Sagamore.

BULK REGULATIONS:

- The following table lists the bulk regulations for the RP-2 zoning district.

Regulation	Required	Provided
Minimum Lot Size	6,000 sq.ft.	9,808 sq.ft.
Front Setback	30 ft.	22.5 ft.*
Side Setback	10 ft.	7.5 ft.*
Corner Lot Side Setback	20 ft.	20 ft.
Rear Setback	20 ft.	0 ft.*
Lot Depth	120 ft.	95 ft.*
Height	35 ft.	35 ft.*

* Indicates that the applicant is requesting approval of a deviation per Section 16-3-9(A)(5) of the Leawood Development Ordinance

TRAFFIC:

- A traffic study is not required for a residential development.

INTERACT:

- The applicant held an interact meeting on November 10, 2016. A summary of the meeting is attached.

SIGNAGE:

- A monument sign is proposed to be located at the northwest corner of Tract A. This monument sign was constructed with the Estates of Old Leawood. The applicant is proposing to face the sign with the word "VILLAGE" in inlaid molded letters that are 14 in. in height on a precast concrete face that is 24 in. in height.
- The sign is 20 ft. in length and curved with columns of different heights at each end. The shorter column is 5 ft. in height and the taller column is 7 ft. – 6 in. in height. The main body of the sign is 4 ft. – 4 in. in height.
- The monument sign is constructed of gray limestone with a red brick cap and decorative band on the taller column.
- The sign will be externally illuminated with ground mounted LED lights.

LANDSCAPING:

- Per section 16-4-7.2 of the Leawood Development Ordinance, street trees shall be planted at a rate of 1 street tree per 35 ft. White Oaks are proposed to be planted along Sagamore, Little Leaf Lindens are proposed to be planted around the northern and southern cul-de-sacs and Frontier Elms are proposed to be planted along the central cul-de-sac.
- Each of the 3 cul-de-sacs currently has an island that is planted with a Red Maple tree. The applicant is not proposing to irrigate the these landscaped islands.

- The applicant is proposing to plant 3 Riverside Serbian Spruce and 3 Prairie Fire Crabapple trees behind the monument sign at the northwest corner of Tract A.
- Blue Rug Juniper is proposed to be planted between the tiers of the retaining walls.
- Tract A will be developed into a tree covered meadow. The edge along the creek will remain native in condition and the existing euonymus groundcover and understory shrubs will remain in place. Invasive trees less than 4 in. caliper will be removed from the existing open areas and graded for drainage where necessary. A tall thin blade fescue seed mix will be seeded into the graded and disturbed areas. Native shrubs will be added along the creek as forage and habitat. New hardwood trees will be added across the tract as future over-story.
- The applicant has submitted a tree survey that shows the existing trees larger than 6 in. in caliper that are proposed to be removed. The applicant is showing all of the existing trees located on the proposed single family lots as being removed. Other trees to be removed are those that are located in close proximity to lots at the southeast end of the southern cul-de-sac. The applicant has stated that these trees are to be removed due to grading in these areas. Other trees to be removed are dead trees and 2 Elms that are in close proximity to the 10 ft. concrete trail that is proposed to connect 89th Street with the pedestrian bridge that crosses Dykes Branch, at the northwest corner of Tract A. The applicant has proposed to plant two, 4 in. caliper White Oak trees to replace the 2 Elms that are being removed to accommodate the 10 ft. pedestrian trail that connects to the pedestrian bridge.
- The applicant has provided representative landscape plans of landscaping to be planted with the single family homes. The landscaping consists of a variety of shade trees, evergreen trees, ornamental trees, and shrubs.

ELEVATIONS:

Single Family Homes Types:

- The applicant has provided the elevations of several single family homes that show the type and style of home that may be constructed within the development.
- The houses have sloped roofs, with each house having multiple roof pitches.
- The houses are primarily constructed of stucco with some natural stone and brick accents. These accents are typically on the front of the house around the main entry and/or windows. Some of the houses also have metal roof accents over projecting windows.
- The roofs are generally shown to be covered with flat concrete tile.
- Some of the house types have a small courtyard in the front of the house.
- The houses built within the development will have to meet all requirements of the Leawood Development Ordinance and the Building Code.

Retaining Walls with Fences:

- Tiered retaining walls with a 4 ft. black aluminum fence along the top were constructed with the Estates of Old Leawood subdivision. These retaining walls were varied from 1 to 3 tiers with each tier being approximately 5 ft. in height with 5 ft. between tiers.
- The walls are constructed of mosaic Versa Lok concrete masonry units that have been tumbled to have a natural rock appearance. The columns are to have a precast concrete cap in the color of sand beige. Some of the columns are missing the precast caps. These will be installed with this project so that all columns will use the same materials and be uniform in appearance.

LIGHTING:

- The applicant is proposing to use the standard street light fixture used by the City of Leawood. These light fixtures are AEL ATBO-20BLED70 R2 4000 K. These light fixtures have a 30 ft. pole with a 6 ft. arm and are constructed of spun aluminum. The applicant is placing the street light fixtures in accordance with City requirements.
- The monument sign at the northwest corner of the development will be externally illuminated with ground mounted light fixtures. The light fixture is Kim Lighting Micro Flood EL218 and is 5 ½ in. wide, 3 ¾ in. tall mounted on a short arm that can pivot with a total height of approximately 6 ¼ in.

REQUESTED DEVIATIONS:

- Per Section 16-3-9(A)(5) of the Leawood Development Ordinance, Setbacks, deviations to required setbacks as listed in this section may be granted only when 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 neighboring property. The applicant is requesting the following deviations under Section 16-3-9(A)(5) as listed below. The project has sufficient compensating common open space within Tract A of the development.
- The applicant is proposing the following deviations with this application.
 - Front Setback of 22.5 ft.: A deviation to the required front yard setback of 30 ft. Per Section 16-3-9(A)(5)(a), setbacks of buildings from a public street may be reduced to 75% of the standard requirement, which is 22.5 ft. The applicant is proposing 22.5 ft. front yard setbacks on all lots except Lot 11, which proposes a 26 ft. setback, and Lot 12, which proposes a setback of 23.5 ft.
 - Interior Side Setback of 7.5 ft.: A deviation to the required side yard setback of 10 ft. Per Section 16-3-9(A)(5)(c), side yards between buildings may be reduced to zero when the City approves adequate open space for the project and between buildings. The applicant is proposing 7.5 ft. side yard setbacks for all the lots around the cul-de-sacs. No interior side setback deviation is requested for the lots on the west side of Sagamore.
 - Rear Setback of 0 ft.: A deviation to the required rear yard setback of 20 ft.. Per Section 16-3-9(A)(5)(d), interior property line setbacks may be reduced to zero when the City approves adequate open space for the project and between buildings. The applicant is proposing:
 - 0 ft. Rear Yard Setback: Lots: 1-4, 9-12, and 16-18.
 - 15 ft. Rear Yard Setback: Lots: 5-8, and 14.

IMPACT FEES:

- **PARK IMPACT FEE:** The applicant is responsible for a park impact fee of \$300/unit (\$300 X 24 = \$7,200).

STAFF COMMENTS:

- Staff is not supportive of Lot 21 on the west side of Sagamore as the lot is irregular shape, and relatively shallow and does not meet the following Leawood Development Ordinance requirements:
 - Section 16-8-3.7(A)(3). Lots shall be of a symmetrical shape.
 - Section 16-8-3.7 (C). The depths of residential lots shall not be less than 120 ft. Per Section 16-9-164 of the Leawood Development Ordinance, Lot Depth is defined as the average distance from the front property line to the rear property line, measured in the general direction of the side property lines of the lot. The average depth of Lot 21 is 95 ft., with the majority of the

Staff recommends that prior to Governing Body consideration the applicant reconfigure the lots on the west side of Sagamore into 3 lots. **(Stipulation 1)**

The Leawood Development Ordinance does not offer a deviation to these requirements, however, Section 16-8-6.1, Rule Exceptions, states “Whenever the tract to be subdivided is of such an unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these subdivision regulations would result in substantial hardship or inequity, the City may vary from said requirements of design, but not of procedure or improvements, so that the subdivider may develop the property in a reasonable manner. At the same time, however, there must be a finding of unusual hardship as opposed to the mere granting of privileges so that the public welfare and interest of the City is protected and general intent and spirit of this Ordinance preserved. Such a rule exception shall state the reason for each variation and may be passed by a three-fourths (3/4) vote of the regular membership of the Planning Commission subject to review and action, including approval, denial or conditional approval, by a majority of the membership of the Governing Body.”

- Per Section 16-1-4.1 of the Leawood Development Ordinance states that in cases of a new or amended preliminary plan or final plan or plat, the owner developer, and/or applicant shall be responsible for placing all existing utilities underground prior to the issuance of a building permit or occupancy permit, or at such time mandated by the approved plan or plat. Existing power poles are located along the west property line of Village of Leawood, adjacent to the existing homes within the Leawood subdivision. KCP&L has stated that underground service is currently installed along the west property line of Lots 21 through 24 and is energized. The existing above ground utility poles are still active as they serve the existing homes in the adjacent Leawood subdivision. KCP&L also acknowledged that it previously received payment for the removal of the power poles, but is unable to remove the poles until the adjacent property owners are prepared to pay for connecting to the buried line. **(Stipulation 3)**
- Staff is supportive of the requested deviations to setbacks. The development has sufficient compensating common open space within Tract A of the development, which is 7.72 acres. The deviations will allow flexibility to allow more buildable lots within the project. **(Stipulation 7)**
- Section 16-4-7.3 of the Leawood Development Ordinance requires that all landscaped areas be irrigated. Each of the landscaped islands within the cul-de-sacs is planted with an existing Red Maple Tree. As these islands are formally landscaped, staff recommends that these landscaped islands be irrigated. **(Stipulation 13)**

GOLDEN CRITERIA:

The character of the neighborhood:

This area is characterized by low density single family residential subdivisions of Leawood, Leawood Estates, and Stonebridge to the north, south and west, commercial development in the form of existing office buildings to the north and east across a creek, Dykes Branch. The site is currently approved for 23 single family homes around 3 cul-de-sacs on the east side of Sagamore and a pool and cabana on the west side of Sagamore. Much of the infrastructure for the currently approved subdivision has been installed including public streets, retaining walls, sanitary sewer, sanitary storm sewers, and the parking lot for a pool and cabana.

The zoning and uses of properties nearby:

- North The property to the north is the single family residential subdivision of Leawood, zoned R-1 and existing office buildings SD-O.

- East The property to the east is developed with existing office buildings zoned SD-O.
- South The property to the south is the single family residential subdivisions of Leawood, Leawood Estates and Stonebridge zoned R-1.
- West The property to the west is the single family residential subdivision of Leawood, zoned R-1.

The Suitability of the subject property for uses to which it has been restricted:

Much of the subject property (Tract A) is prone to flooding and is part of the 100-year floodplain according to a watershed study produced by Larkin Associates, which was contracted by Johnson County. Due to this reason the majority of the eastern portion of the property in its current state is not suitable for construction. The applicant is proposing to leave eastern portion of the property zoned REC (Planned Recreation) and to have this area as a natural riparian forest and meadow. A portion of the site to the west has been raised out of the floodplain and retaining walls installed with the approval of the Estates of Old Leawood, a 23 single family lot subdivision approved for rezoning and preliminary approval in 2004, in which much of the infrastructure has been installed including: streets, storm sewers, water lines, gas lines, retaining walls, and sanitary sewer, but no single family homes. The applicant is proposing to reconfigure the currently approved lots of the Estates of Old Leawood subdivision, removing some and increasing the depth of some in order to allow more buildable lots on the east side of Sagamore. The majority of this area where the single family lots are located is currently zoned RP-2, which will remain. The applicant is also proposing to rezone a portion of the property that is part of the current Estates of Old Leawood, on the west side of Sagamore, from REC to RP-2. This portion of the site is currently approved for the construction of a pool, cabana, and small parking lot. The parking lot along with a retaining wall has been constructed, but the pool and cabana have not. The applicant is proposing single family lots on this portion of the property, which is adjacent to existing low density single family residential homes.

The time for which the property has been vacant:

The property was originally developed with Leawood Country Club, a private country club, that included a clubhouse, pool and tennis courts. The club closed in approximately 2002. In 2004, a preliminary plan for a 27 lot single family RP-2 subdivision that included a pool and cabana with walking trails and tennis courts was approved by the City of Leawood Governing Body (Ordinance 2087). Estates of Old Leawood received approval for a Final Plan for the 27 single family lot subdivision in May of 2005 (Resolution 2398). In November of 2005, the developer of Estates of Old Leawood received approval for a Revised Preliminary Plan, Revised Final Plan and Revised Final Plat that reduced the number of lots from 27 single family RP-2 lots to 23 single family RP-2 lots on 16.25 acres for a density of 1.42 units/acre. (Ordinance 2274). Estates of Old Leawood was approved for Revised Final Plan approval for changes to placement of street lights and design of monument signs in April 2009 (Resolution 3198). Infrastructure including public streets, storm sewer, and sanitary sewers began to be installed 2008). The site has remained vacant since the Leawood Country Club was demolished in (2005).

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 property is surrounded by single family residential subdivisions zoned R-1 to the north, south, and west. Existing office development is north and east across Dykes Branch creek. The property is suitable for single family development zoned RP-2, which a portion of the property east of Sagamore has been zoned for since November of 2004. The overall density of the development is proposed to be 1.48 dwelling units/acre. The R-1 zoning district allows a maximum density of 2.9 dwelling units per acre, and

the RP-2 zoning district allows a maximum density of 7.26 dwelling units per acre. The property has remained vacant since the demolition of the Leawood Country Club in 2005. The relative gain will not outweigh the relative hardship if the application were denied. Development of the site will allow the site to be improved and maintained, while providing single family homes for Leawood residents. Currently the site is vacant and the infrastructure that has been installed is showing signs of deterioration.

The recommendation of the permanent staff:

City staff recommends that this application be approved with the stipulations, based on the factors set forth herein and specifically on the compatibility of the use with surrounding uses.

Conformance of the requested change to the adopted master plan of the City of Leawood:

The Comprehensive Plan designates this site as Low Density Residential and Private Open Space. The applicant is proposing to rezone the western 1.29 acres, on the west side of Sagamore, from REC (Planned Recreation) to RP-2. The applicant is proposing to rezone approximately 0.45 acres on the east side of Sagamore from REC to RP-2 to increase the size of some of the lots around the existing cul-de-sacs. Per the Comprehensive Plan RP-2 is listed as medium density, however, the application proposes a density much lower (1.48 dwelling units/acre) than the maximum permitted for RP-2 zoning district (7.26 dwelling units/acre), and lower than the maximum density permitted under the low density residential zoning of R-1 (2.90 dwelling units per acre).

STAFF RECOMMENDATION:

Staff recommends approval Case 113-16, Estates of Old Leawood, with the following stipulations:

1. The project is limited to 23 single-family lots on 16.25 acres for a density of 1.42 units/acre, with a maximum of 3 single family lots west of Sagamore. Prior to Governing Body consideration, the applicant/owner will provide revised plans showing a maximum of 3 lots west of Sagamore.
2. A park impact fee in the amount of \$300/unit is required prior to recording of the Final Plat. (\$300 x 23 = \$6,900)
3. 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 shall be done prior to final occupancy of any home within the project. The power poles located along the west property line shall be removed as the adjacent houses within the Leawood subdivision underground the service lines to their homes.
4. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and meter banks, shall be screened from public view with landscaping.
5. All new utility boxes greater than 36 inches and less than 55 inches in height, a footprint that is 5 feet or greater and less than 15 square feet in area, or a pad footprint 5 feet or greater and less than 15 square feet in area, may be installed only with the prior recommendation of the Planning Commission as being in compliance with this Ordinance based on review of a site plan containing such final development plan information as may be required by the City and with approval of the Governing Body. The City may impose conditions on approval, including but not limited to duration or renewal requirements, where the circumstances are sufficiently unusual to warrant the conditions.
6. 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.
7. The development shall be approved for the following deviations:
 - a) Front setback of 22.5 ft. for all lots except Lot 11 which will have a front setback 26 ft. and Lot 12 which will have a front setback of 23.5 ft.

- b) Interior side yard setback of 7.5 ft. for Lots 1 through 20.
 - c) Rear yard setback of 0 ft. for Lots 1 through 4, Lots 9 through 12, and Lots 16 through 18.
 - d) Rear yard setback of 15 ft. for Lots 5 through 8, and Lot 14.
8. All construction traffic shall enter and exit from 89th Street and be restricted from High Drive and Sagamore through the existing neighborhood.
 9. While Village of Leawood is under construction 89th Street shall be cleaned as necessary.
 10. Construction shall be limited to Monday through Saturday, 8:00 a.m. to 9:00 p.m. and no construction on Sundays.
 11. The applicant/owner will maintain as many quality, existing trees as possible. The applicant/owner shall mark all trees and provide construction staking, including cut and fill, for the location of the trail, storm sewer, retaining walls, grading limits etc. No trees shall be removed without approval from the City Engineer and Director of Community Development.
 12. All street trees shall be planted a maximum of 5 ft. from the back of sidewalk.
 13. All formal landscaped common areas, including all cul-de-sac islands shall be irrigated.
 14. The plant material for all formal landscaped areas shall meet the following requirements. Medium and large deciduous trees shall be 4" caliper as measured 6" above the ground, all small deciduous and ornamental trees shall be a minimum of 8' in height and 2" caliper as measured 6" above the ground, conifers and evergreen trees shall be a minimum of 6' in height, and shrubs shall be a minimum of 5 gallons and 3' in height at the time of planting.
 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) 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.
 - d) All plant identification tags shall remain until issuance of a Final Certificate of Occupancy.
 16. All landscaped open space shall consist of a minimum of 60% living materials.
 17. 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.
 18. Per the Leawood Development Ordinance, the source of illumination shall not be visible on light fixtures.
 19. A 10 ft. wide public pedestrian concrete trail shall be constructed through Tract A to 89th Street, east of the existing pedestrian bridge across Dykes Branch, and meet all AASHTO requirements prior the issuance of any Building Permits for houses within the development.
 20. All sidewalks shall be a minimum of 5 ft. in width and installed per street construction standards and shall comply with the Americans with Disabilities Act.
 21. 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 recording the plat.
 22. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
 23. 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, landscaping, 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.

24. All streets within the subdivision shall be public. The developer or Homes Association will maintain any plantings within the street right-of-way.
25. The applicant/owner shall provide a letter from the owners of all easements that are to be abandoned, stating that they support the vacating of the easements prior to the recording of Final Plat.
26. Development rights under this Final Plan approval shall not vest until all permits required for this use have been issued and construction has begun and substantial amounts of work completed. If substantial amounts of the work have not been completed within 10 years of issuance of such permits, the development rights under this Final Plan approval shall expire.
27. No blasting for construction shall be permitted at anytime.
28. With the exception of privacy fencing for hot tubs, all fencing shall be black aluminum metal fencing, matching the style and color of the existing fencing on the retaining wall.
29. Monument signs shall be placed within a common area designated as a separate tract of land to be maintained by the development or homes association.
30. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of 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.



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax

MEMORANDUM

Date: January 4, 2017

To: Richard Coleman, Director of Community Development

From: David Ley, P.E., City Engineer 
Department of Public Works

Re: Village of Leawood
Case Number: 113-16

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) Traffic Impact Analysis
 - a) A traffic study was not required during the approval of the Estates of Old Leawood project. Removing the Leawood Country Club and constructing 23 residential lots decreased traffic on to 89th Street.
 - b) Staff did not request an updated traffic study for Village of Leawood. The Village of Leawood development includes one more lot than the previously approved plan. The estimated peak hour traffic increase is one vehicle over the previously approved plan.
- 2) Storm Water Study
 - a) The volume of storm water storage area within Tract A is the same as the previously approved final plan. On the previous plan the City's consultant, Larkin & Associates, agreed with the developer's engineer that there would be no-rise in the FEMA 100 year water surface elevation. The engineer for Village of Leawood submitted a study confirming a no rise in the FEMA 100 year water surface elevation.
 - b) Storm water shall not be allowed to flow from Lots 19 and 20 west to the existing lot.
 - c) The developer shall install a private storm sewer system to collect the water at the rear of Lots 5 and 8 and at the rear of Lots 13 and 16. This will eliminate water flowing overland down the steep embankment between the retaining walls.
- 3) The developer shall construct an overland flow path at the end of the cul-de-sacs in case the storm sewer system becomes blocked.

PW-1

- 4) Prior to issuance of Building Permit:
 - a) Complete the two storm sewer repairs and remove debris from the two RCP line segments identified by City staff.
 - b) Complete the pavement repairs to the roadway as identified by City staff.
 - c) Complete the curb repairs as identified by City staff.
 - d) Construct a 10 foot wide pedestrian trail through Tract A to 89th St east of the existing pedestrian bridge.
- 5) Prior to issuance of Temporary Certificate of Occupancy:
 - a) Complete the street light installation.
- 6) All trees to be removed shall be marked in the field by the developer and reviewed for removal by the City Engineer and the Director of Community Development prior to tree removal. This will require construction staking (including cut and fill) for the location of the trail, storm sewer, retaining walls, grading limits, etc.
- 7) The developer shall be responsible for repair and restoration of all structures, sidewalk, wiring, sod, etc within the Right-of-Way. This includes existing damage to any of these items.
- 8) The developer shall provide as-built storm sewer information in accordance with our standards. This includes, but is not limited to, vertical and horizontal coordinates of all structures constructed or modified, flowline 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.
- 9) 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).
- 10) 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.
- 11) 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.
- 12) The plat will not be released for recording until all the permits from the Department of Public Works have been obtained by the Contractor(s) and all other requirements have been met.

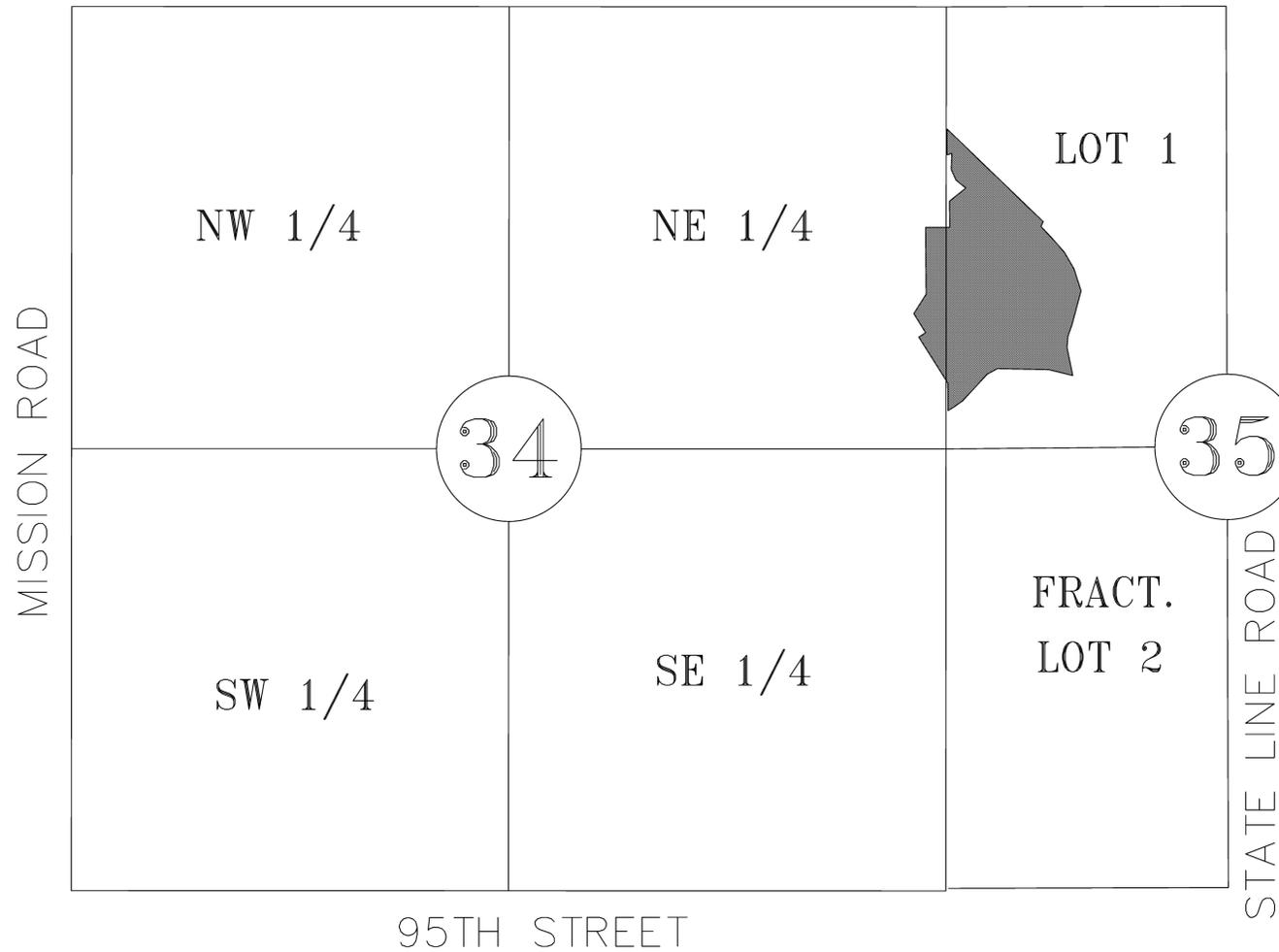
If you have any questions, please call me at (913) 663-9134.

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PW Book

COVER SHEET

VILLAGE OF LEAWOOD

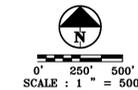
A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



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1	COVER SHEET
2	PRELIMINARY AND FINAL AERIAL 500' AND 1000' PLAN
3	DEMOLITION AND EXISTING INFRASTRUCTURE PLAN
4	TREE SURVEY
5	PRELIMINARY PLAT/PRELIMINARY PLAN/FINAL DEVELOPMENT SITE PLAN
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10	FLOODPLAIN MAP(COLOR)
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A8.1-A8.9	ARCHITECTURAL BUILDING PLANS & ELEVATIONS
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LOCATION MAP

SECTION 34-12-25 & FRACTION SECTION 35-12-25



OWNER/DEVELOPER:
LEAWOOD DEVCO, LLC
10800 FARLEY, SUITE 265
OVERLAND PARK, KS 66210
(913) 345-9300
(913) 469-1400 FAX

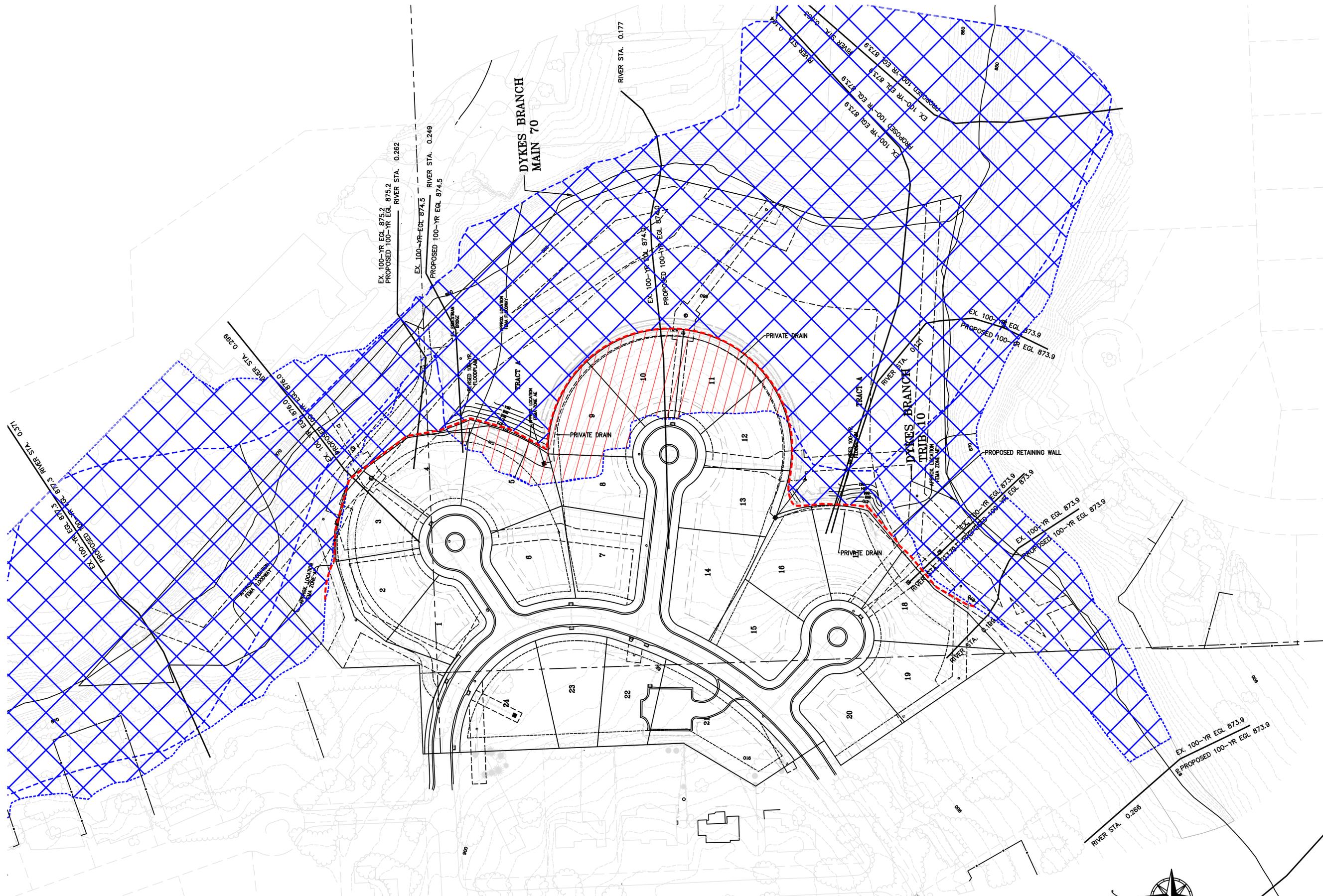
ENGINEER/APPLICANT:
PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS. 66061
(913) 393-1155
(913) 393-1166 FAX

LANDSCAPE ARCHITECT:
BRICK OWENS, PLA
6101 WOODSON
MISSION, KS 66202
(816) 808-7900



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Fax (913) 393-1166

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LEGEND
 FEMA FLOODPLAIN
 FEMA FLOODPLAIN REMOVED



PROJECT NO.	181009	No.	12-22-18	Date	By	App.
DATE:						
DRAWN:	MM					
DESIGNED:	TJT					
CHECKED:						
APPROVED:						

Revisions:	By	App.

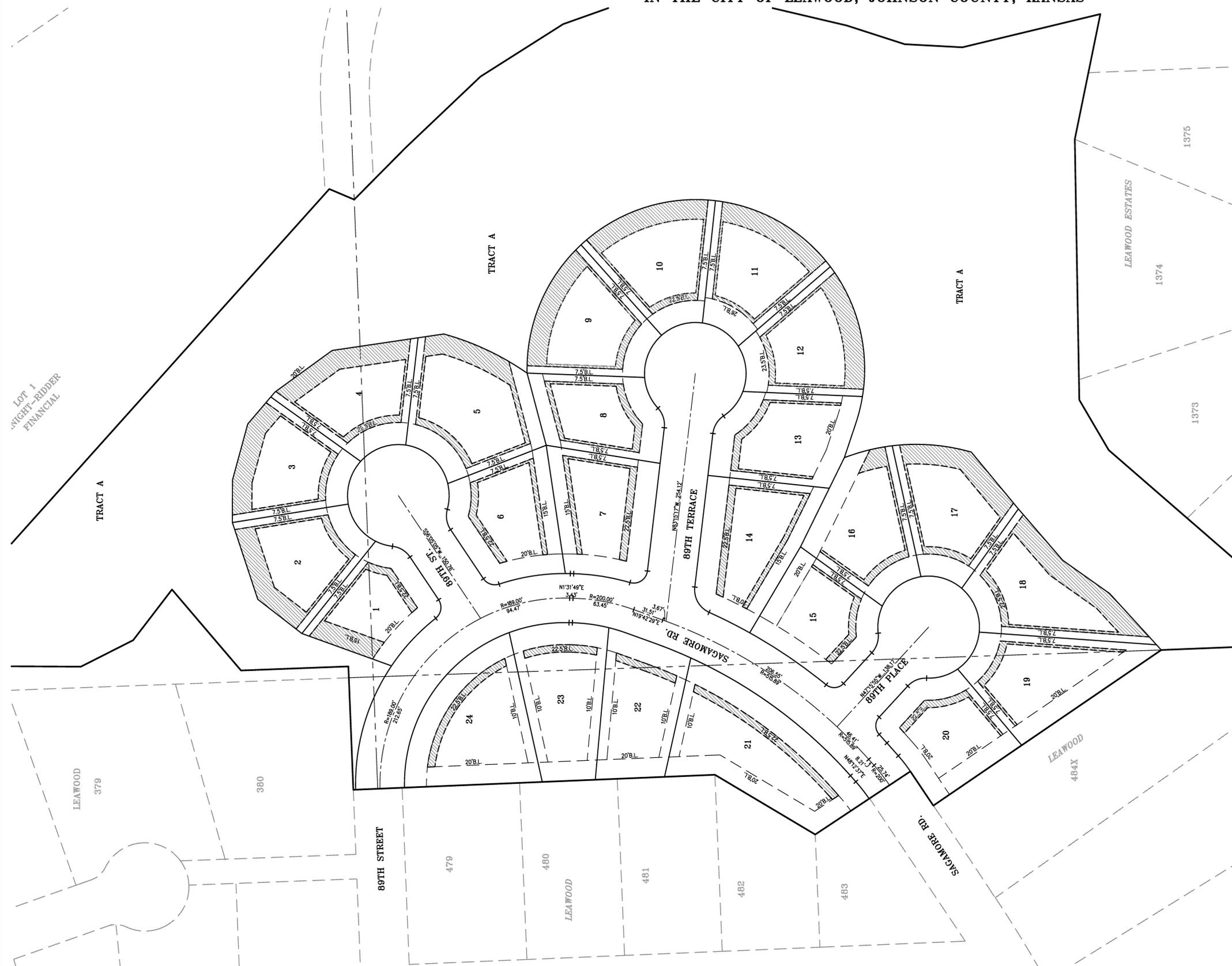
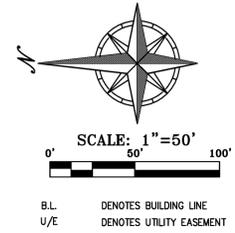
FLOODPLAIN MAP
VILLAGE OF LEAWOOD
LEAWOOD, KANSAS



PHELPS ENGINEERING INC.
 1200 N. Winchester
 Olathe, Kansas 66061
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 Fax: (913) 393-1106
 www.phelpsengineering.com

DEVIATION AREA PLAN OF VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 15, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



SITE DATA TABLE:

GROSS AREA	16.2483 ACRES
ZONING	RP-2
PROPOSED NUMBER OF LOTS	24 SINGLE FAMILY LOTS
DENSITY	1.48 LOTS PER ACRE

	REQUIRED	PROPOSED	REDUCTION
FRONT YARD	30'	22.5'	25%
SIDE YARD*	10'	7.5'	25%
REAR YARD*	20'	15'	25%

*SEE SETBACK TABLE FOR DEVIATIONS.

OPEN SPACE REQUIRED (30%)	4.87 ACRES
DEVIATION SETBACK AREA	1.11 ACRES
OPEN SPACE PROVIDED (46%)	7.72 ACRES

LOT AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
1	10050.88	0.2307
2	11242.39	0.2581
3	10767.38	0.2472
4	11658.07	0.2676
5	14995.32	0.3442
6	12059.92	0.2769
7	12454.31	0.2859
8	9808.43	0.2252
9	11832.95	0.2716
10	12116.51	0.2782
11	11482.88	0.2636
12	11487.47	0.2637
13	12151.08	0.2790
14	13905.13	0.3192
15	11036.00	0.2534
16	12009.79	0.2757
17	11957.74	0.2745
18	13352.26	0.3065
19	12730.05	0.2922
20	11452.81	0.2629
21	17937.44	0.4118
22	11047.34	0.2536
24	14795.56	0.3397
BNDY	707776.91	16.2483
ROW	76594.64	1.7584
TRACT A	336306.49	7.7205

PARCEL / LOT	SETBACKS (IN FEET)									
	FRONT			SIDE			REAR			PROPOSED
	LDO REQ.	LDO	PROPOSED	LDO REQ.	LDO	PROPOSED	LDO REQ.	LDO	PROPOSED	
1	30	22.5	22.5	10	7.5	7.5	20	0	0	0
2	30	22.5	22.5	10	7.5	7.5	20	0	0	0
3	30	22.5	22.5	10	7.5	7.5	20	0	0	0
4	30	22.5	22.5	10	7.5	7.5	20	0	0	0
5	30	22.5	22.5	10	7.5	7.5	20	0	0	15
6	30	22.5	22.5	10	7.5	7.5	20	0	0	15
7	30	22.5	22.5	10	7.5	7.5	20	0	0	15
8	30	22.5	22.5	10	7.5	7.5	20	0	0	15
9	30	22.5	22.5	10	7.5	7.5	20	0	0	0
10	30	22.5	22.5	10	7.5	7.5	20	0	0	0
11	30	22.5	26	10	7.5	7.5	20	0	0	0
12	30	22.5	23.5	10	7.5	7.5	20	0	0	0
13	30	22.5	22.5	10	7.5	7.5	20	0	0	20
14	30	22.5	22.5	10	7.5	7.5	20	0	0	15
15	30	22.5	22.5	10	7.5	7.5	20	0	0	20
16	30	22.5	22.5	10	7.5	7.5	20	0	0	0
17	30	22.5	22.5	10	7.5	7.5	20	0	0	0
18	30	22.5	22.5	10	7.5	7.5	20	0	0	0
19	30	22.5	22.5	10	7.5	7.5	20	0	0	20
20	30	22.5	22.5	10	7.5	7.5	20	0	0	20
21	30	22.5	22.5	10	7.5	10	20	0	0	20
22	30	22.5	22.5	10	7.5	10	20	0	0	20
23	30	22.5	22.5	10	7.5	10	20	0	0	20
24	30	22.5	22.5	10	7.5	10	20	0	0	20

ENGINEER/APPLICANT:

PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS. 66061
(913) 393-1155
(913) 393-1166 FAX

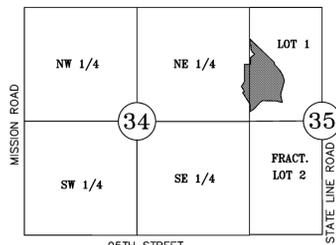
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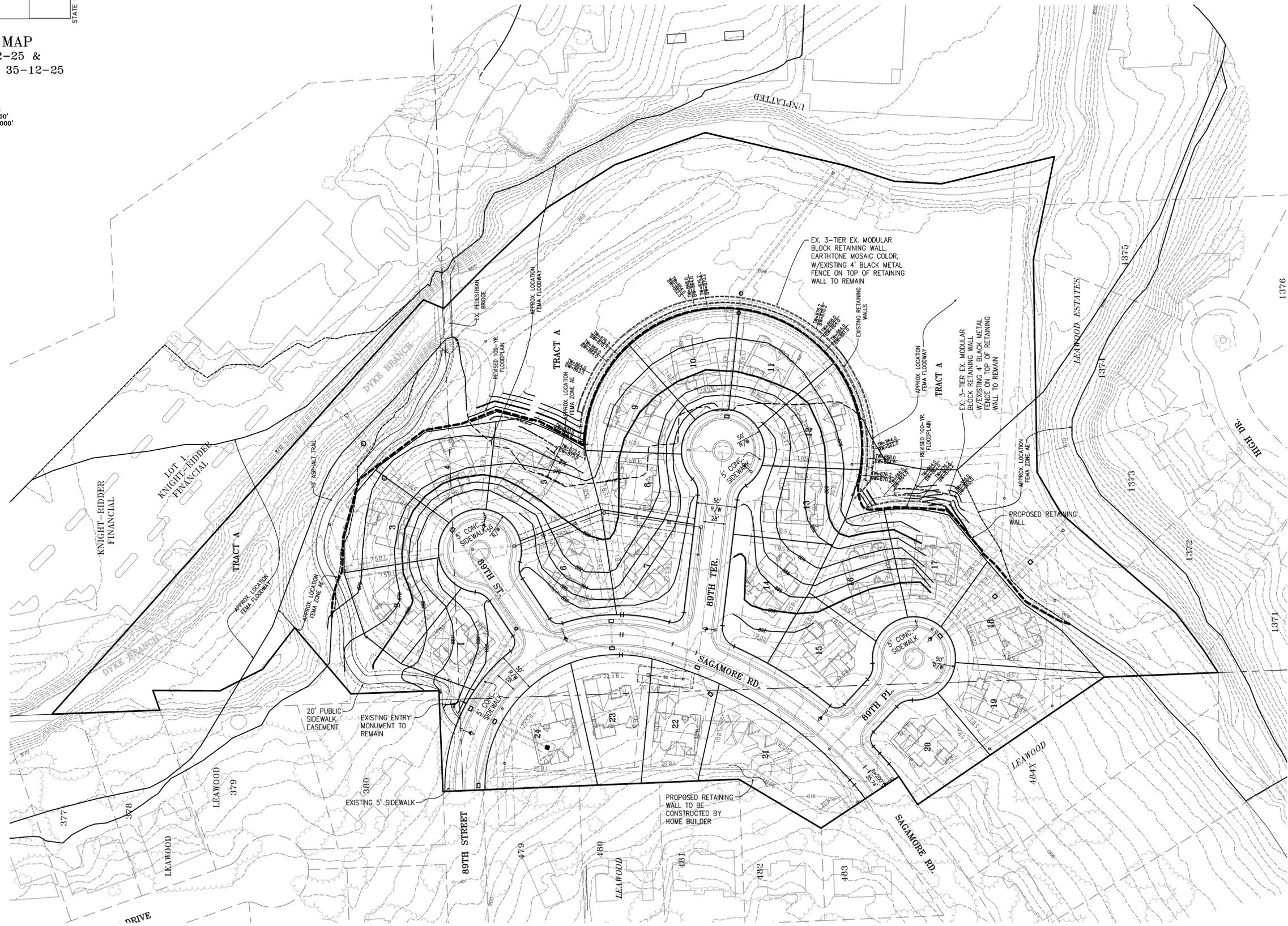
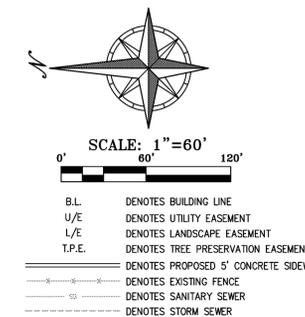
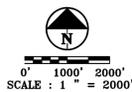
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FINAL DEVELOPMENT GRADING PLAN OF VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



LOCATION MAP
SECTION 34-12-25 &
FRACTION SECTION 35-12-25



OWNER/DEVELOPER:
LEAWOOD DEVCO, L.L.C.
10800 FARLEY, SUITE 265
OVERLAND PARK, KS 66210
(913) 345-9300
(913) 469-1400 FAX

ENGINEER/APPLICANT:
PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS 66061
(913) 393-1155
(913) 393-1166 FAX

LANDSCAPE ARCHITECT:
BRICK OWENS, PLA
6101 WOODSON
MISSION, KS 66202
(616) 808-7900

FLOOD NOTE:
A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.

A PORTION OF THIS PROPERTY LINES WITHIN ZONE X (SHADED), DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF LEAWOOD, COMMUNITY NO. 200167, JOHNSON COUNTY, KANSAS, PANEL NO. 20091C0055G, AND DATED AUGUST 3, 2009.

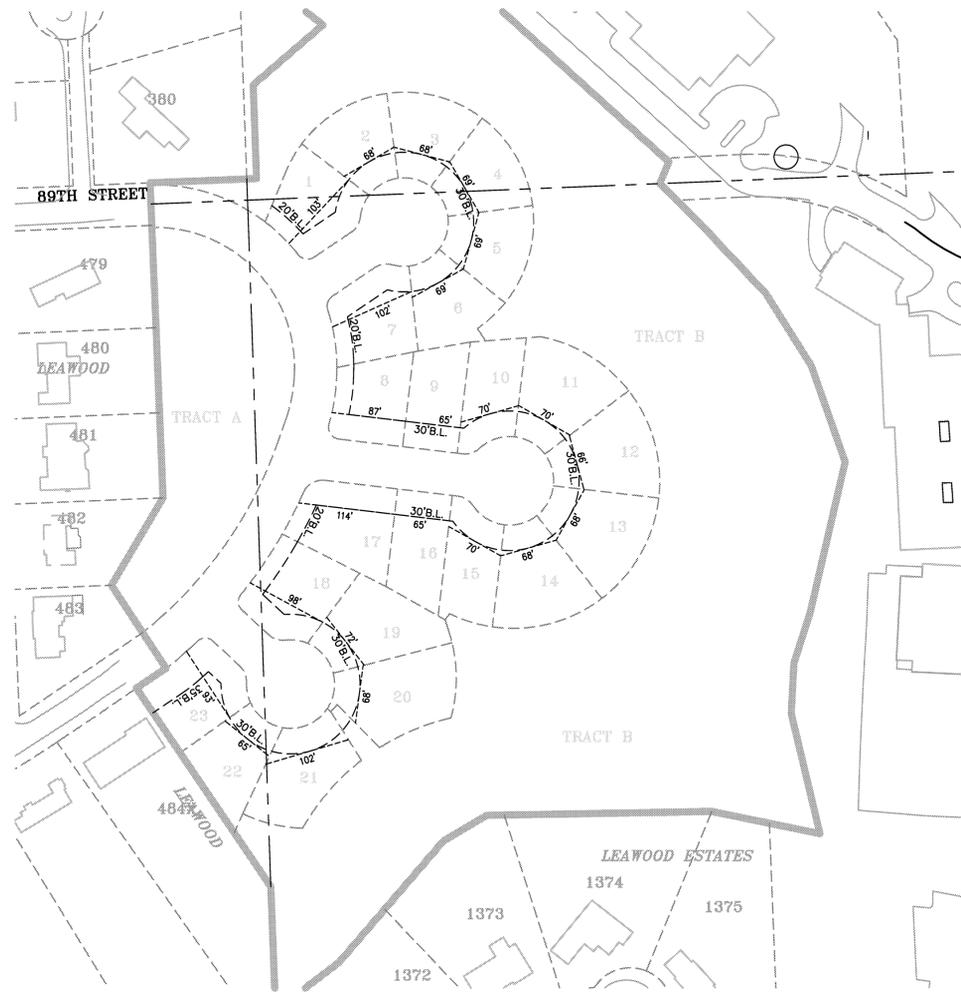
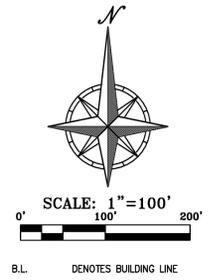
PROJECT NOTE:
1. THE TOPOGRAPHY WAS SUPPLIED BY A.I.M.S. (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON NAVD83 DATUM.
2. ALL TRACTS AS SHOWN HEREON SHALL BE DEDICATED AS PRIVATE OPEN SPACE, COMMON AREAS AND MAY INCLUDE BUT NOT LIMITED TO LANDSCAPING, FENCING, SUBDIVISION MONUMENTS, STORM WATER BMP'S AND AMENITIES AND WILL BE OWNED AND MAINTAINED BY THE HOMES ASSOCIATION.

PHELPS ENGINEERING, INC.
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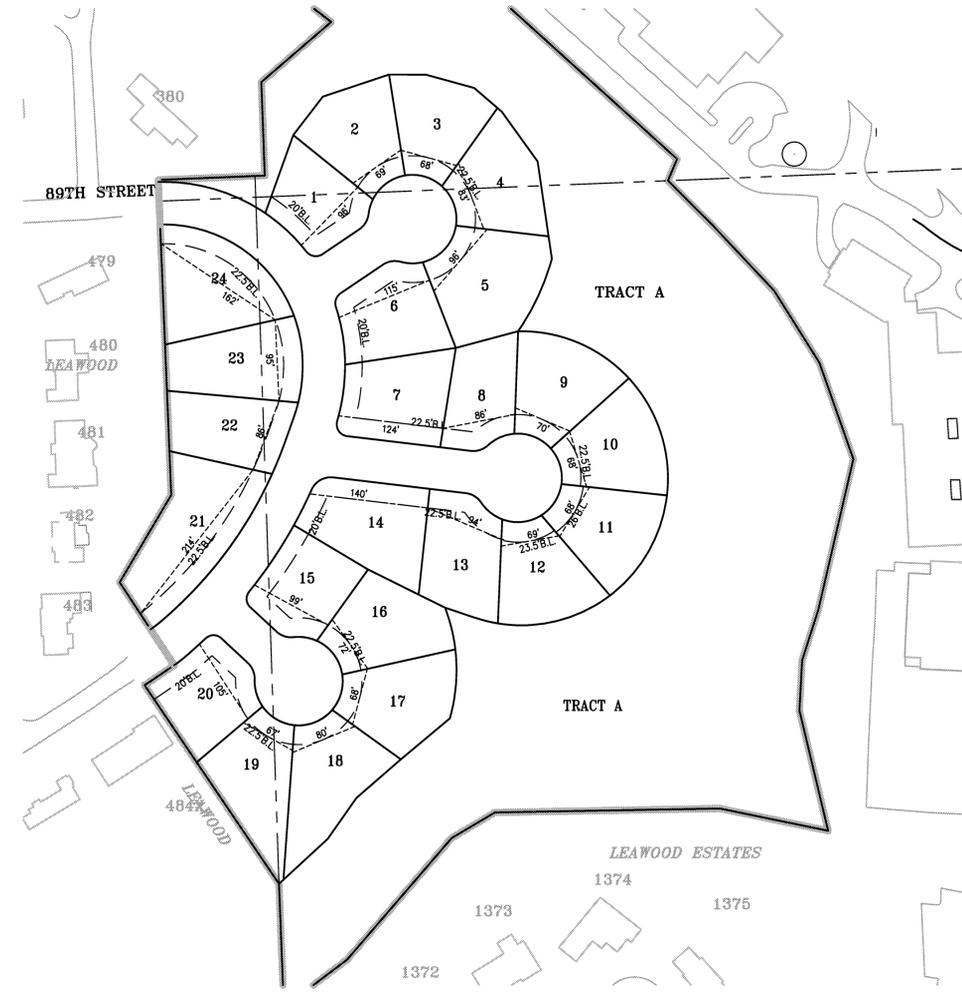
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FRONT BUILDING WIDTH DEVIATION PLAN OF VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 15, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



EXISTING PLAN, THE ESTATES OF OLD LEAWOOD



PROPOSED PLAN, VILLAGE OF LEAWOOD

SUMMARY TABLE					
EXISTING		PROPOSED			
LOT #	BUILDING WIDTH (FT)	LOT #	REQUIRED WIDTH (FT)	DEVIATION WIDTH (FT)	BUILDING WIDTH (FT)
1	103	1	100	80	96
2	68	2	100	80	69
3	68	3	100	80	68
4	69				
		4	100	80	83
5	69				
		5	100	80	96
6	69				
		6	100	80	115
7	102				
8	87	7	100	80	124
9	65				
10	70	8	100	80	86
11	70	9	100	80	70
12	66	10	100	80	68
13	68	11	100	80	68
14	68	12	100	80	68
15	70				
16	65	13	100	80	94
17	114	14	100	80	140
18	98	15	100	80	99
19	72	16	100	80	72
20	68	17	100	80	68
21	102	18	100	80	80
22	65	19	100	80	67
23	93	20	100	80	105
TRACT A		21	100	80	214
TRACT A		22	100	80	86
TRACT A		23	100	80	95
TRACT A		24	100	80	162
STANDARD LOTS		4			6
DEVIATION LOTS		3			9
NON CONFORMING LOTS		16			9

DENOTES DEVIATION (LESS THAN 100', MORE THAN 80')
 DENOTES NON CONFORMING (LESS THAN 80')

ENGINEER/APPLICANT:
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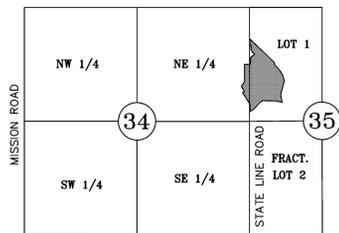
PHELPS ENGINEERING, INC.
 1270 N. Winchester
 Olathe, Kansas 66061
 (913) 393-1155
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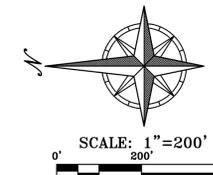
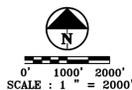
PRELIMINARY AND FINAL AERIAL 500' AND 1,000' PLAN OF

VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



LOCATION MAP
SECTION 34-12-25 &
FRACTION SECTION 35-12-25



OWNER/DEVELOPER:

LEAWOOD DEVCO, L.L.C.
10800 FARLEY, SUITE 265
OVERLAND PARK, KS 66210
(913) 345-9300
(913) 469-1400 FAX

ENGINEER/APPLICANT:

PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS. 66061
(913) 393-1155
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LANDSCAPE ARCHITECT:

BRICK OWENS, RLA
6101 WOODSON
MISSION, KS 66202
(816) 808-7900



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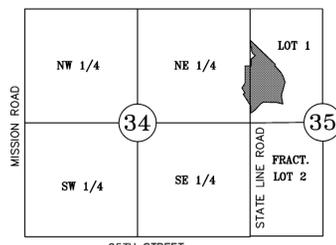
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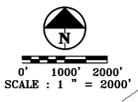
DEMOLITION AND EXISTING INFRASTRUCTURE PLAN

VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



LOCATION MAP
SECTION 34-12-25 &
FRACTION SECTION 35-12-25



- B.L. DENOTES BUILDING LINE
- U/E DENOTES UTILITY EASEMENT
- L/E DENOTES LANDSCAPE EASEMENT
- DENOTES EXISTING FENCE
- SS DENOTES SANITARY SEWER
- DENOTES STORM SEWER
- DENOTES SANITARY OR STORM SEWER TO BE REMOVED
- DENOTES EASEMENTS TO BE VACATED AND NOT REDEDICATED ON VILLAGE OF LEAWOOD, FINAL PLAT

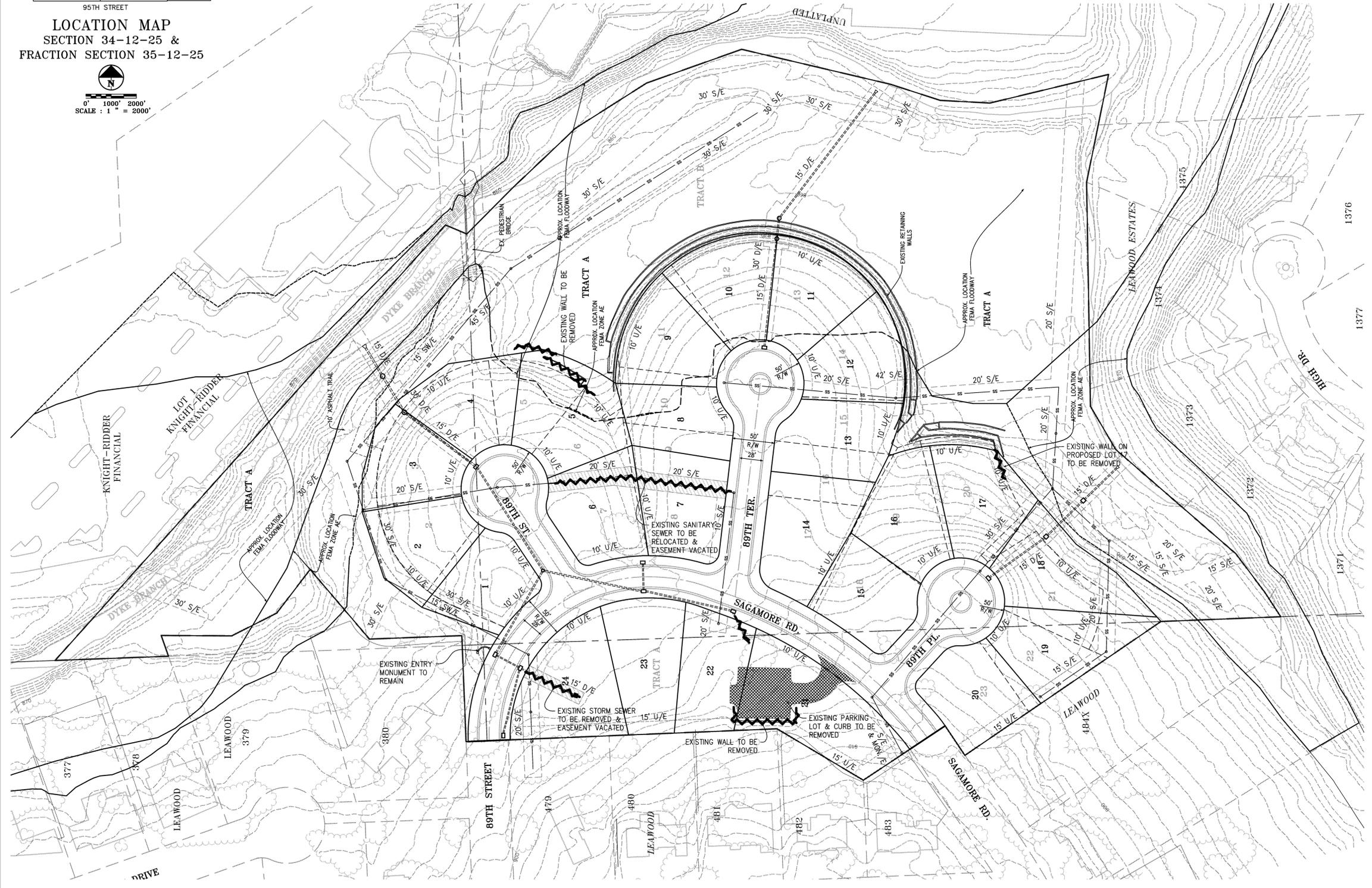
PROJECT NOTE:
1. ALL EASEMENTS PREVIOUSLY PLATTED WITH "THE ESTATES OF OLD LEAWOOD" ARE TO BE VACATED AND REDEDICATED BY THE FILING OF THE FINAL PLAT FOR THE "VILLAGE OF LEAWOOD" EXCEPT FOR THOSE NOTED ON THIS PLAN.

PROJECT NOTE:
1. THE TOPOGRAPHY WAS SUPPLIED BY A.I.M.S. (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON NAVD83 DATUM.
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10800 FARLEY, SUITE 265
OVERLAND PARK, KS 66210
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(913) 469-1400 FAX

ENGINEER/APPLICANT:
PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
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(913) 393-1166 FAX

LANDSCAPE ARCHITECT:
BRICK OWENS, RLA
6101 WOODSON
MISSION, KS 66202
(816) 808-7900



FLOOD NOTE:
A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHAa) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
A PORTION OF THIS PROPERTY LIES WITHIN ZONE X (SHADED), DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF LEAWOOD, COMMUNITY NO. 200167, JOHNSON COUNTY, KANSAS, PANEL NO. 20091C00556, AND DATED AUGUST 3, 2009.

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2. LIQUID WASTE TO BE HANDLED IN THE EXISTING JOHNSON COUNTY WASTEWATER SYSTEM. A MAIN EXTENSION WILL BE REQUIRED TO SEWER LOTS.
3. NO PROPOSED RETAINING WALLS.
4. NO PROPOSED STORM SEWER INLETS OR CULVERTS.

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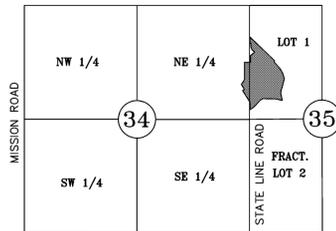
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Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

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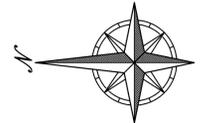
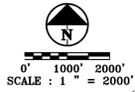
TREE SURVEY

VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



LOCATION MAP
SECTION 34-12-25 &
FRACTION SECTION 35-12-25

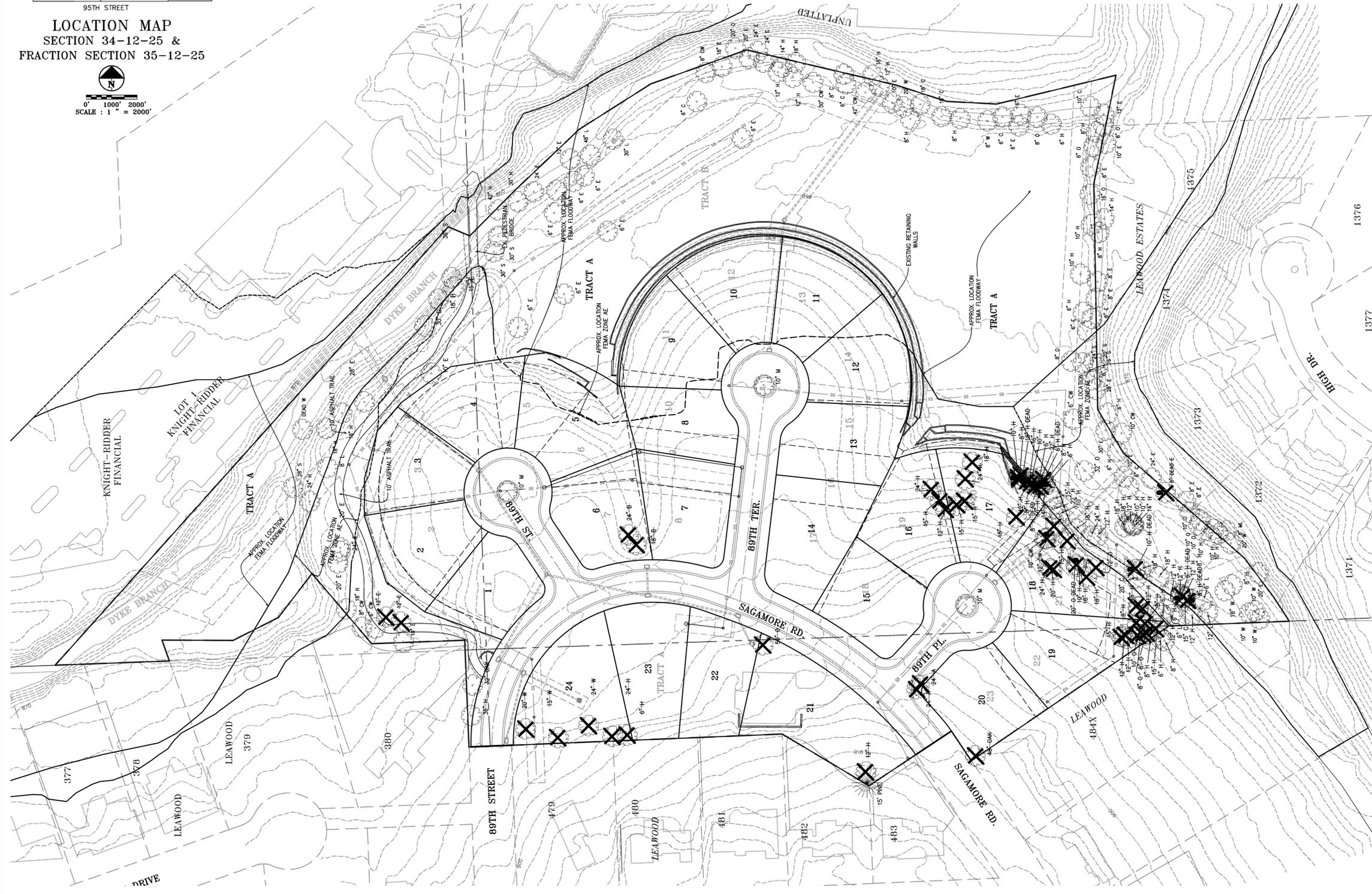


SCALE: 1" = 60'



- B.L. DENOTES BUILDING LINE
- U/E DENOTES UTILITY EASEMENT
- L/E DENOTES LANDSCAPE EASEMENT
- T.P.E. DENOTES TREE PRESERVATION EASEMENT
- DENOTES PROPOSED 5' CONCRETE SIDEWALK
- - - DENOTES EXISTING FENCE
- SS DENOTES SANITARY SEWER
- DENOTES STORM SEWER

- DENOTES DEAD TREE TO BE REMOVED
- DENOTES TREE TO BE REMOVED



OWNER/DEVELOPER:
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10800 FARLEY, SUITE 265
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OLATHE, KS 66061
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LANDSCAPE ARCHITECT:
BRICK OWENS, RLA
6101 WOODSON
MISSION, KS 66202
(616) 808-7900

- LEGEND:**
- A - ASH
 - B - BIRCH
 - C - CHERRY
 - CW - COTTONWOOD
 - E - ELM
 - H - HACKBERRY
 - L - LOCUST
 - OAK - OAK
 - O - OSAGE ORANGE (HEDGE)
 - M - MAPLE
 - ML - MULLBERRY
 - S - SYCAMORE
 - W - WALNUT

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 - LIQUID WASTE TO BE HANDLED IN THE EXISTING JOHNSON COUNTY WASTEWATER SYSTEM. A MAIN EXTENSION WILL BE REQUIRED TO SEWER LOTS.
 - NO PROPOSED RETAINING WALLS.
 - NO PROPOSED STORM SEWER INLETS OR CULVERTS.

PEI
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VILLAGE OF LEAWOOD

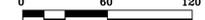
A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS

LEGAL DESCRIPTION:

RESURVEY AND REPLAT OF THE ESTATES OF OLD LEAWOOD, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS, CONTAINING 16.2483 ACRES, MORE OR LESS, OF REPLATTED LAND.



SCALE: 1"=60'



- B.L. DENOTES BUILDING LINE
- U/E DENOTES UTILITY EASEMENT
- L/E DENOTES LANDSCAPE EASEMENT
- T.P.E. DENOTES TREE PRESERVATION EASEMENT
- DENOTES EXISTING FENCE
- DENOTES SANITARY SEWER
- DENOTES STORM SEWER
- DENOTES 30' POLE, 6' ARM, (A&L180-206LE70 R2 400K FIXTURE)
- DENOTES PROPOSED 5' CONCRETE SIDEWALK
- DENOTES CURB & GUTTER

GROSS AREA 16.2483 ACRES
ZONING RP-2
PROPOSED NUMBER OF LOTS 24 SINGLE FAMILY LOTS
DENSITY 1.48 LOTS PER ACRE

DEVIATIONS REQUESTED:		
REQUIRED	PROPOSED	REDUCTION
FRONT YARD 30'	22.5'	25%
SIDE YARD* 10'	7.5'	25%
REAR YARD* 20'	15'	25%

*SEE SETBACK TABLE FOR DEVIATIONS.

OPEN SPACE REQUIRED (30%) 4.87 ACRES
DEVIATION SETBACK AREA 1.11 ACRES
OPEN SPACE PROVIDED (46%) 7.72 ACRES

PROJECT NOTE:

- THE TOPOGRAPHY WAS SUPPLIED BY A.I.M.S. (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON NAVD88 DATUM.
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OWNER/DEVELOPER:

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ENGINEER/APPLICANT:

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OLATHE, KS 66061
(913) 393-1155
(913) 393-1166 FAX

LANDSCAPE ARCHITECT:

BRICK OWENS, PLA
6101 WOODSON
MISSION, KS 66202
(816) 808-7900

LOT AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
1	10050.68	0.2307
2	11242.39	0.2581
3	10767.38	0.2472
4	11658.07	0.2676
5	14995.32	0.3442
6	12059.92	0.2769
7	12454.31	0.2859
8	9808.43	0.2252
9	11832.95	0.2716
10	12116.51	0.2782
11	11482.88	0.2636
12	11487.47	0.2637
13	12151.08	0.2790
14	13905.13	0.3192
15	11036.00	0.2534
16	12009.79	0.2757
17	11957.74	0.2745
18	13352.26	0.3065
19	12730.05	0.2922
20	11452.81	0.2629
21	17937.44	0.4118
22	11047.34	0.2536
23	12544.06	0.2880
24	14795.56	0.3397
BNDY	707776.91	16.2483
ROW	76594.84	1.7584
TRACT A	336306.49	7.7205

PROPOSED SETBACKS (IN FEET)				
PARCEL/LOT	FRONT	SIDE	REAR	
1	22.5	7.5	0	0
2	22.5	7.5	0	0
3	22.5	7.5	0	0
4	22.5	7.5	0	0
5	22.5	7.5	15	15
6	22.5	7.5	15	15
7	22.5	7.5	15	15
8	22.5	7.5	15	15
9	22.5	7.5	0	0
10	22.5	7.5	0	0
11	26	7.5	0	0
12	23.5	7.5	0	0
13	22.5	7.5	20	20
14	22.5	7.5	15	15
15	22.5	7.5	20	20
16	22.5	7.5	0	0
17	22.5	7.5	0	0
18	22.5	7.5	0	0
19	22.5	7.5	20	20
20	22.5	7.5	20	20
21	22.5	10	20	20
22	22.5	10	20	20
23	22.5	10	20	20
24	22.5	10	20	20

REFER TO PLAN SHEET 12 OF 15, DEVIATION AREA PLAN.

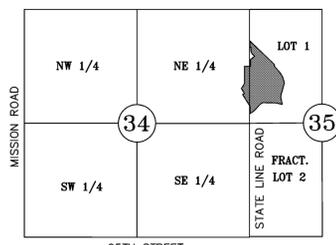
--- DENOTES DEVIATION

- PROPOSED CONDITIONS SUMMARY:**
- ALL PUBLIC STREETS WITHIN THE BOUNDARY ARE CONSTRUCTED AND CLASSIFIED AS LOCAL, NO MODIFICATIONS TO THE EXISTING STREET NETWORK.
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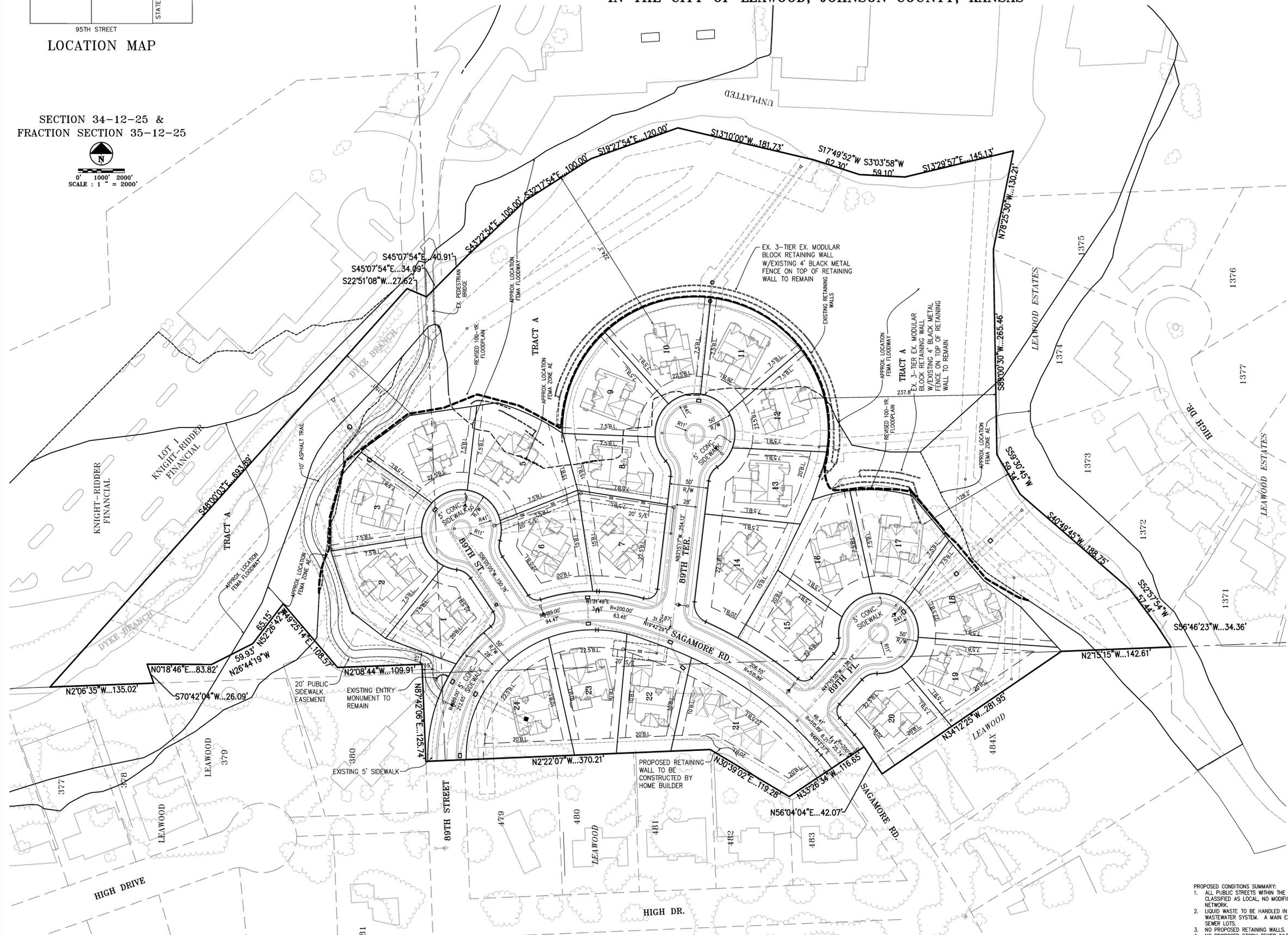
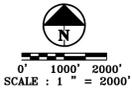
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Fax (913) 393-1166



LOCATION MAP

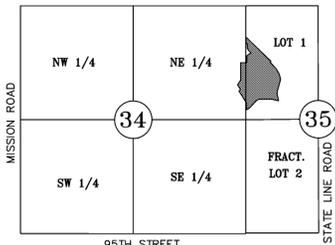
SECTION 34-12-25 &
FRACTION SECTION 35-12-25



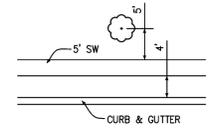
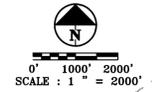
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LANDSCAPE PLAN OF VILLAGE OF LEAWOOD

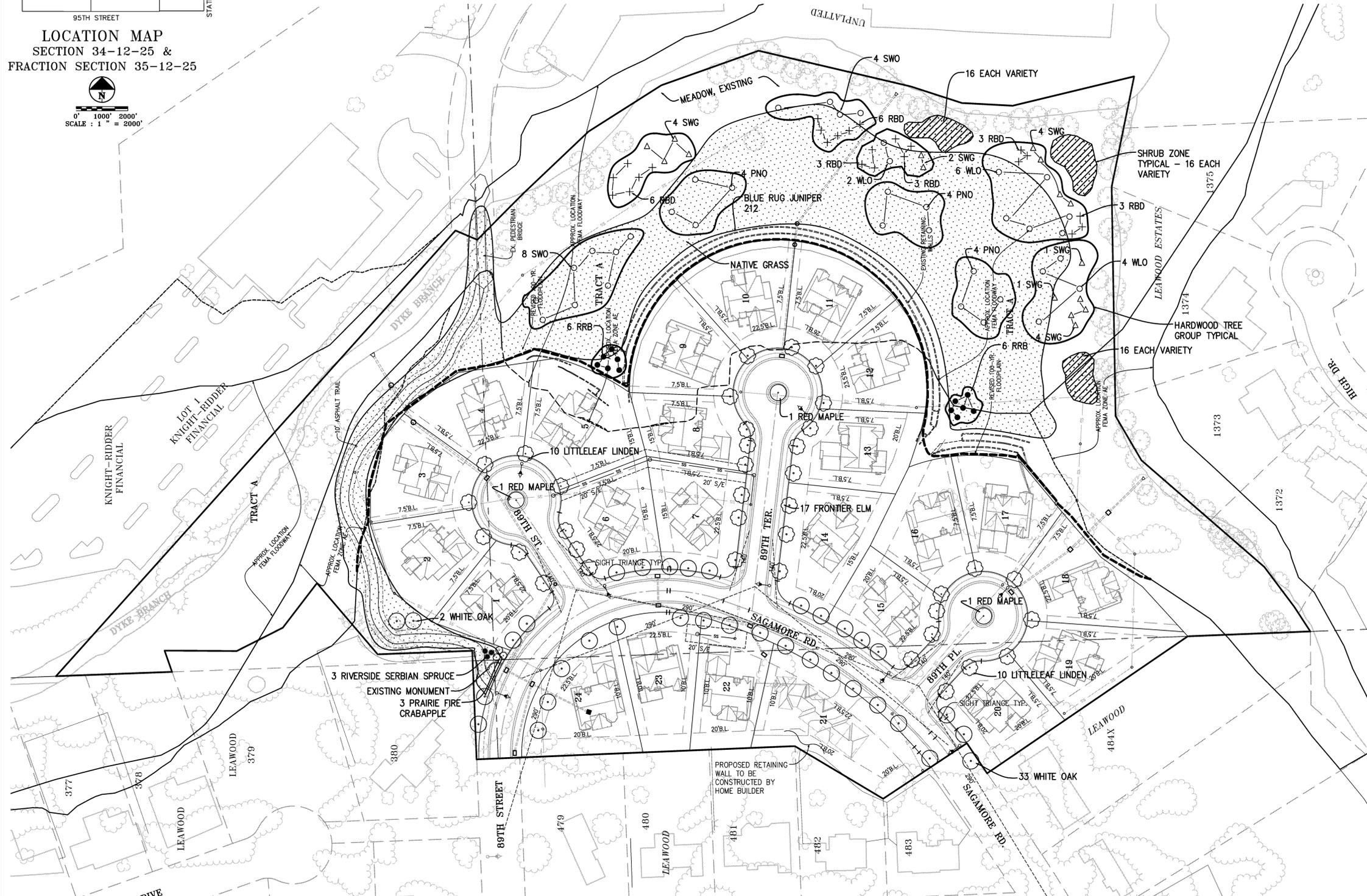
A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



LOCATION MAP
SECTION 34-12-25 &
FRACTION SECTION 35-12-25



STREET TREE PLANTING DETAIL



Common Name	Botanical Name	Size	Notes	QTY
Shade Trees				
Littleleaf Linden	Tilia cordata 'Greenspire'	4" cal.	B&B	20
Frontier Elm	Ulmus carpinifolia x parvifolia 'Frontier'	4" cal.	B&B	17
White Oak	Quercus alba	4" cal.	B&B	35
Autumn Blaze Maple	Acer x cremani 'Jeffred'	6" cal.	existing	3
Total Street Trees				75
Evergreen Trees				
Riverside Serbian Spruce	Picea omorika 'Riverside'	6' Ht. to 8' Ht.	B&B	3
Ornamental Trees				
Prairie Fire Crabapple	Malus x 'Prairie Fire'	2 1/2" caliper	B&B	3
Shrubs				
Tam Juniper	Juniperus Sabina 'Tamariscifolia'	36"	5 gal.	42
Gro Low Sumac	Rhus aromatica 'Gro-Low'	36"	5 gal.	30
Knockout Rose	Rosa 'Knockout' Red	36"	5 gal.	21
Blue Rug Juniper	Juniperus horizontalis	36"	5 gal.	212
Riparian native grasses, wildflowers and hardwood trees				
Common Name	Botanical Name	Size	Notes	QTY
Hardwood Trees				
SWG	Sweetgum	Liquidamber styraciflua	1/2" Cal.	#5 cont. 12
SWO	Swamp White Oak	Quercus bicolor	1/2" Cal.	#5 cont. 16
PNO	Pin Oak	Quercus palustris	1/2" Cal.	#5 cont. 12
WLO	Willow Oak	Quercus phellos	1/2" Cal.	#5 cont. 12
RBD	Redbud	Cercis canadensis	1/2" Cal.	#5 cont. 24
RRB	River Birch	Betula nigra	1/2" Cal.	#5 cont. 12
Shrubs				
	Choke Cherry	Prunus virginica	4" cont.	48
	Elderberry	Sambucus canadensis	4" cont.	48
	Peachleaf willow	Salix amygdaloides	4" cont.	48
Grasses & Wildflowers				
	Tall Thin Blade Fescue	Festuca Arundinacea	#3 Types	6
	Annual Rye			4

Landscape Requirements

Street Trees @ 35' o.c.
2580 LF of street/35' o.c. = 73 trees
Provided = 75 trees

TRACT "A" EXISTING VEGETATION NOTE:

- THE EXISTING GROUND COVER BENEATH TREES TO REMAIN SHALL REMAIN IN PLACE.

TRACT "A" CONSTRUCTION SEQUENCE:

- EXCAVATE TREE ROOTS, SHAPE FOR DRAINAGE, PLACE TOPSOIL, AND PERFORM FINAL GRADE PER STANDARD CONSTRUCTION MEANS AND METHODS.
- PROVIDE GRO-POWER 0-3-1 ORGANIC SOIL CONDITIONER AND INCORPORATE INTO TOPSOIL AT A RATE OF 750 POUNDS PER ACRE WITHIN SEEDING AREA.
- PROVIDE GRO-LIFE GRANULAR MYCORRHIZAL INOCULANT AND INCORPORATE INTO TOPSOIL AT A RATE OF 120 POUNDS PER ACRE WITHIN SEEDING AREA.
- HYDRAULICALLY SLIT SEED SPECIFIED SEED BLENDS IN SEEDING AREA. COMPACT INTO SOIL USING AN AGRICULTURAL CULTIPACTION IMPLEMENT.
- PLACE SHREDDED AGRICULTURAL STRAW AT A RATE OF 4,000 POUNDS PER ACRE WITHIN ALL REMAINING DISTURBED LIMITS. MECHANICALLY CRIMP STRAW INTO SOIL.
- INSTALL CONTAINERIZED PLANTINGS IN SPECIFIED ZONES PER PLAN DETAILS. LOCATE EACH PLANTING WITH A SUITABLE FLAG, OBSERVABLE AT A HEIGHT OF 36 CONTAINERIZED AND DEEP CELL PLANTS SHALL NOT BE INSTALLED DURING AUGUST 31 THROUGH NOVEMBER 15.
- LIMITS OF SEEDING PERIOD SHALL BE AUGUST 22 THROUGH NOVEMBER 1 AND MARCH 15 THROUGH MAY 30.

LANDSCAPE NOTES:

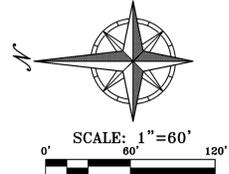
- ALL TREES SHALL BE CALLIPERED AND UNDERSIZED TREES SHALL BE REJECTED.
- ALL HEDGES WITHIN COMMON AREAS SHALL BE TRIMMED TO MAINTAIN A SOLID HEDGE APPEARANCE.
- ANY DEVIATION TO THE APPROVED FINAL LANDSCAPE PLAN SHALL REQUIRE THE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT AND THE CITY OF LEAWOOD, PRIOR TO INSTALLATION.

LANDSCAPE ARCHITECT:

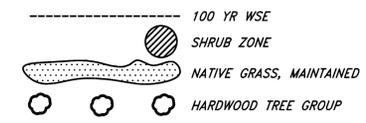
BRICK OWENS, RLA
6101 WOODSON
MISSION, KS 66202
(816) 808-7900

OWNER/DEVELOPER:

LEAWOOD DEVELOPMENT, L.L.C.
10800 FARLEY, SUITE 265
OVERLAND PARK, KS 66210
(913) 345-9300
(913) 469-1400 FAX



LEGEND OF SYMBOLS



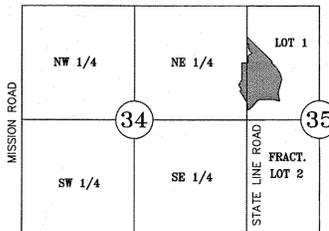
PEI
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IMPLEMENTATION

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

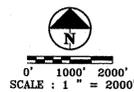
Z:\V\161009\09\PRELIMINARY PLAT.dwg Layout:Lead Jan 06, 2017 - 1:07pm Marc McCall PEI #161009 - 12/22/16

LANDSCAPE PLAN OF VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



LOCATION MAP
SECTION 34-12-25 &
FRACTION SECTION 35-12-25



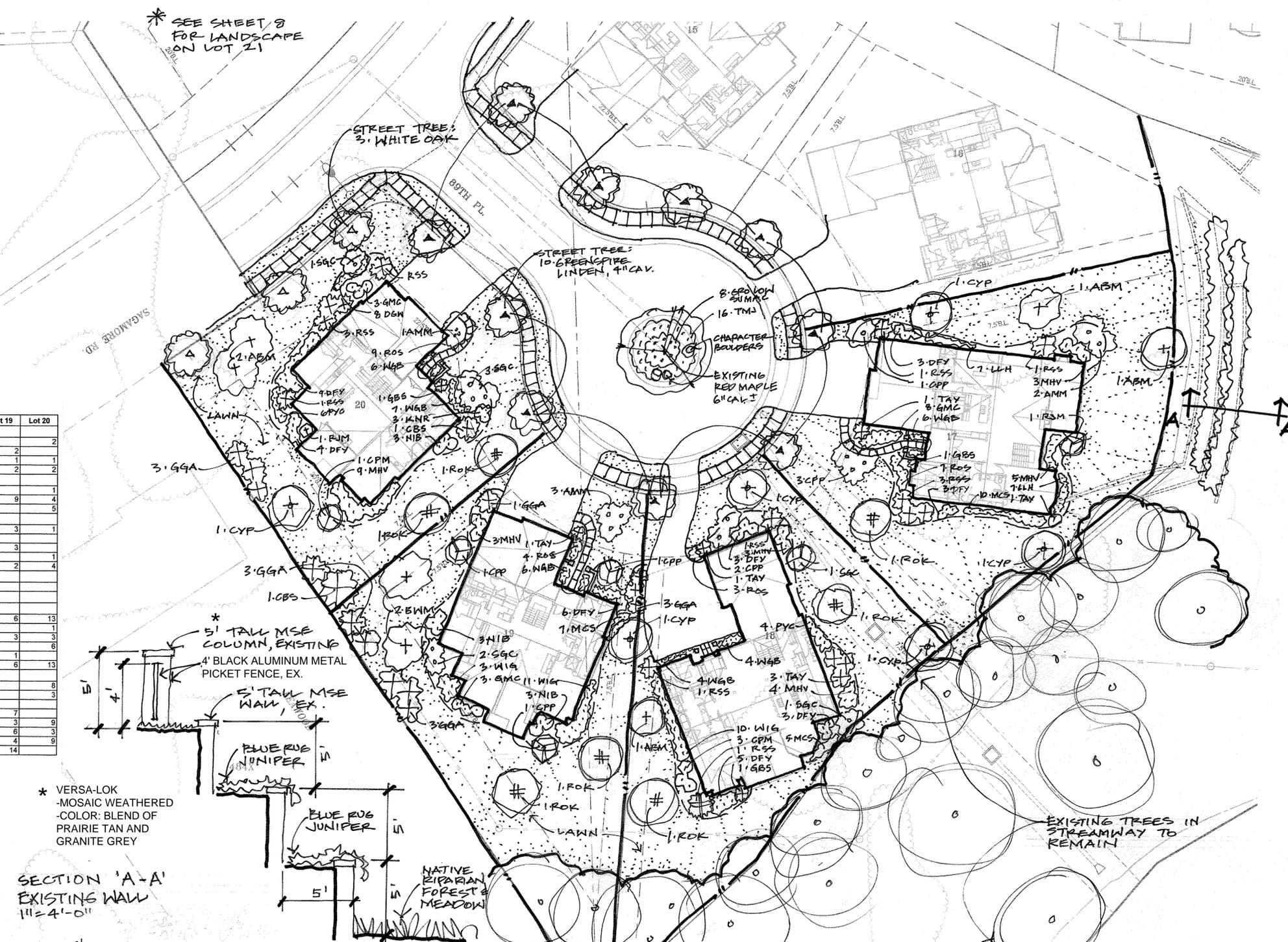
Plant List

Common Name	Botanical Name	Size	Notes	Lot 17	Lot 18	Lot 19	Lot 20
Shade Trees							
ABM	Autumn Blaze Maple	Acer x fermori 'Autumn Blaze'	4" Cal. B&B	2	1		2
BWM	Brady Wine Maple	Acer rubrum 'Brandywine'	4" Cal. B&B			2	
CYP	Bald Cypress	Taxodium distichum	4" Cal. B&B	2	2	1	1
ROK	Red Oak	Quercus rubra	4" Cal. B&B	1	2	2	2
Evergreen Trees							
CBS	Colorado Blue Spruce	Picea pungens	6' Ht. B&B			9	4
GGA	Green Giant Arborvitae	Thuja 'Green Giant'	6' Ht. B&B				
RSS	Riverside Upright Spruce	Picea omorika 'Riverside'	6' Ht. B&B	5	2		5
Ornamental Trees							
AMM	Amur Maple	Acer Ginnala	2" cal 8' Ht.	2		3	1
CPM	Crepe Myrtle	Lagerstroemia indica	2" cal 8' Ht.		3		
CPP	Crimson Pointe Plum	Prunus x cerasifera 'Crispizam'	2" cal B&B	4	2	3	
RJM	Red Japanese Maple	Acer palmatum	2" cal B&B	1			
SGC	Sargent Crabapple	Malus sargentii	2" cal 5' Ht.		2	2	4
Shrubs & Landscape Beds							
Refer to Sheets L2.00 - L2.01							
Shrubs & Landscape Beds							
Evergreen Shrubs							
DFY	Densiformis Yew	Taxus x media 'Densiformis'	5 Gal. 3' Ht.	3	11	6	13
GBS	Globe Blue Spruce (on standard)	Picea pungens 'Glaeva globosa'	5 Gal. 3' Ht.	1			1
GMC	Gold Mop Cypress	Chamaecyparis pisifera 'Golden Mop'	5 Gal. 3' Ht.	8	1	3	3
PYC	Lowboy Pyracantha	Pyracantha coccinea 'Lowboy'	5 Gal. 3' Ht.		4		6
TAY	Taylor Juniper	Juniperus virginiana 'Taylor'	B&B 8' Ht.	2	4	1	
WGB	Winter Green Boxwood	Buxus microphylla 'Winter Green'	5 Gal. 2' Ht.	6	8	6	13
Deciduous Shrubs							
DGW	Dwarf Red Twig Dogwood	Cornus sericea 'Kelsey'	5 Gal. 3' Ht.				8
KNR	Knockout Rose	Rosa knockout	5 Gal. 3' Ht.				3
LLH	Little Lime Hydrangea	Hydrangea paniculata 'Little Lime'	5 Gal.		14		
MCS	Magic Carpet Spirea	Spiraea japonica 'Magic Carpet'	2 Gal.	10	5	7	
MHV	Mohawk Viburnum	Viburnum x burkwoodii 'Mohawk'	5 Gal. 3' Ht.	8	7	3	9
NIB	Diablo Ninebark	Physocarpus opulifolius 'Diablo'	5 Gal. 3' Ht.			6	3
ROS	Hardy Rose	Rosa 'Drift Series'	5 Gal.	5	3	4	9
WVG	Fine Wine Weigela	Weigela florida 'Bramwell'	5 Gal. 3' Ht.	10			14

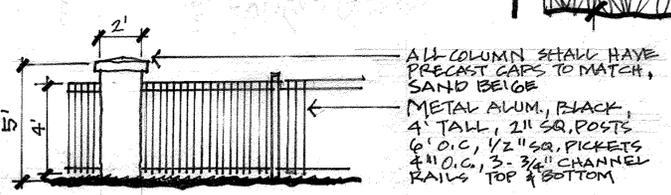
- All trees shall be callipered and undersized trees shall be rejected.
- All hedges within common areas shall be trimmed to maintain a solid hedge appearance.
- Any deviation to the approved final landscape plan shall require the written approval of the landscape architect and the City of Leawood, prior to installation.

GENERAL NOTES:

- EACH BIDDER SHALL VISIT THE SITE OF THE PROPOSED WORK AND EXAMINE THE SITE CONDITIONS. HE SHALL ALSO CAREFULLY EXAMINE THE DRAWINGS FOR THE PROPOSED WORK AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS, WHICH MAY AFFECT THE PROPOSED WORK.
- THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSINGS. EACH PLANT SPECIES MASSING SHALL BE PLACED IN THE FIELD TO UTILIZE GREATEST COVERAGE OF GROUND PLANE. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
 - CREEPING GROUNDCOVER SHALL BE A MINIMUM OF 6" FROM PAVING EDGE.
 - ALL TREES SHALL BE A MINIMUM OF 9' FROM PAVING EDGE.
 - ALL PLANTS OF THE SAME SPECIES SHALL BE EQUALLY SPACED AND PLACED FOR BEST AESTHETIC VIEWING.
 - ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
- NOTIFY LANDSCAPE ARCHITECT 1 WEEK PRIOR TO ANTICIPATED START OF PLANT MATERIAL INSTALLATION. LANDSCAPE CONTRACTOR SHALL STAKE ALL PROPOSED PLANTING BED EDGES, SET OUT SHRUBS IN INTENDED LOCATIONS, AND STAKE TREE LOCATIONS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ALL NEW PLANT BED AREAS TO BE IRRIGATED. REFER TO SHEET L3.00 FOR IRRIGATION SYSTEM DESCRIPTION.
- IN THE EVENT OF WORK IN OR ON THE SANITARY MAIN, ANY TREES OR PLANTINGS PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.



SECTION 'A-A'
EXISTING WALL
1 1/2" = 4'-0"



METAL FENCE & COLUMN ELEVATION
1" = 4'-0"

TYPICAL RESIDENTIAL LANDSCAPE DETAIL



LANDSCAPE ARCHITECT:
BRICK OWENS, RLA
6101 WOODSON
MISSION, KS 66202
(816) 808-7900

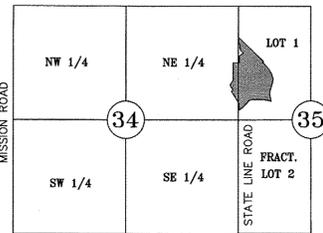
OWNER/DEVELOPER:
LEAWOOD DEVCO, L.L.C.
10800 PARK, SUITE 265
OVERLAND PARK, KS 66210
(913) 345-9300
(913) 469-1400 FAX

PEI
LANDSCAPE ARCHITECT
PHILIPS ENGINEERING, INC.
1270 N. Winchestr
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

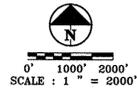
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LANDSCAPE PLAN (LOT 21) OF VILLAGE OF LEAWOOD

A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 34 & NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 12, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS



LOCATION MAP
SECTION 34-12-25 &
FRACTION SECTION 35-12-25



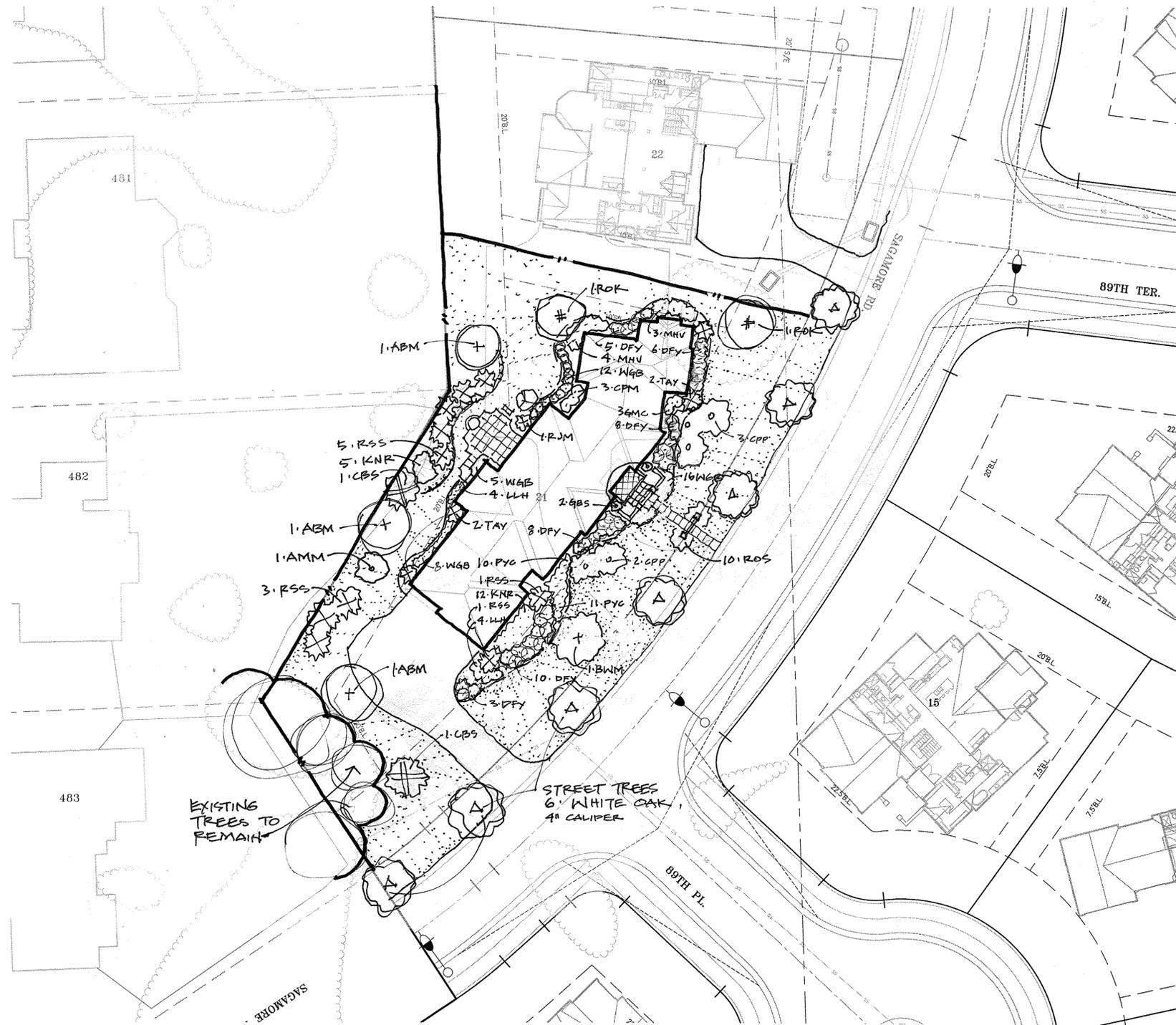
Plant List

Common Name	Botanical Name	Size	Notes	Lot 21
Shade Trees				
ABM	Autumn Blaze Maple	Acer x fermonii 'Autumn Blaze'	4" Cal.	B&B 3
BWM	Brady Wine Maple	Acer rubrum 'Bradywine'	4" Cal.	B&B 1
CYP	Bald Cypress	Taxodium distichum	4" Cal.	B&B
ROK	Red Oak	Quercus rubra	4" Cal.	B&B 2
Evergreen Trees				
CBS	Colorado Blue Spruce	Picea pungens	6' Ht.	B&B 2
GGA	Green Giant Arborvitae	Thuja 'Green Giant'	6' Ht.	B&B
RSS	Riverside Upright Spruce	Picea omorika 'Riverside'	6' Ht.	B&B 10
Ornamental Trees				
AMM	Amur Maple	Acer Ginnala	2" cal	8' Ht. 1
CPM	Crape Myrtle	Lagerstroemia indica	2" cal	8' Ht. 3
CPP	Crimson Pointe Plum	Prunus x cerasifera 'Cripolzam'	2" cal	B&B 5
RJM	Red Japanese Maple	Acer palmatum	2" cal	B&B 1
SGC	Sargent Crabapple	Malus sargentii	2" cal	5' Ht.
Shrubs & Landscape Beds				
Refer to Sheets L2.00 - L2.01				
Shrubs & Landscape Beds				
Evergreen Shrubs				
DFY	Densiformis Yew	Taxus x media 'Densiformis'	5 Gal.	3' Ht. 40
GBS	Globe Blue Spruce (on standard)	Picea pungens 'Glaeva globosa'	5 Gal.	3' Ht. 2
GMC	Gold Mop Cypress	Chamaecyparis pisifera 'Golden Mop'	5 Gal.	3' Ht. 3
PYG	Lowboy Pyracantha	Pyracantha coccinea 'Lowboy'	5 Gal.	3' Ht. 11
TAY	Taylor Juniper	Juniperus virginiana 'Taylor'	B&B	8' Ht. 4
WGB	Winter Green Boxwood	Buxus microphylla 'Winter Green'	5 Gal.	2' Ht. 41
Deciduous Shrubs				
DGW	Dwarf Red Twig Dogwood	Cornus sericea 'Kelsey'	5 Gal.	3' Ht.
KNR	Knockout Rose	Rosa knockout	5 Gal.	3' Ht. 17
LLH	Little Lime Hydrangea	Hydrangea paniculata 'Little Lime'	5 Gal.	3' Ht. 8
MCS	Magic Carpet Spirea	Spirea japonica 'Magic Carpet'	2 Gal.	3' Ht.
MHV	Mohawk Viburnum	Viburnum x burkwoodii 'Mohawk'	5 Gal.	3' Ht. 7
NIB	Diablo Ninebark	Physocarpus opulifolius 'Diablo'	5 Gal.	3' Ht.
ROS	Hardy Rose	Rosa 'Drift Series'	5 Gal.	3' Ht. 10
WIG	Fine Wine Weigela	Weigela florida 'Bramwell'	5 Gal.	3' Ht.

- All trees shall be callipered and undersized trees shall be rejected.
- All hedges within common areas shall be trimmed to maintain a solid hedge appearance.
- 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.

GENERAL NOTES:

- EACH BIDDER SHALL VISIT THE SITE OF THE PROPOSED WORK AND EXAMINE THE SITE CONDITIONS. HE SHALL ALSO CAREFULLY EXAMINE THE DRAWINGS FOR THE PROPOSED WORK AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS, WHICH MAY AFFECT THE PROPOSED WORK.
- THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSINGS. EACH PLANT SPECIES MASSING SHALL BE PLACED IN THE FIELD TO UTILIZE GREATEST COVERAGE OF GROUND PLANE. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
 - CREeping GROUNDcover SHALL BE A MINIMUM OF 8" FROM PAVING EDGE.
 - ALL TREES SHALL BE A MINIMUM OF 5' FROM PAVING EDGE.
 - ALL PLANTS OF THE SAME SPECIES SHALL BE EQUALLY SPACED APART AND PLACED FOR BEST AESTHETIC VIEWING.
 - ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
- NOTIFY LANDSCAPE ARCHITECT 1 WEEK PRIOR TO ANTICIPATED START OF PLANT MATERIAL INSTALLATION. LANDSCAPE CONTRACTOR SHALL STAKE ALL PROPOSED PLANTING BED EDGES, SET OUT SHRUBS IN INTENDED LOCATIONS, AND STAKE TREE LOCATIONS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- ALL NEW PLANT BED AREAS TO BE IRRIGATED. REFER TO SHEET L3.00 FOR IRRIGATION SYSTEM DESCRIPTION.
- IN THE EVENT OF WORK IN OR ON THE SANITARY MAIN: ANY TREES OR PLANTINGS PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.



LANDSCAPE DETAIL LOT 21



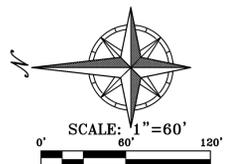
LANDSCAPE ARCHITECT:
BRICK OWENS, RLA
6101 WOODSON
MISSION, KS 66202
(816) 898-7900

OWNER/DEVELOPER:
LEAWOOD DEVCO, L.L.C.
10800 FARLEY, SUITE 265
OVERLAND PARK, KS 66210
(913) 345-8300
(913) 469-1400 FAX

PEI PLANNING
ENGINEERING
IMPLEMENTATION

PHELPS ENGINEERING, INC
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

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PHELPS ENGINEERING, INC.
 1270 N. Winchester
 Olathe, Kansas 66061
 (913) 393-1155
 Fax (913) 393-1166
 www.phelpsengineering.com

PLANNING
 ENGINEERING
 IMPLEMENTATION



FLOODPLAIN MAP
VILLAGE OF LEAWOOD
LEAWOOD, KANSAS

PROJECT NO.	161009	No.	Date	By	App.
DATE:	12-22-16				
DRAWN:	MAM				
DESIGNED:	TJT				
CHECKED:					
APPROVED:					

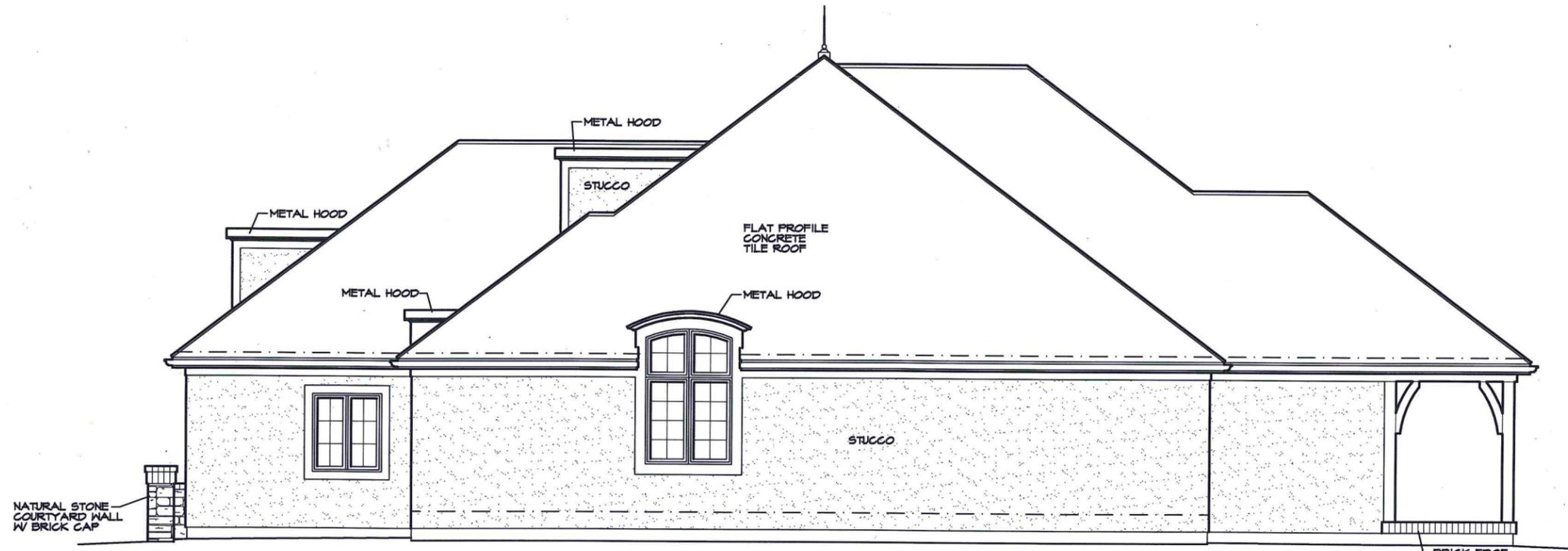




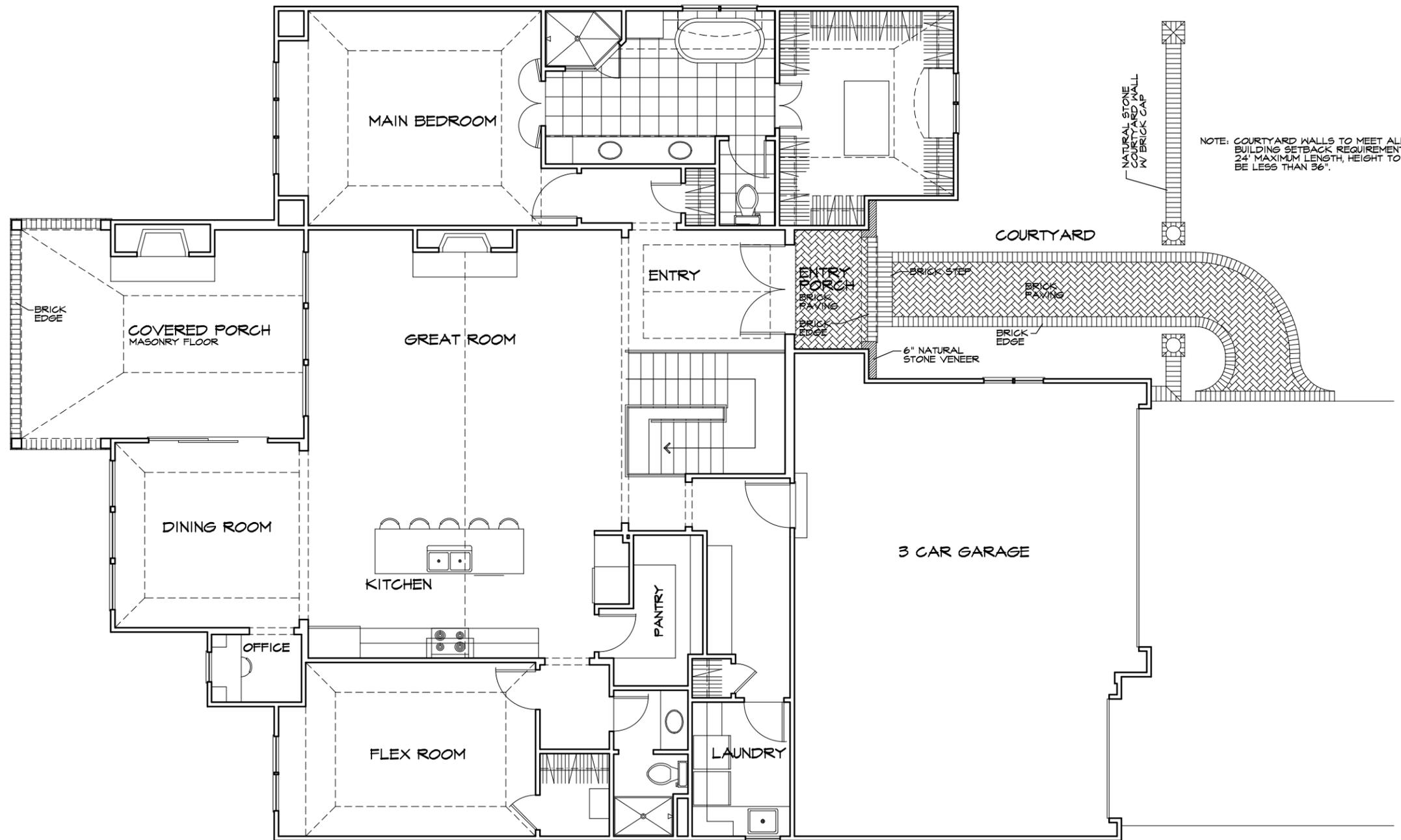
"THE RIVIERA" FRONT ELEVATION

2'-11"
MAXIMUM
HEIGHT

NOTE: COURTYARD WALLS TO MEET ALL BUILDING SETBACK REQUIREMENTS. 24' MAXIMUM LENGTH, HEIGHT TO BE LESS THAN 36".



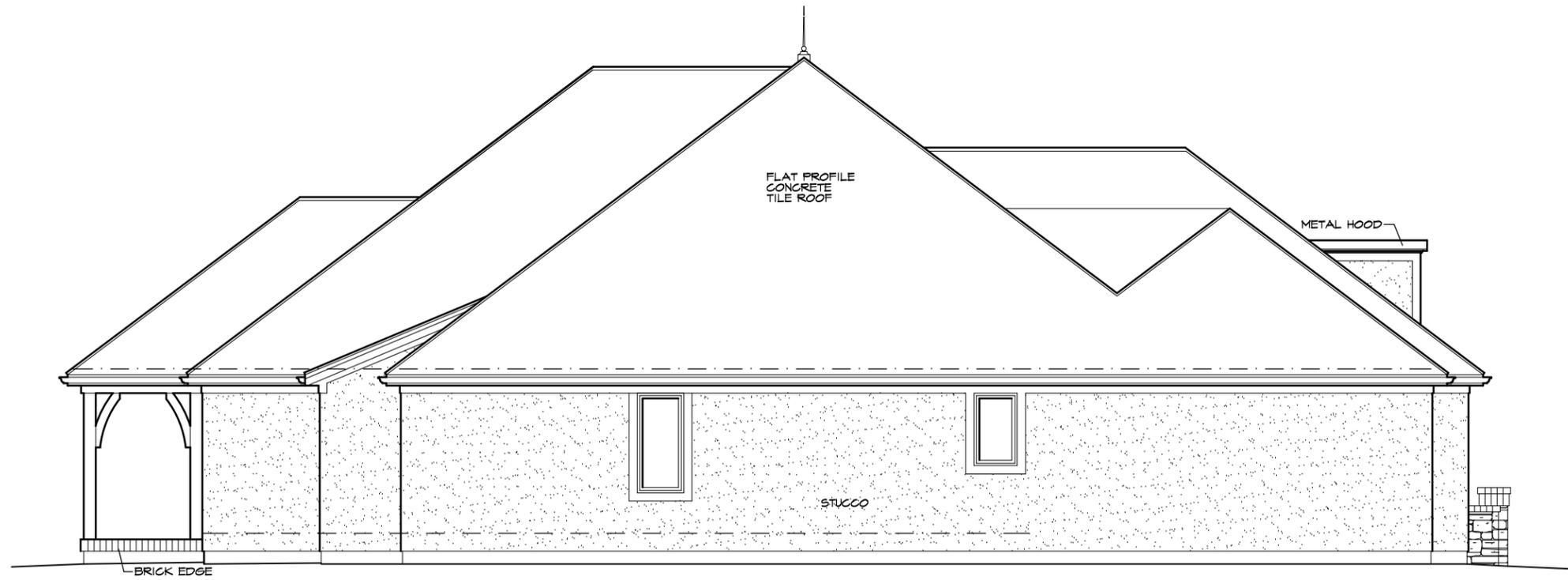
"THE RIVIERA" RIGHT ELEVATION



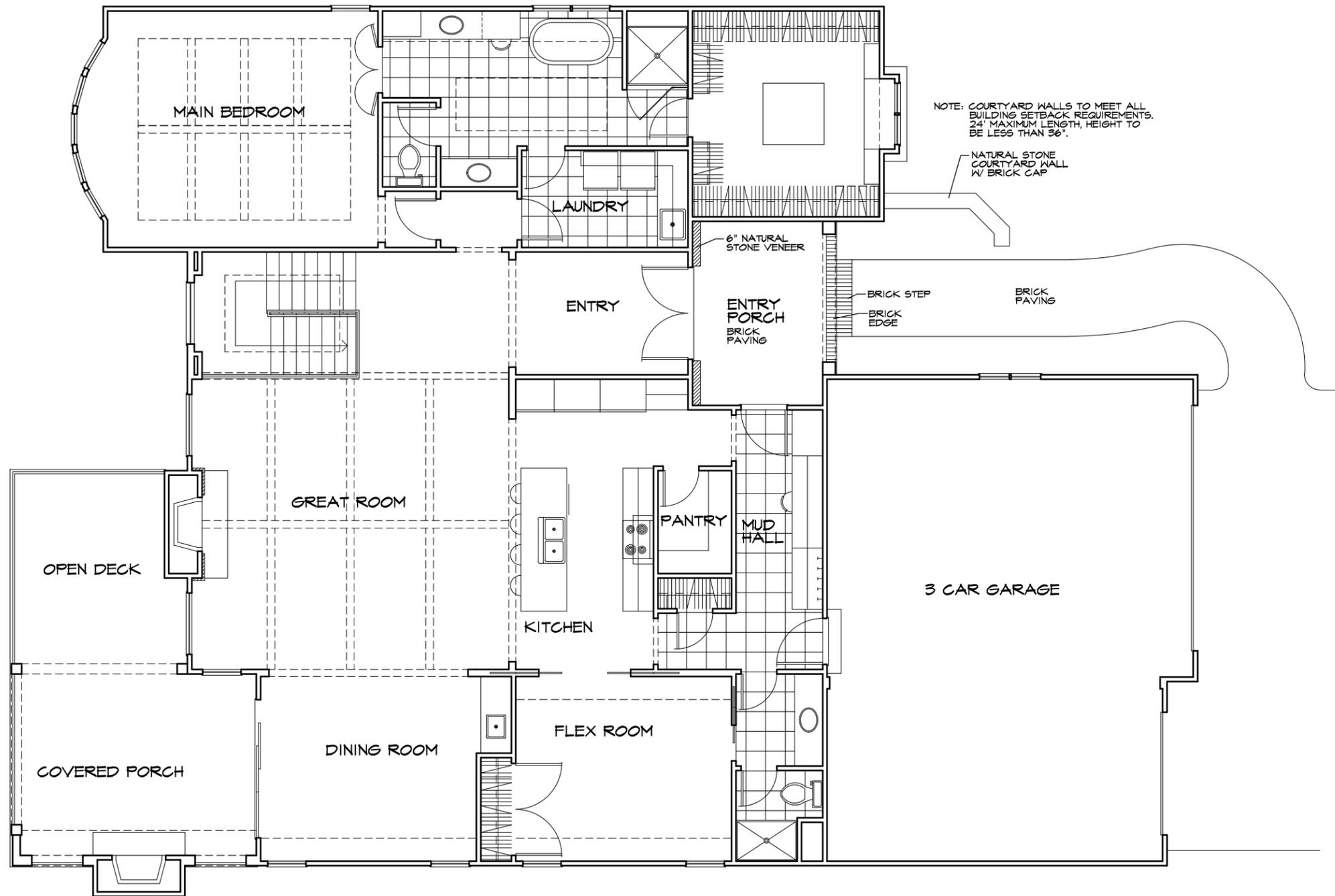
"THE RIVIERA" FIRST FLOOR PLAN
 2,163 SQUARE FEET



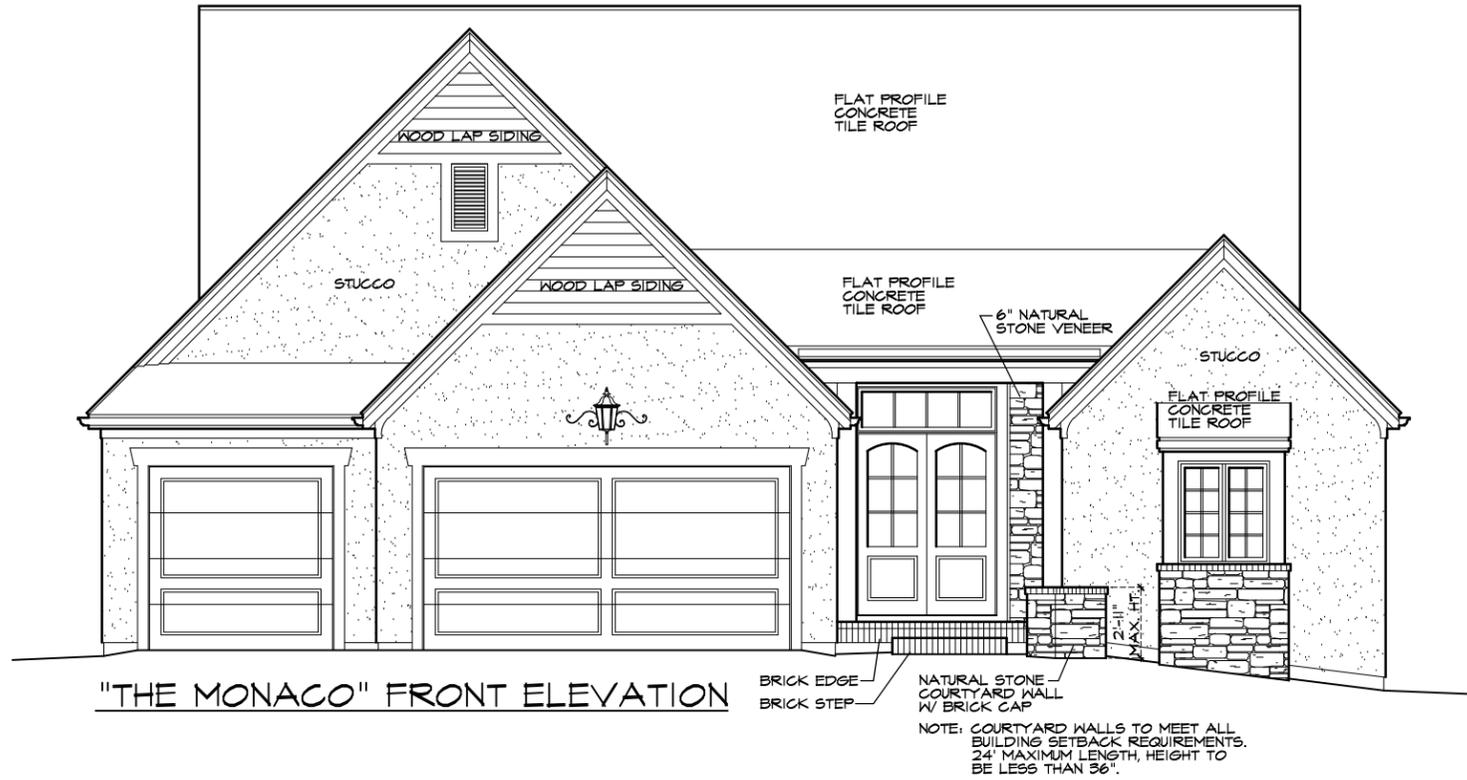
"THE RIVIERA" REAR ELEVATION



"THE RIVIERA" LEFT ELEVATION

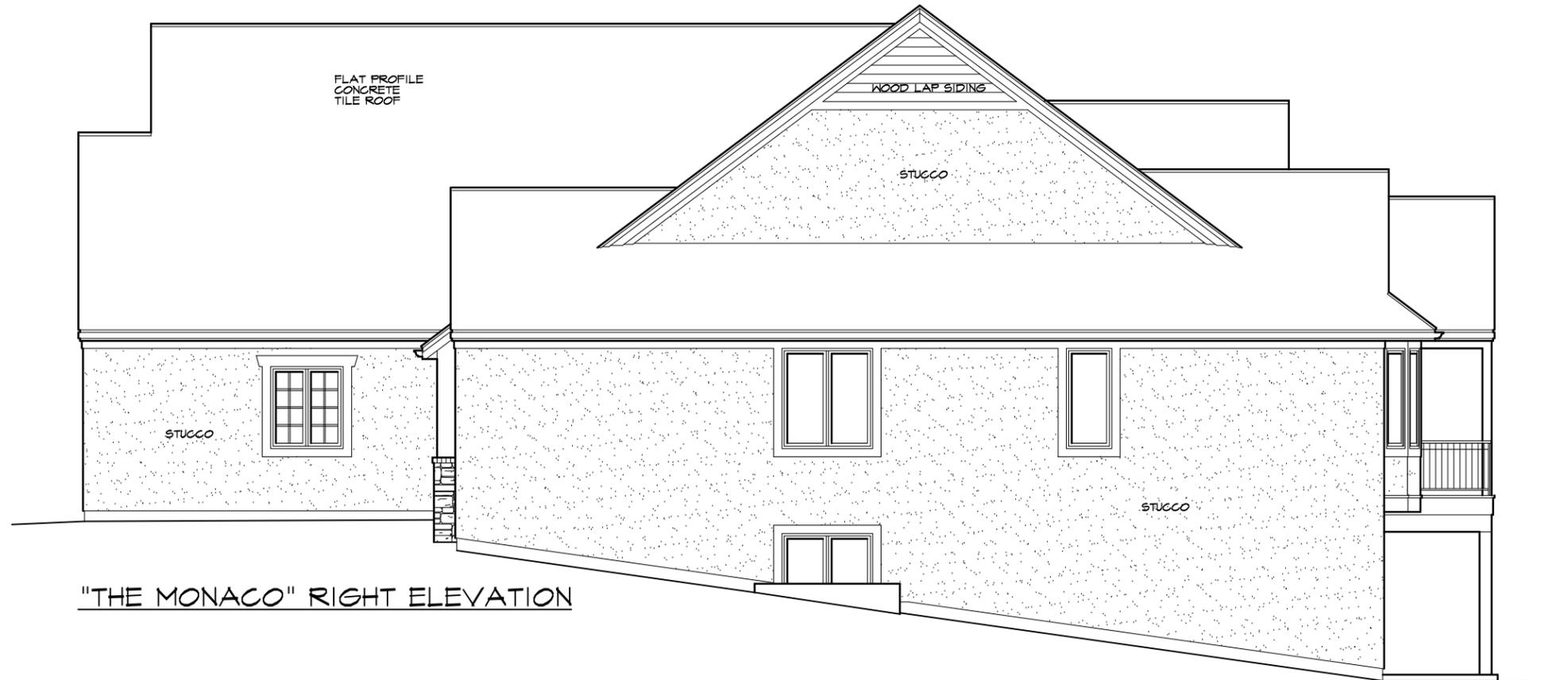


"THE MONACO" FIRST FLOOR PLAN
 2,247 SQUARE FEET



"THE MONACO" FRONT ELEVATION

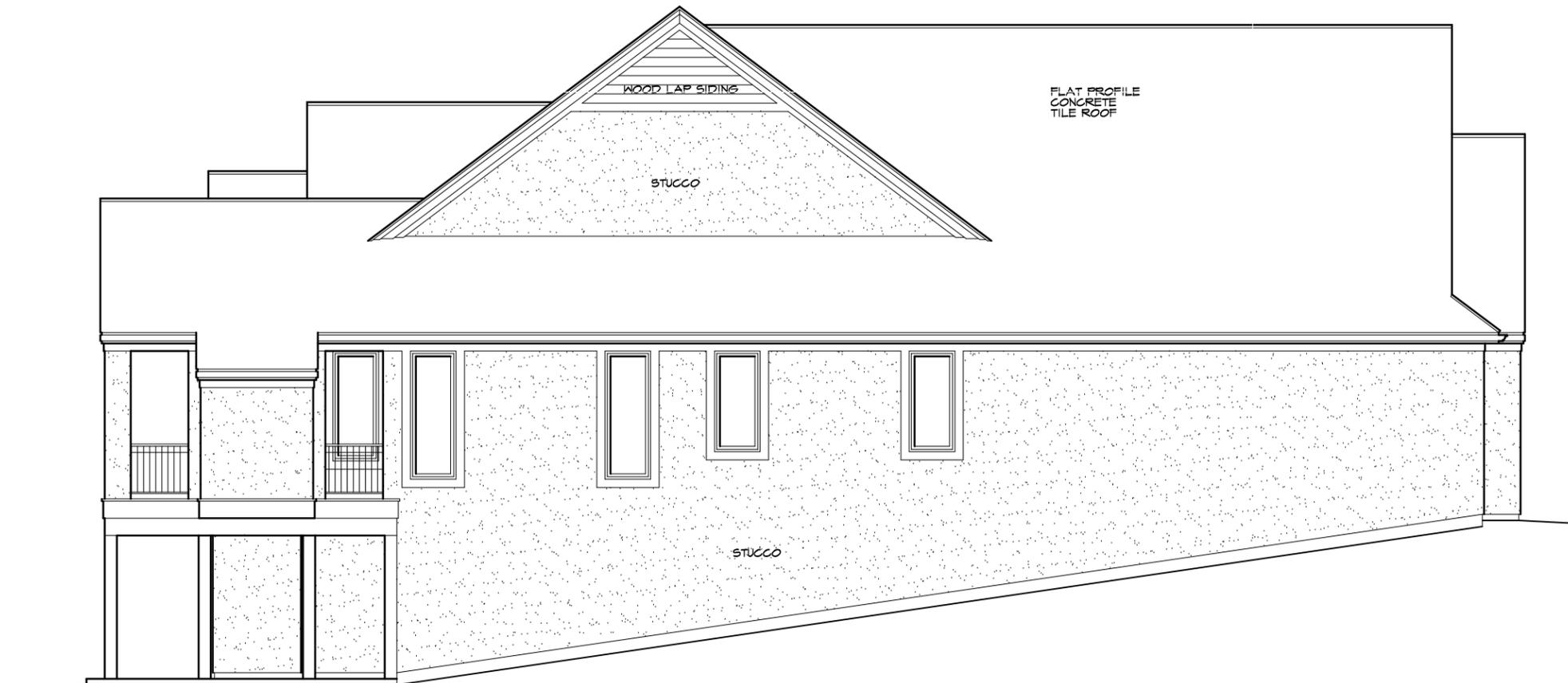
BRICK EDGE
BRICK STEP
NATURAL STONE COURTYARD WALL W/ BRICK CAP
NOTE: COURTYARD WALLS TO MEET ALL BUILDING SETBACK REQUIREMENTS. 24' MAXIMUM LENGTH, HEIGHT TO BE LESS THAN 36".



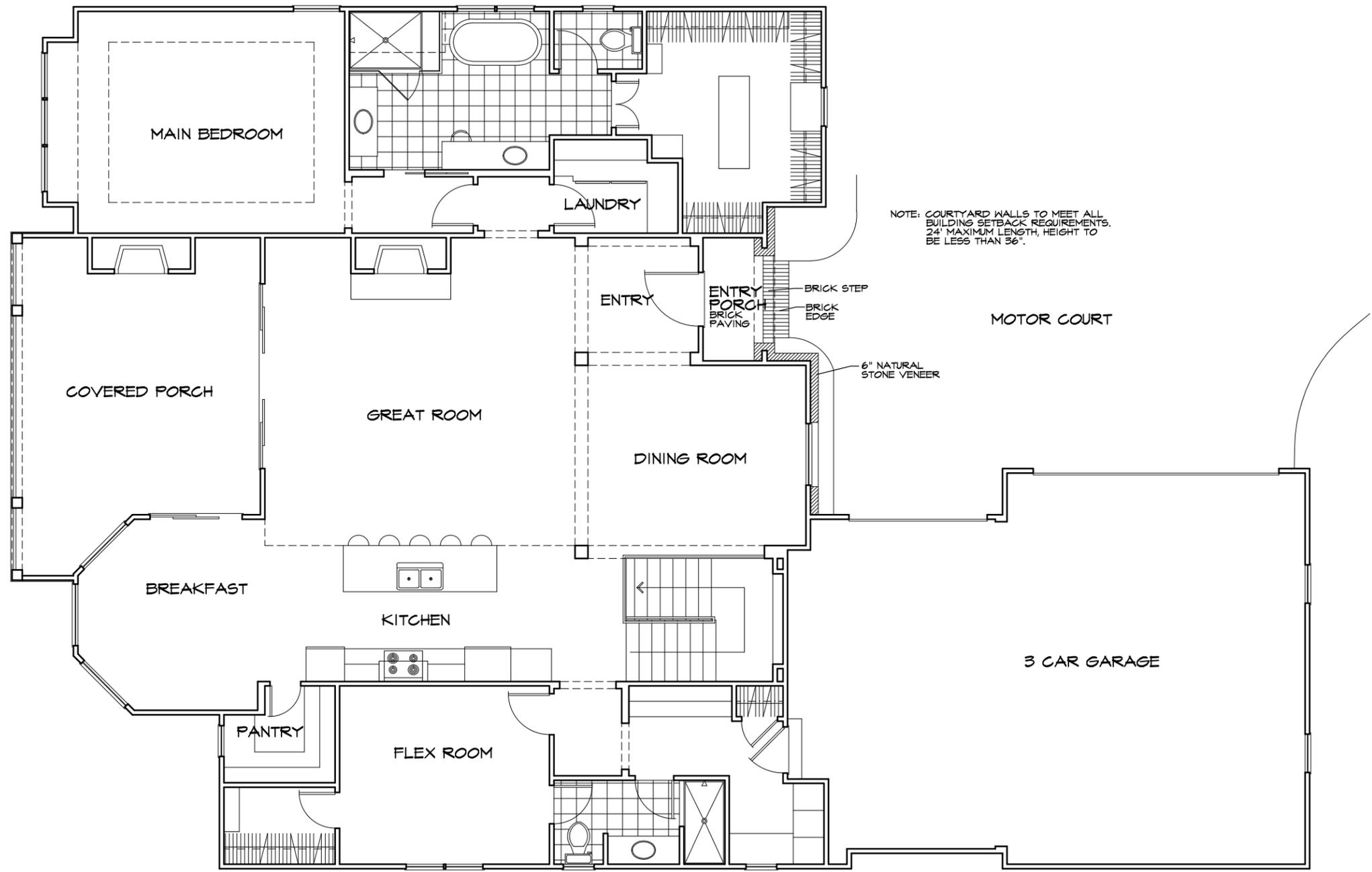
"THE MONACO" RIGHT ELEVATION



"THE MONACO" REAR ELEVATION



"THE MONACO" LEFT ELEVATION

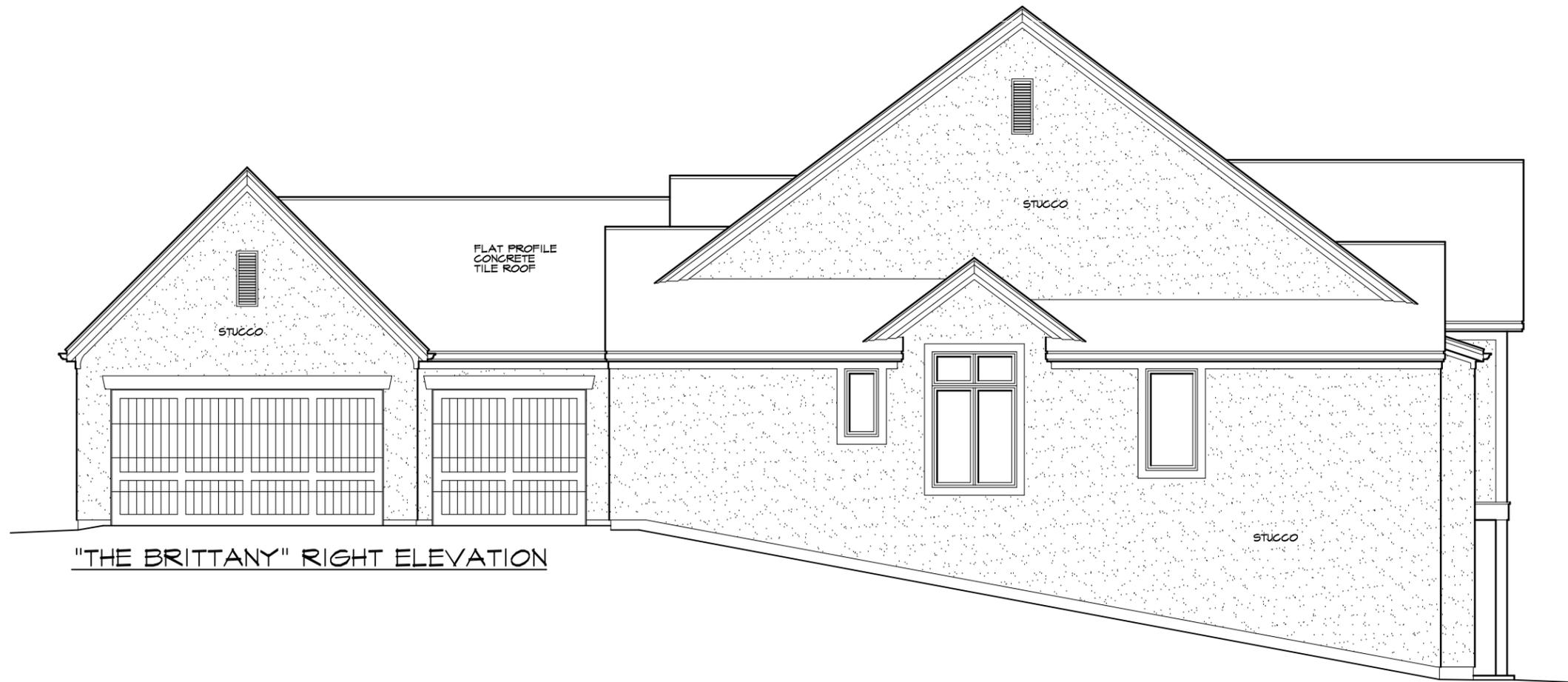


"THE BRITTANY" FIRST FLOOR PLAN
2,217 SQUARE FEET



"THE BRITTANY" FRONT ELEVATION

6" NATURAL
STONE VENEER — BRICK EDGE
— BRICK STEP
NOTE: COURTYARD WALLS TO MEET ALL
BUILDING SETBACK REQUIREMENTS.
24" MAXIMUM LENGTH, HEIGHT TO
BE LESS THAN 36".



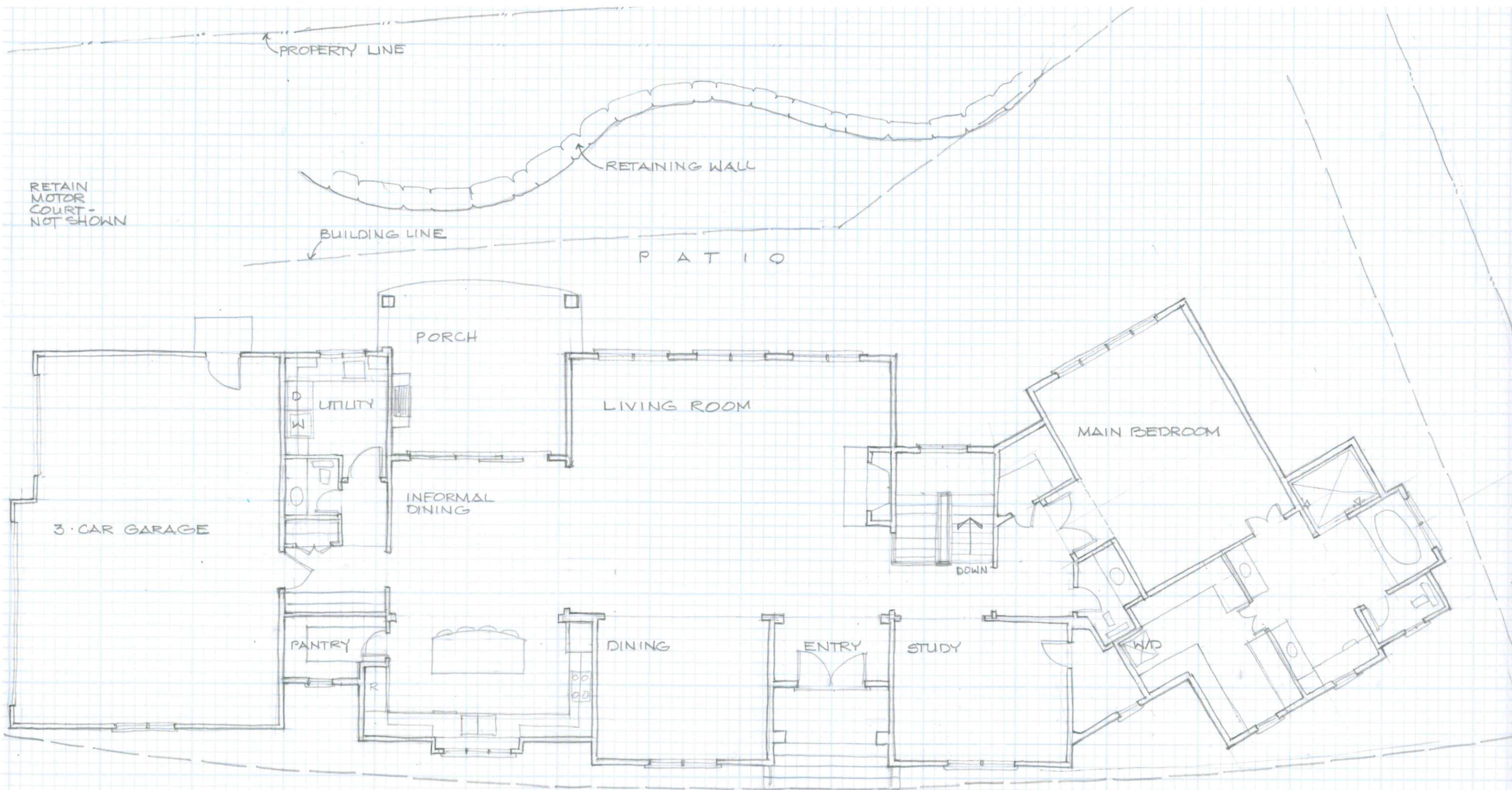
"THE BRITTANY" RIGHT ELEVATION



"THE BRITTANY" REAR ELEVATION



"THE BRITTANY" LEFT ELEVATION



THE VILLAGE OF LEAWOOD - LOT 21
 FIRST FLOOR PLAN ± 2,817 SQFT.

JOB _____ TYPE _____
NOTES _____ APPROVALS _____

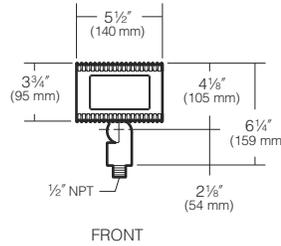
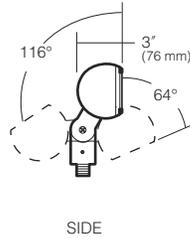
FEATURES

- Unique swivel mount provides superior aiming without loosening over time
- IP66 Certified to keep dust and moisture out
- Available in 3000K, 4000K and 5000K standard CCT
- Spot, Narrow Flood and Wide Flood distributions

Certifications



SPECIFICATIONS



Approx. Weight = 3.16 lbs.

ORDERING CODE

EL218							
Fixture¹	Distribution	Drive Current	Electrical Module			Fixture Options	Mounting Options
	S Spot F Narrow Flood W Wide Flood	3 350mA, 10W 5 550mA, 16W	<u>Source</u> 8L 8 LEDs	<u>Color Temperature</u> 3K 3000K 4K 4200K 5K 5100K	<u>Voltage</u> UV 120 to 277V with a ±10% tolerance	<u>Barn Doors</u> BD215BL Black BD215DB Dark Bronze BD215GR Verde Green <u>Fixed Hood</u> FH215BL Black FH215DB Dark Bronze FH215GR Verde Green	Refer to 120 Volt Mounting Options Spec Sheet http://cdn.kimlighting.com/content/products/specs/specs_files/kl_120vmounting_spec.pdf for individual mounting options.

¹ U.S. PATENT D298,656

Kim Lighting reserves the right to change specifications without notice.

Description (RP-2 Rezoning)

All of THE ESTATES OF OLD LEAWOOD, a platted subdivision of land in the City of Leawood, Johnson County, Kansas, **EXCEPT** that part being more particularly described as follows:

All that part of Tract B, Lots 20, 19, 16 and 15, THE ESTATES OF OLD LEAWOOD, a platted subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southeast corner of said Tract B; thence along the Southerly plat line of said THE ESTATES OF OLD LEAWOOD, for the following six (6) courses; thence N 78°25'30" W, a distance of 130.21 feet; thence S 89°00'30" W, a distance of 265.46 feet; thence S 59°30'45" W, a distance of 59.34 feet; thence S 40°49'45" W, a distance of 188.75 feet; thence S 52°57'54" W, a distance of 57.44 feet; thence S 56°46'23" W, a distance of 34.36 feet; thence N 2°15'15" W, along the Westerly plat line of said THE ESTATES OF OLD LEAWOOD, a distance of 142.61 feet; thence N 47°25'53" E, a distance of 78.06 feet; thence N 35°12'29" E, a distance of 58.75 feet; thence N 49°05'15" E, a distance of 69.26 feet; thence N 50°13'03" E, a distance of 75.31 feet; thence Northerly on a curve to the left, said curve having an initial tangent bearing of N 15°58'56" E and a radius of 205.00 feet, an arc distance of 132.26 feet; thence S 71°27'15" E, a distance of 37.20 feet; thence Easterly, Northeasterly, Northerly and Northwesterly on a curve to the left, said curve being tangent to the last described course and having a radius of 172.71 feet, an arc distance of 602.55 feet; thence Northeasterly on a curve to the left, said curve having an initial tangent bearing of N 34°43'22" E and a radius of 280.00 feet, an arc distance of 94.45 feet; thence N 8°21'49" W, a distance of 115.45 feet; thence N 35°53'19" W, a distance of 72.14 feet; thence N 49°24'24" W, a distance of 42.92 feet; thence N 74°42'59" W, a distance of 59.06 feet; thence N 89°47'44" W, a distance of 43.39 feet; thence S 71°37'41" W, a distance of 82.41 feet; thence S 37°40'26" W, a distance of 57.00 feet; thence S 19°46'29" W, a distance of 97.44 feet to a point on the Westerly line of said Tract B, said point also being on the Northerly right-of-way line of 89th Street, as now established; thence Westerly on a curve to the left, said curve having an initial tangent bearing of N 55°55'33" W and a radius of 214.00 feet, an arc distance of 133.49 feet to a point on the Westerly plat line of said THE ESTATES OF OLD LEAWOOD; thence along the Westerly plat line of said THE ESTATES OF OLD LEAWOOD, for the following nine (9) courses; thence N 2°22'07" W, a distance of 2.40 feet; thence N 87°42'06" E, a distance of 125.74 feet; thence N 2°08'44" W, a distance of 109.91 feet; thence N 49°25'14" E, a distance of 108.57 feet; thence N 52°26'42" W, a distance of 65.15 feet; thence N 26°44'19" W, a distance of 59.93 feet; thence N 0°18'46" E, a distance of 83.82 feet; thence S 70°42'04" W, a distance of 26.09 feet; thence N 2°06'35" W, a distance of 135.02 feet to the Northerly most plat corner of said THE ESTATES OF OLD LEAWOOD; thence along the Easterly plat line of said THE ESTATES OF OLD LEAWOOD, for the following eleven (11) courses; thence S 48°00'03" E, a distance of 693.89 feet; thence S 22°51'08" W, a distance of 27.62 feet; thence S 45°07'54" E, a distance of 34.09 feet; thence S 45°07'54" E, a distance of 40.91 feet; thence S 43°22'54" E, a distance of 105.00 feet; thence S 32°17'54" E, a distance of 100.00 feet; thence S 19°27'54" E, a distance of 120.00 feet; thence S 13°10'00" W, a distance of 181.73 feet; thence S 17°49'52" W, a distance of 62.30 feet; thence S 03°03'58" W, a distance of 59.10 feet; thence S 13°29'57" E, a distance of 145.13 feet to the point of beginning, containing 8.5278 acres, more or less.

Description (REC Zoning)

All that part of Tract B, Lots 20, 19, 16 and 15, THE ESTATES OF OLD LEAWOOD, a platted subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

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DEVELOPERS

Of

FINE LUXURY VILLA ESTATES

The residential development team of Saul Ellis and Mark Simpson has developed an impressive portfolio of upscale neighborhoods, spanning over fifty years of creating innovative, high quality developments for discerning Johnson County families. A sampling of just some of their past masterpieces are:

- ◆ **Hallbrook Farms Villas.** Detached villa homes in a prestigious nationally recognized golf course community. Maintenance provided detached luxurious homes on gated private streets backing to a private streamway & waterfalls adjacent to the golf clubhouse and tennis facility.
- ◆ **Club Villas at LionsGate.** Private gated villas in one of the most sought after new home subdivisions in the metro Kansas City. Just 43 walkout reverse floorplan homes all backing to the famed Nicklaus Golf Club at LionsGate.
- ◆ **The Villas of IronWoods.** A maintenance provided patio home community of 48 detached luxury villa homes overlooking Leawood's Iron Woods Park.
- ◆ **Tuscany Reserve Villas.** Built in the true Mediterranean style, this walled community of just 15 upscale villas is the last and highest quality maintenance provided development in Leawood.
- ◆ **The Villas at Lake LionsGate.** Offering 46 uniquely styled maintenance provided upscale villa homes arrayed across a backdrop of a sparkling 20-acre spring fed crystal clear lake that is the heart of the #1 selling LionsGate master planned community.
- ◆ **Villas of IronWoods.** An exclusive maintenance provided community of just 48 homesites overlooking Leawood's Iron Woods city park.
- ◆ **The Villas of Chapel Green.** Located adjacent to St. Michaels the Archangel Catholic Church, this single cul-de-sac community offers privacy and lush landscaping for just 24 discerning homeowners.
- ◆ **The Village at Iron Horse.** Maintenance-free villa lifestyle featuring expansive open floor plans, granite surfaces and designer appliances overlooking Leawood's award winning Iron Horse golf course.
- ◆ **Whitehorse Villas.** Luxury villas offering extensive residential amenities with a unique style in the heart of Leawood located at 147th & Nall.
- ◆ **Huntington Farms.** An attached maintenance provided community of 100 luxury homes that provides distinctive style and care free living at College Blvd. & Roe.
- ◆ **Brittany Court.** One of Leawood's first and still finest villa communities located at 112th & Roe featuring French architecture and enduring style.

Village of Leawood - Lot Deviation Narrative

12/27/17

The Village of Leawood is an infill development requesting REC and RP-2 zoning that allows some deviations for setbacks to allow creative siting of homes and architecture.

The development was originally conceived for a small lot subdivision of homes with 2 car garages and small footprints.

The proposed development has reduced the number of lots, enlarged the width, and utilizes the allowed deviations to provide a traditional residential setting. The provided development plan depicts how a variety of architecture footprints can be provided that in some cases utilizes the setback deviation only at one corner, to better site the home.

The cul-de-sac lots are as wide as possible to fit between the existing utilities. Though some are less than 80' wide at the build-line, the lots are more typically deep and expand out from the circle. As the home steps back distances can exceed traditional setbacks between the homes because the home uses one front corner at the setback and the opposite corner at the rear setback point.

Village of Leawood - Lot 21 Deviation Narrative

1/3/17

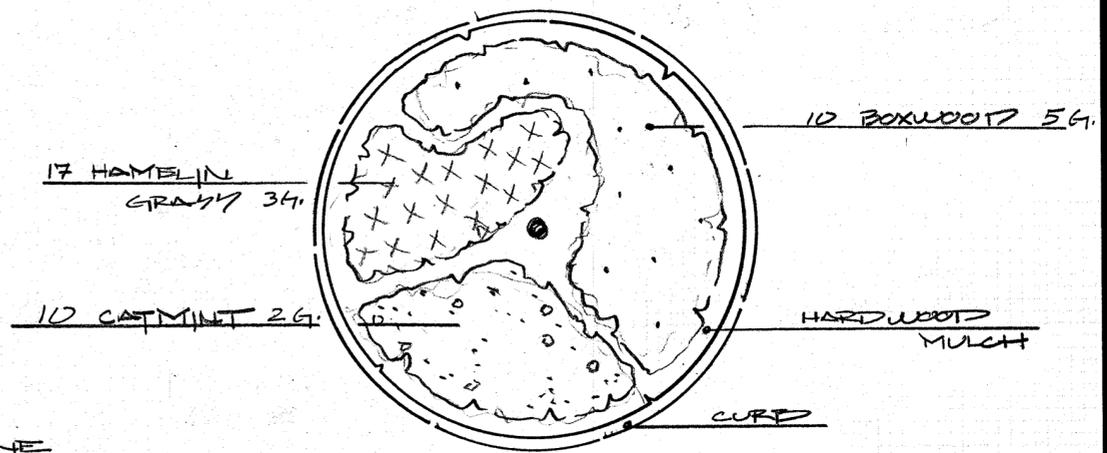
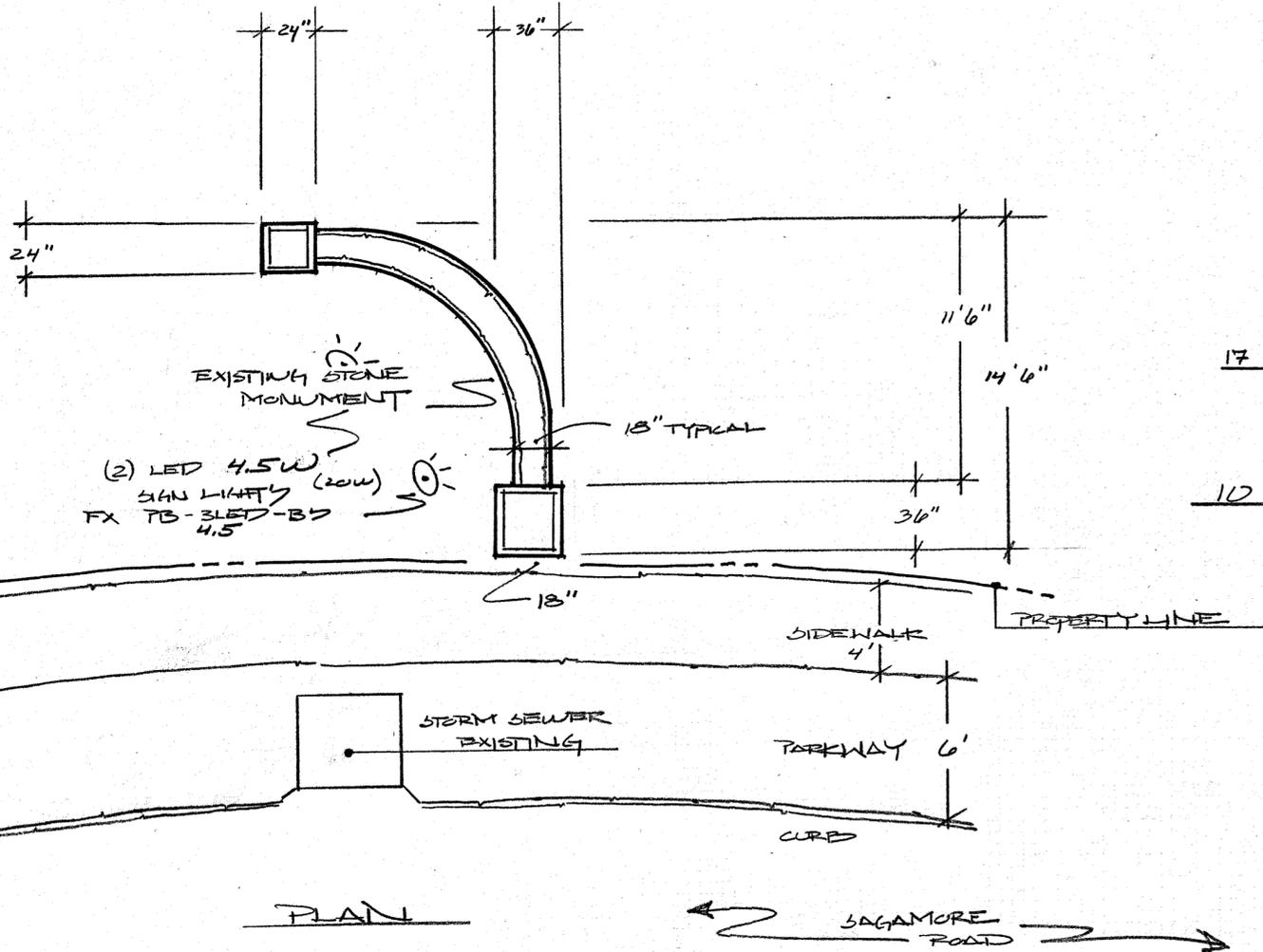
Lot 21 is in the southwest corner of the development and is oriented like a typical corner lot, where a good majority (2 sides) of the home faces the street. Lot 21 is the largest lot at 17,000 square feet and the boundary can fit other lots in the development completely with in it.

The home has been designed as a typical 'Leawood ranch'. The floor plan locates the front entry in the middle of the home; garage, kitchen, family rooms on the left; and the bedrooms to the right.

The garage is located on the south, about 80' away from the neighbor's property line. The existing trees on the south property line will be retained as a buffer. The floor plan has been designed with the back of house activities along the narrow portion of the lot and access from the family rooms to the outdoor spaces and patios in the deeper part of the lot. The floor plan complies with the required 20' rear and 10' side yard setbacks.

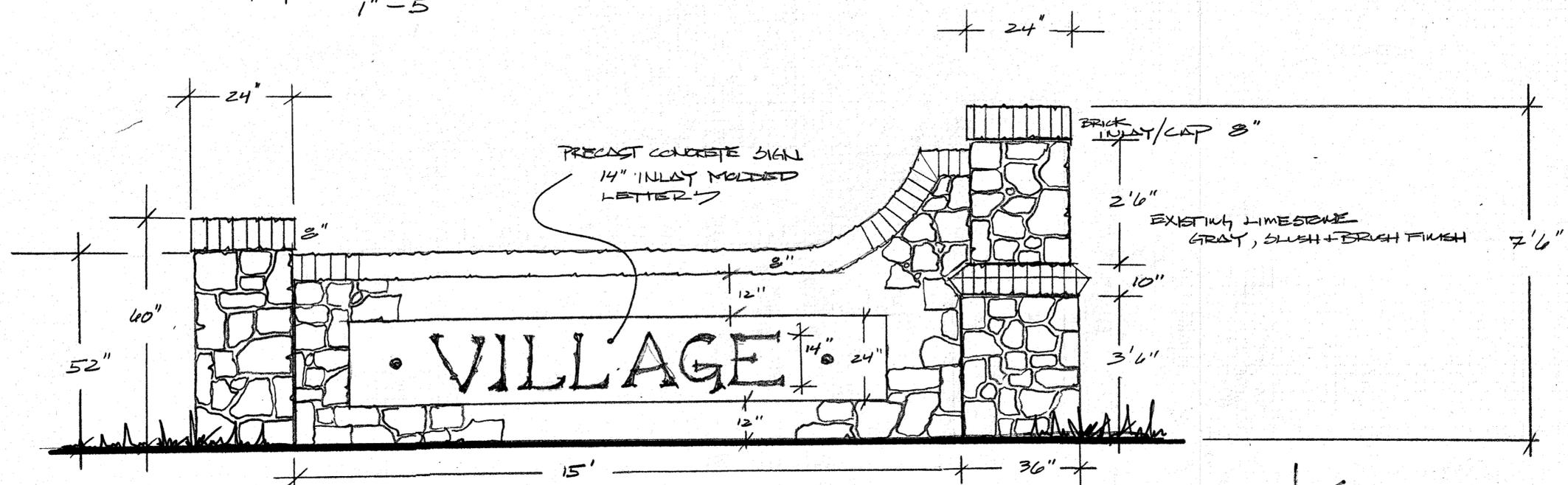
The landscape plan shows how the patios and perimeter landscaping will create private outdoor spaces and screening to neighbors. Evergreen trees, shrubs, and shade trees will frame the yard and the home.

The uniqueness of the lot shape should not be looked at as a negative, but an opportunity to provide significant architecture on a large lot.

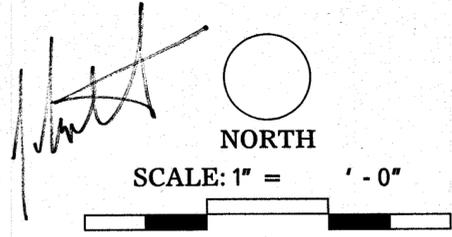


PLAN
EXISTING CUL-DE-SAC ISLAND
PLANTING DETAIL
TYPICAL 1"-6"
(3 EXISTING ISLANDS)

EXISTING STONE MONUMENT
NORTH END OF SAGAMORE ST.
NORTH ENTRY 1"-5'



STRETCHED ELEVATION VIEW
EXISTING STONE MONUMENT
NORTH END OF SAGAMORE ST,
(NORTH ENTRY) 1"-2'



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LANDSCAPE • MAINTENANCE • IRRIGATION
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Olathe, KS 66062
Corporate Office:
23933 W. 175th St.
Gardner, KS 66030
913.897.3858 epicland.net Fax: 913.897.1139



THE VILLAGE
SAGAMORE ROAD
LEAWOOD, KS

PROJECT NO.
11/5/16
DATE
J.C.
DESIGNED BY
REVISOR

SHEET
M1

Village of A Hardwood Forest and Meadow reclamation

Tract A will be developed into a tree covered meadow. The edge along the creek will remain in its native riparian condition and the existing euonymus groundcover and understory will remain in place. The existing open areas will be grubbed of invasive shrubs (honeysuckle), and invasive trees less than 4" in caliper. The area will be graded for drainage where necessary. A tall thin blade fescue seed mix will be seeded into the graded and disturbed areas. Native shrubs will be added along the creek as forage and habitat. New groups of riparian hardwood trees will be added across the tract as future overstory.

RIPARIAN CONSTRUCTION SEQUENCE

1	Excavate tree roots, shape for drainage, place topsoil, and perform final grade per standard construction means and methods.
2	Provide Gro-Power 0-3-1 Organic Soil Conditioner and incorporate into topsoil at a rate of 750 pounds per acre within seeding area.
3	Provide Gro-Life Granular Mycorrhizal Inoculant and incorporate into topsoil at a rate of 120 pounds per acre within seeding area.
4	Hydraulically broadcast specified seed blends in seeding area. Compact into soil using an agricultural cultipaction implement.
5	Place shredded agricultural straw at a rate of 4,000 pounds per acre within all remaining disturbed limits. Mechanically crimp straw into soil.
6	Install containerized plantings in specified zones per plan details. Locate each planting with a suitable flag, observable at a height of 36 inches. Containerized and deep cell plants shall NOT be installed during August 31 through November 15.
7	Limits of native seeding period shall be August 22 through November 1 and March 15 through May 30.



6201 College Boulevard, Suite 500, Overland Park, KS 66211-2435 • 913.451.8788

John D. Petersen
(913) 234-7405
jpetersen@polsinelli.com

October 20, 2016

REGULAR MAIL

Re: Interact Meeting for Village of Leawood / Case NC#113-16 (Vicinity of the SEC of 89th Street and High Drive – formerly known as the Estates of Old Leawood)

Dear Property Owner:

We have confirmed that you own property within 500 feet of the above-referenced property. We have filed applications with the City of Leawood for Rezoning, Preliminary Development Plan and Preliminary Plat. The purpose of these applications is to allow for the development of a single-family subdivision. The development will consist of approximately 24 single-family lots on 16 acres of land (see attached plan). Plans submitted for this project can also be viewed at the City of Leawood Planning and Development Department at 4800 Town Center Drive, Leawood, Kansas.

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. Plans submitted for this project can also be viewed at the City of Leawood Planning and Development Department at 4800 Town Center Drive, Leawood, Kansas.

The Interact meeting will be held at 6:00 p.m. on Thursday, November 10, 2016, in the Red Door meeting room at Leawood Presbyterian Church located at 2715 W. 83rd Street, Leawood, KS (see attached map for exact location of meeting).

This case will have a public hearing before the Planning Commission on Tuesday, November 22, 2016, at 6:00 p.m. in the City Council Chambers of Leawood City Hall, 4800 Town Center Drive, Leawood, Kansas. The general public will have an opportunity to comment on the proposed development at this meeting.

Please contact my paralegal, Amy Grant, at 913-234-7401 should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "John D. Petersen".

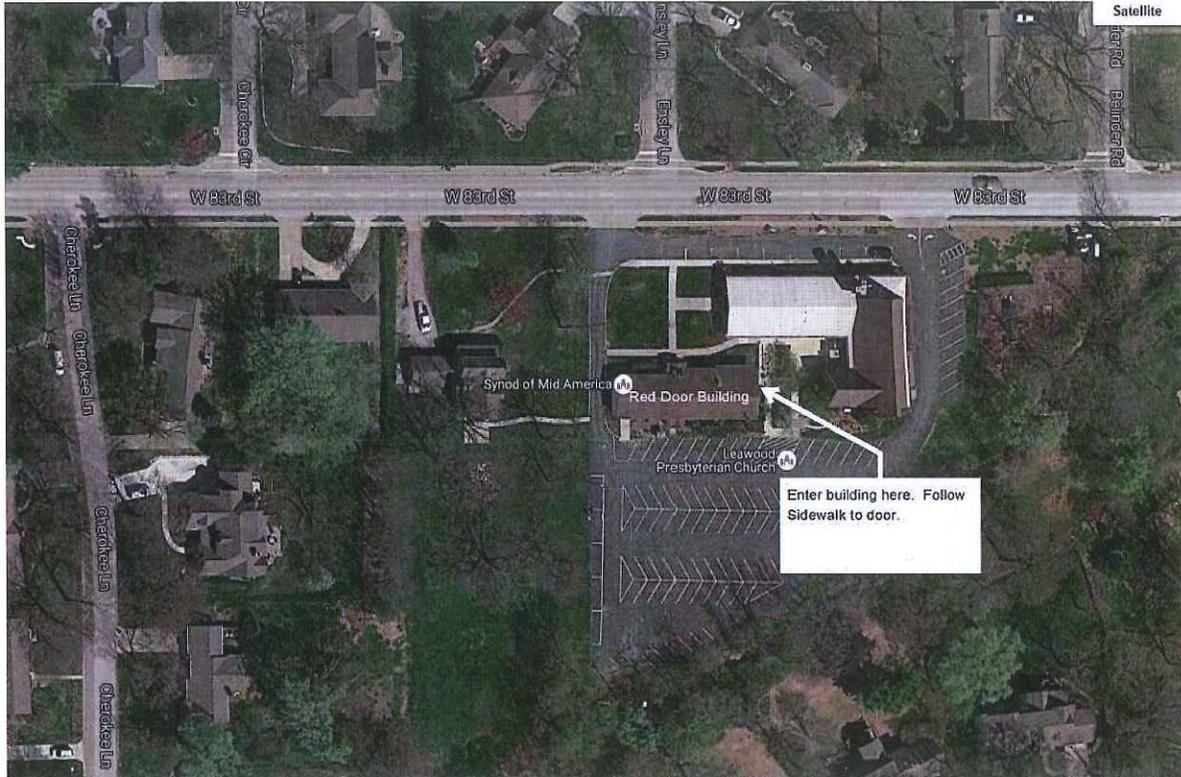
John D. Petersen

polsinelli.com

Chicago Dallas Denver Edwardsville Jefferson City Kansas City Los Angeles New York Overland Park Phoenix
St. Joseph St. Louis Springfield Topeka Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California

Leawood Presbyterian Church located at 2715 W. 83rd Street, Leawood, KS



Interact / Neighborhood Meeting Minutes
Project: Village of Leawood
Date of Meeting: November 10, 2016
Location: Leawood Presbyterian Church

Meeting Called to Order: 6:00 p.m.

Attendance:

John Petersen & Amy Grant, Polsinelli PC
Mark Simpson & Saul Ellis, Developers
Brick Owens, Architect
Tim Tucker, Phelps Engineering
Approximately 40 neighbors – Please see attached sign-in sheet.

Mr. Petersen began the meeting by introducing himself and the developer representatives. Mr. Petersen then briefly explained the proposed plan and how it differed from the current approved plan. Mr. Petersen presented three exhibits with his presentation: the proposed site plan, a rendering of one of the Villas and an aerial map showing existing conditions.

Q: Will the existing walking path in the flood plain remain?

A: No. The flood plain will remain as open space with landscaping and natural grasses but will not be open to the public.

Q: Who will pay the taxes for the flood plain area?

A: The HOA will pay the taxes as this area will be common area.

Q: Will the development be gated?

A: No.

Q: Will there still be public access to the bridge?

A: Yes.

Comment: The zoning history of this property has been acrimonious. There were a number of meetings with the neighbors and the City with a lot of negotiation. The neighbors were promised that some of the power lines would be buried and land portions of the property would remain REC zoning. The property has not been well maintained over the past 12 years with the surrounding homeowners stepping up to maintain it. We want you to fulfill the promises made by the previous entity and leave the REC zoned property zoned as REC and allow it to be utilized by the public.

Q: How will the floodplain property be maintained with this development? The site plan says "existing landscaping to remain" and there is no landscaping in that area today and has not been well maintained?

A: The developer has a landscape plan in place. The native grasses that are referred to as "natural" does not mean it will go unmaintained.

Response: We would like more information on the landscape and maintenance plan so we can understand what you are proposing.

Q: You suggested that the previously proposed amenities are an anchor and a weight for the property and that it has contributed to the property being unmarketable. Will you please explain that?

A: There is a cost and maintenance burden associated with the proposed pool, tennis courts and trails. Villa communities of this size do not typically provide amenities of this size and nature. This property as it stands today is a financial disaster and even with the proposed plan the owner will not make enough money with this development to break even.

Q: What is the targeted demographic for this development?

A: We are not ruling out any potential buyers but would estimate that most of these homes would sell to individuals and families looking to downsize from their current homes.

Q: This property was original a landfill and homes could not be built on it because of the previous use. How are you going to build homes on this property and not have the homes slide and shift like they did at the Turnberry project?

A: The City and developer will ensure that this property is engineered with the proper soil mixtures and other engineering solutions that will allow this property to be developed

Q: What is the zoning process? Do you have to get approval to not build the amenities? It would be hard to swallow the loss of the REC zoned property.

A: We have filed for rezoning, preliminary plan, preliminary plat, final plan and final plat approvals. The City Planning Commission will review our proposed plan and will make a recommendation to the City Council and the City Council will ultimately decide whether or not to approve this project.

Comment: Leawood has plenty of million dollar homes. What is doesn't have it plenty of recreational property for the public. Leawood is well below the national average for this standard. The owner's financial disaster is not our problem.

Comment: The City promised to protect the adjacent homeowners by retaining REC zoning for some of this property and now you are proposing to take that away. The City already gave away a lot of the recreational area when it rezoned it back in 2004.

Response: Let's be clear that this property has never been owned by the City of Leawood or the adjacent property owners so the City couldn't "give away" recreational property it did not own. The property was owned by a Country Club that went bankrupt. We did not represent owner when the property was rezoned back in 2004 and are sure that there were good-faith efforts to compromise with the neighbors at that time. However, the property has remained vacant for the past 12 years and the current developer is trying to build a plan that works and is financially feasible. If the proposed plan is not approved by the City there is a chance that the property will continue to remain vacant and unmaintained.

Comments: Why don't you just leave the REC property as recreational space? Do not build the amenities but leave it as REC space for use by the owners and adjacent neighbors? We are prepared to wait for a better plan even if it means the property stays vacant and we continue to maintain it.

Q: Who owns the property today?

A: Leawood Country Club Partners, LLC. Rick Jones is one of the partners of that LLC.

Q: Why do you need to rezone the floodplain property to RP-2?

A: Because the proposed development is for Villas which require RP-2 zoning. There is a liability concern to the ultimate home owners if the public is allowed to access the property.

Comment: The 2004 vote was based on leaving the adjacent areas as recreational areas with amenities and that that adjacent neighborhood could opt-in to utilize the amenities. This would not be a "public" pool it would be a membership pool.

Comments: I have a concern over the density and why the developer is asking for variances to the lot sizes. Having 24 homes on 8 acres of property is too much. Who would want to live next door to this? It is out of character with the neighborhood. You should keep the west side as a buffer and only build homes on the cul-de-sacs.

Q: Why is the proposed plan better and more attractive than the previously approved plan?

A: These are smaller lot with high-quality villa homes. It was the amenities and public access from the previous approved plan that made the property unmarketable.

Q: What are the proposed lot sizes?

A: I believe the average lot is 8,000 square feet in size but we will get that information confirmed for you.

Comment: The property is too dense. It looks like you are asking for more than what you need.

Q: What will the size of the homes be?

A: It will vary because each home will be unique but the average will be 3,500 to 4,000 square feet, not included the 3-car garages.

Comments: We want the walking paths to remain. The villas do not fit into the character of the existing neighborhood and the developer needs to be willing to compromise.

Comments: I don't think there is a market for the small lots in this area. Is there a comparable market you could show us? Give us an example north of I-35 where these types of villas are being built next to single-family homes. If the developer is already under water on this deal he should be happy with any income so build 20 homes instead of 24.

Comments: Why would these homes be attractive with all of the noise from State Line? Have the County buy the property for parks and recreation use.

Comments: What about the previous promises made? We were told power lines would be buried for the seven contiguous homes? Now my property has three power poles instead of one.

Q: The Planning Commission meeting is scheduled for November 22nd, right before the Thanksgiving holiday break. Would you please look at moving this meeting so that we can attend and voice our concerns?

A: We will take a look at that and let you know.

Q: How long does it take to build this project? To build a single-home.

A: It takes approximately 10 months to build a single home. The market will drive how long it takes to build the entire project. These will be customized homes and there will never be any more than two homes looking alike.

Closing Comments: The quality of the development might be nice but it will not fit the character of our neighborhood. We want the green space and less density.

Meeting adjourned at: 7:40 p.m.

Minutes taken by: Amy Grant

INTERACT/NEIGHBORHOOD MEETING

Village of Leawood
November 10, 2016

SIGN-IN SHEET

NAME	MAILING ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Dave & Meg Gilmore	9010 High Dr	913-488-1459	dave.gilmore@sbcglobal.net
Mark McGroarty & Cindy Moore	9006 High Dr.	913-901-9123	mmegroarty@kc.rr.com
Steve & Grace DiFranco	9018 High Dr	H-9-385-0391 E-8-694-0543	gdifranco@kc.rr.com
Andren Miller	2014 W. 91st St.		andreamiller9@a.yahoo.com
AZICIA JENNINGS	9015 High Dr.		ahaitjennings@yahoo.com
PHILIP A LAMONICA	8745 HIGH DRIVE	816.582.8998	FLIP LAMONICA@GMAIL.COM
Nick Even	8915 High Dr	903-787-0004	nickeven@gmail.com
Marc Larsen	8741 High Dr	816 835-2582	marcdlarsen@yahoo.com
Andy & Jaclyn Penn	8736 High Dr	816-885-4854	atpenn@gmail.com
David Naylor	8943 Sagamore Rd	913-961-7184	dnaylor@kumc.edu
Svetlana Kounitskaia	9107 Lee Blvd	816-984-3232	KUNITSKAIA 03@yahoo.com
Steve Johnston	2032 W 96th	913-649-9290	stevecjohnston@gmail.com
David van Asselt	8742 High Dr.	913-709-0577	david.vanasselt@gmail.com

INTERACT/NEIGHBORHOOD MEETING

Village of Leawood
November 10, 2016

SIGN-IN SHEET

NAME	MAILING ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Julie Laird	8731 High Dr. ^{Leawood, KS} 66206	816-225-3445	julielou49@hotmail.com
Tom Laird	11	816-225-3491	tom@elnationwide.net
Rob & Paula Leigh	8728 High Dr.	913-648-0460	leighwood@kc.rr.com leighwood2@gmail.com
WOLFGANG ^{SUSAN} TROST	8732 HIGH DR	913-515-3703	wolfgang@wolfgangtrost.com tim.castaneda@gmail.com
Tim Castaneda	8909 High Dr	816-389-0090	tim.castaneda@gmail.com
GORDON + RHETA HENKE	8901 High DR,	913-381-1360	RHETAHENKE@gmail.com
Martha Weber	Conrad F 8625 Overhill Rd - ⁹¹³ 956-1239		mwcconnedt@gmail.com
Debra Filla	8505 Belinder Rd	913-381-7513	dafilla@attglobal.net
Mike Zanders	2802 W 93 rd ST	913-706-3161	mzanders1950@gmail.com
^{Bill & Bill Moran} BILL M @ MORAN CO	8927 Sagamore	913-385-0942	BILLM@MORANCOMPANY.com
Emme Griffith	8930 Sagamore Rd	913-482-2122	emmegriffith4@gmail.com
Lorri & Craig Roth	^{8927 High Drive} 6800 W 110th St. Ste. 110	⁹¹³⁻⁶⁴⁹⁻⁴⁸⁰⁰ OPRS 66212	lcinvest7@gmail.com
Susan Langford	8400 Belinder Rd.	913-568-8423	sblangford@gmail.com

INTERACT/NEIGHBORHOOD MEETING

Village of Leawood
November 10, 2016

SIGN-IN SHEET

NAME	MAILING ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Janel LaMonica	8745 High Dr	816-510-8221	janel.lamonica@hallmark.com
Amy & Casey McCartney	8926 High Dr	913 232-7238	amysmcc@gmail.com
Anthony West		913-522-0329	AnthonyDestro@gmail.com
Tommy Woods		913-579-9891	tommywoods1414@gmail.com

Documents Submitted by Citizens

To:

City Planner Staci Henry

From:

Martha Weber Conradt
8625 Overhill Road
Leawood, KS 66206
913.956.1239
mwconradt@gmail.com

January 5, 2017

Re: Village of Leawood Application

Per our email exchanges, I would like some information to be included in the packet to be delivered to the Planning Commissioners for the Jan. 10 meeting. Attached please find:

- Cover memo from me to the Planning Commissioners
- Planning Commission letter from Leawood residents to the Planning Commissioners (including page with names and addresses)
- Planning Commission Minutes (Sept. 14, 2004)
- City Council Minutes (Nov. 1, 2004, p. 14)
- Ordinance 2087 Eff. Date 11-23-04

I appreciate your help in distributing this and your responses to our questions as we have been preparing for the meeting. Thank you.

To: City of Leawood Planning Commission - Richard Coleman, Mark Elkins, James Pateidl, Matt Block, David Coleman, Liz Hoyt, Mike Levitan, William Ramsey, Kip Strauss, Stacey Belzer

From:

Martha Weber Conradt
8625 Overhill Road
Leawood, KS 66206
913.956.1239
mwconradt@gmail.com

January 4, 2017

Re: Village of Leawood Application

Attached please find a letter from Leawood residents outlining concerns with the Village of Leawood plan. In fewer than 48 hours, we gathered 65 signatures, and we anticipate additional signatures over the next few days.

I was part of the "Keep It Recreational" group that opposed the 2004 rezoning of the former Leawood Club property. Even after all these years of inactivity by Mr. Richard Jones and his partners, many of us remain interested and involved on this issue, and many new families have joined our cause.

As you consider the plan, please bear in mind the long history on the controversial rezoning of this property. In 2004, the Planning Commission rejected the proposed rezoning. It was stated that the Master Plan did not support the Estates of Old Leawood plan. The subsequent City Council vote did not get the required supermajority. When Mayor Dunn cast the deciding vote for the "donut rezoning," she commented on the "good compromise" since that plan retained 50 percent green space, access for the neighbors and a buffer from existing houses. A stipulation that afforded rights for use of the trails and green spaces to all neighboring owners was added to the rezoning, which was contingent on the owners fulfilling the stipulations and conditions. This stipulation remains very important to residents. Please see attached **Planning Commission Minutes (Sept. 14, 2004)**, **City Council Minutes (Nov. 1, 2004, p. 14)**, and **Ordinance 2087 Eff. Date 11-23-04 (in particular, see Section 4)**.

Further, according to an April 2012 article in The Kansas City Star ("Developers get huge tax break for property labeled as agricultural"), in 2011 Richard Jones had the property reclassified as agricultural. Lots that were appraised in 2010 for around \$62,000 dropped in value to \$10-20, and consequently taxes dropped from \$800 or more to 35 cents. To approve the Village of Leawood plan as currently proposed rewards Richard Jones and takes real value away from the neighboring homeowners who are paying significantly more in property taxes, and who currently have valuable rights of access to the green space.

Our more detailed concerns are outlined in the letter. Thank you for your consideration, and thank you for your service on the Planning Commission.

Planning Commission Letter

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Sign Up Sheet created by Martha Conradt

New! Easy share URL: <https://tsu.me/3gkB>

By adding your signature to this letter, you are confirming your agreement with it, as well as attesting that you are a resident of Leawood, Kansas. Thank you.

January 4, 2017

TO THE CITY OF LEAWOOD PLANNING COMMISSION:

We the undersigned residents of the City of Leawood strongly oppose the Village of Leawood plan. Our primary concerns are as follows:

With 24 houses planned on fewer than 9 acres, the proposed development is out of character with the surrounding neighborhood, which is zoned R-1 and consists primarily of homes built in the 1950s-60s that sit on large lots.

- The proposed development would be the only RP-2 development north of I-435 in Leawood per City Planning staff.
- Due to the requested 25 percent reduction in front, back and side yard setbacks, the proposed development would be even more dense than typical RP-2 developments (i.e., houses are closer together and closer to the street than in the surrounding neighborhood or even typical RP-2 zoning).
- Rezoning the western tract of 1.91 acres from its current status as "recreational" to RP-2 eliminates the buffer between the RP-2 and R-1 properties.

The proposed development limits access to important recreational space and eliminates amenities.

- The 9.5 acres that were required to be retained recreational as part of the "donut rezoning" in 2004 serve an important function for area residents. The Village of Leawood site and the half-acre Brook Beaty Park are the only recreational spaces in Leawood north of I-435. Leawood's total park acreage is 418.51 acres, but the area north of I-435 is underserved with only .52 acres. The standard per the National Recreation and Park Association is 9.5 acres per 1,000 residents. Per the 2010 census, there are 8,660 Leawood residents north of I-435, so this area should have 82.27 acres of parkland. The issue of limited recreational space is compounded by the closing of Somerset, Mission Valley and Marsha Bagby schools, which had recreational space serving Leawood residents, as well as the fact that the Corinth Elementary playground has been padlocked, which limits after-hours use.
- The recreational amenities that have been eliminated from the 2004 plan were deemed important by residents and City Council members, and the approval of the 2004 plan included stipulations to give access to surrounding residents*.

The proposed development inappropriately limits access to the pedestrian bridge for many neighbors. If access to the lower 7.59 acres of the property is limited to Village of Leawood homeowners and their guests, the residents of the approximately 60 homes south of the property (High Drive from 9000-9500 as well as neighbors on W. 91st and W. 92nd Streets) will lose easy access to the pedestrian bridge. This is an important connection and in keeping with the city's Bike & Pedestrian Master Plan.

The proposed development violates the City's conditional rezoning Ordinance No. 2087. After the closure of the Leawood Country Club, developers and the community disagreed on what development was appropriate for the property. After years of lengthy hearings and much discussion, the Planning Commission agreed with the community and rejected the developers' attempt to rezone the property and their proposed plan. On appeal to the City Council, the developers succeeded in rezoning some (but not all) of the property by agreeing to a set of "Conditions and Stipulations" upon which the City Council conditionally approved the rezoning in Ordinance 2087. As adopted by the City Council, Ordinance 2087 rezoned some but not all of the property from REC to RP-2 and was "contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions." See Ordinance No. 2087, Eff. Date: 11-23-04, attached hereto as Ex. A (emphasis added). In other words, the current rezoning from recreational to RP-2 is effective only if the developers perform the conditions upon which the prior rezoning was contingent, including maintaining the status of all land currently zoned REC. Those conditions required, among other things, that both the lower land and the western most land abutting existing homes to "remain zoned REC" (Ex. A, Stipulation No. 2). The Ordinance also required "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." Importantly, the rezoning was contingent on the owner/developer to provide "legally enforceable rights for the use of all the trails and green space" and "such rights shall be afforded to all neighboring owners." Id. Stipulation No. 26. The Ordinance required that "the development shall meet all of the minimum setback requirements within the RP-2 zoning district." Id. Stipulation No. 6. There are many other stipulations upon which the rezoning was contingent that are too numerous to list here.

In summary, the development as proposed is not a good fit for our neighborhood. It does not meet the Golden Criteria, and to develop the property as proposed would negatively impact the adjoining residential neighborhood for years to come. The request to rezone any areas of the property currently zoned REC violates both the letter and spirit of the ordinance that originally rezoned some of the property to RP-2 and should be denied. Similarly, the request to reduce the setbacks on the RP-2 area violate Ordinance 2087. The easement providing access for all neighboring homeowners to the recreational space per the 2004 ordinance* should be retained as required by Ordinance 2087 as part of any future development plan. The clear language of the City's Ordinance 2087 that conditionally rezoned the property in 2004 has meaning, remains in force, and should be enforced.

Sincerely,

Leawood Residents (see list)

*Per the City of Leawood Ordinance No. 2087 effective 11-23-04: Stipulation and Condition 26 reads: "The Owner / Developer of the property shall provide easements or other legally enforceable rights for use of all the trails and green space, as well as the pool, cabana and tennis courts area. With respect to the pool, cabana and tennis areas, such rights shall be provided to the neighboring homes associations on a tiered or other staggered basis and such documents shall provide information on eligibility for use, membership dues, maintenance and parity, including establishing rules and regulations for usage shall be provided at the time of the final site plan and application for review and approval by the Governing Body. As the green space and trails, such rights shall be afforded to all neighboring owners."

TimeToSignUp.com - Online Sign Up Sheets

Planning Commission Letter

Leawood Resident Confirming Agreement with this Letter

Resident 1 Martha Conradt mwconradt@gmail.com 8625 Overhill Road	Resident 2 Mark McGrory 9132265205 mmcgrory@kc.rr.com 9006 High Drive Ordinance 2087	Resident 3 Steve Johnston 913-649-9290 stevecjohnston@gmail.com 2032 West 96th Street No parks in old Leawood.	Resident 4 David Naylor 9139617184 dnaylor@kumc.edu 8943 Sagamore	Resident 5 James Kirkland 9137075700 jkirkland@ktklawattorneys.com 8940 Sagamore	Resident 6 Flip LaMonica 8165828998 flip.lamonica@gmail.com 8745 High Drive
Resident 7 Bill Moran 9137661952 billm@morancompany.com 8927 Sagamore Rd. effect of development on the n	Resident 8 David van Asselt david.vanasselt@gmail.com 8742 High Drive	Resident 9 Mark Curfman mcurfman@urbanarchstudio.com 2812 W. 90th Street R-1 zoning	Resident 10 Maura O'Neil 913-709-0360 maurafoneil@gmail.com 8742 High Dr	Resident 11 Amy McCarthy 913-232-7238 amysmcc@gmail.com 8926 High Dr	Resident 12 T. Casey McCarthy 913-232-7238 tcm@americancentury.com 8926 High Dr
Resident 13 Joseph Conradt 9139561239 conradtj@bv.com 8625 Overhill Road	Resident 14 Rob Prentiss 9132692027 rob.prentiss@gmail.com 8947 Sagamore Road	Resident 15 Grace DiFranco gdi franco@kc.rr.com 9018 high drive	Resident 16 Deb Welch 913/341-5174 dwelch48@yahoo.com 8400 Ensley Ln	Resident 17 Wes Welch 913/341-5174 whwelch@yahoo.com 8400 Ensley Ln	Resident 18 Kathleen Dehan 913-909-9891 kathleen_comer@yahoo.com 2508 W 89th St
Resident 19 Stacey Gilman 8162040765 Staceygilman@yahoo.com 8735 high drive	Resident 20 Mont Gilman 9134064607 gilmanmont@yahoo.com 8735 high drive	Resident 21 Matt Dehan 913-909-9890 mattdehan@yahoo.com 2508 W 89th St	Resident 22 Lindsey Beil 816-668-3988 lindseil@mac.com 9230 Manor Road, Leawood, KS 6	Resident 23 Katie Demetriou ksullie@hotmail.com 2828 W. 91st Street	Resident 24 Jason Lutes jclutes@yahoo.com 8116 Sagamore Road
Resident 25 Debra Rettenmaier 913-383-8878 Rettendew@aol.com 8401 Lee Blvd	Resident 26 Stephanie Tegtmeyer Stephteg@gmail.com 8228 Belinder Rd	Resident 27 Amy Neusel 9139633505 Acneusel@yahoo.com 9311 Canterbury St	Resident 28 Melissa Bagley 9136342319 mcoleman76@yahoo.com 2811 west 93rd street	Resident 29 Lindsay Peattie lpeattie25@gmail.com 3220 w 83rd ter	Resident 30 Kathi Hardin 913-642-4948 traybella@hotmail.com 9219 Cherokee Place
Resident 31 Sarah Mackay 9133874827 sarahmackay28@gmail.com 8025 Cherokee Lane	Resident 32 Beth Brooker 9134865295 bbrooker@kc.rr.com 9134 High Drive	Resident 33 Sharon coleman 9136494839 sharonpro@gmail.com 9221 Manor Rd	Resident 34 Andrea Miller andreamiller96@yahoo.com 2014 W 91st Street	Resident 35 Stephen DiFranco 913-742-2721 Hooligan1965@gmail.com 9018 High Drive	Resident 36 Jan Montague 913-642-8856 j.montague13@gmail.com 2507 W 89th Street Being sold down the river
Resident 37 Janel LaMonica 816-510-8221 janelamonica@gmail.com 8745 High Drive	Resident 38 Seth Peattie 913.908.8191 seth_peattie@yahoo.com 3220 West 83rd Terrace	Resident 39 Tim Castaneda 816-389-0090 tim.castaneda@gmail.com 8909 High Dr	Resident 40 Ginevera Moore 913-901-9123 ginevera@kc.rr.com 9006 High Drive	Resident 41 Alicia Jennings 913-221-8190 Aheitjennings@yahoo.com 9015 high drive	Resident 42 Chris Ashley 913-991-3378 chrisashley15@yahoo.com 9307 Mohawk Lane
Resident 43 Nick Even 9137870064 nickeven@gmail.com 8915 High Drive the rezoning request	Resident 44 Ernme Griffith 913-488-2122 emmegriffith4@gmail.com 8930 Sagamore Road	Resident 45 Gordon Henke 9133811360 rhetahenke@gmail.com 8901 High Dr.	Resident 46 Rheta Henke 9133811360 rhetahenke@gmail.com 8901 High Dr.	Resident 47 Pauline Hart 913-544-8873 jphart@kc.rr.com 2015 W. 91st Street	Resident 48 wolfgang trost 913-515-3703 wolfgang@wolfgangtrost.com 5300 west 94 th terrace suite
Resident 49	Resident 50	Resident 51	Resident 52	Resident 53	Resident 54

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Christine Meuten Cmeuten@gmail.com 3200 west 84th place	Helen stechschulte 913-341-4841 hpcstech@yahoo.com 9009 High Drive	Elizabeth Benditt 8166165323 Liz_benditt@yahoo.com 9319 Lee Ct	Drake Zschoche 913-744-9292 dzschoche@gmail.com 9117 Lee Blvd.	Sarah Berlin Sarahinbrookside@yahoo.com 8901 Lee Blvd	Julie Laird 9133418825 julielou49@hotmail.com 8731 High Drive
Resident 55 Thomas M. Laird 9133418825 tom@clnatonwide.net 8731 High Drive	Resident 56 Celine Moran celine8927@gmail.com 8927 SAGAMORE RD	Resident 57 Marc Larsen 8168352582 marcdlarsen@yahoo.com 8741 high dr	Resident 58 All Larsen Afc0@hotmail.com 8741 high dr	Resident 59 Brian Berlin 913-624-4444 bdb36421@gmail.com 8901 Lee Blvd	Resident 60 Amy Carter 816-679-4528 carteramys@aol.com 9117 Lee Blvd
Resident 61 Stephen Stechschulte 8165477540 hcetsg@gmail.com 9128 High Drive recreational land	Resident 62 Hannah Vargas 8165823993 hvargas68@yahoo.com 9128 High Dr density	Resident 63 Levin Oakleaf Kevin_j_oakleaf@yahoo.com m 2918 w 93rd st	Resident 64 65 Maurya & Blaine Mclellan 913-269-7694 mauryamc@gmail.com 2321 W 85th terrace	Resident 65	Resident 66
Resident 67	Resident 68	Resident 69	Resident 70	Resident 71	Resident 72
Resident 73	Resident 74	Resident 75	Resident 76	Resident 77	Resident 78
Resident 79	Resident 80				

**City of Leawood
Planning Commission Minutes**

**September 14, 2004
Leawood City Hall
4800 Town Center Drive**

CALL TO ORDER/ROLL CALL: Henderson, Perkins, Rohlf, Conrad, Duffendack, Munson, Williams, Azeltine (absent), Pilcher

APPROVAL OF THE AGENDA: A motion to approve the agenda was made by Rohlf and seconded by Munson. Motion approved 6-1. (Williams opposed, due to the fact that he would like to remove Seville Home from the consent agenda).

APPROVAL OF THE MINUTES: Approval of the minutes from the August 10, 2004 meeting.

Duffendack stated he would like to be listed as "recused" instead of "absent" in the minutes from the August 10th meeting. There is a sentence on page 16 that is attributed to him and he was not in attendance that night, so that needs to be corrected. Also, the minutes should be signed and approved by Commissioner Rohlf, since she presided that meeting. **A motion to approve the minutes with the changes listed by Duffendack was made by Perkins and seconded by Henderson. Motion approved unanimously.**

CONSENT AGENDA:

CASE 66-04 SEVILLE HOME Request for approval of a final site plan. Located at the southeast corner of 135th Street and Nall Avenue within the Cornerstone development.

Perkins stated he would like to have this case looked at again in regard to the rooflines and the canopies and some of the comments staff has made. Perkins requested removing it from the consent agenda. Binckley asked if Perkins is asking for this case to be continued to another date or if he is asking to discuss it tonight. Perkins stated he is requesting it be moved to a later date. Duffendack asked if staff and the applicant are prepared to answer questions tonight. Binckley stated staff has plans for what has been approved for the overall development, but the applicant is not prepared to show the amended elevations with the changes requested by staff. Duffendack suggested moving it to the next meeting. Binckley stated if this case were continued it would be heard at the September 28th meeting. **Perkins made a motion to continue this case to September 28th. Motion seconded by Williams. Motion approved unanimously.**

OLD BUSINESS:

REMAND FROM CITY COUNCIL:

CASE 29-04 LDO AMENDMENT, SECTION 16-2-10.3B, MATERIALS AND COLORS Request for approval of an amendment to the Leawood Development Ordinance to allow vinyl soffits and vinyl siding.

Staff presentation: Presentation by Diane Binckley. This case is a remand from the Governing Body regarding an LDO amendment to allow for vinyl soffits. The agenda states both soffits and siding and the Council supported the Commission to not allow vinyl siding in the City. They did, however, ask the Commission to review vinyl soffits and allow the product if the Commission sees fit. At the last meeting the Commission requested that staff review specific criteria for vinyl soffits. Staff identified that the standards between different vinyls and their thickness are minimal; therefore staff had difficulty coming up with criteria to set out. The Building Official will be better able to answer any questions. At this point, staff feels comfortable with ICC being the standard for the product to meet and their criteria for installation.

Sam Maupin, Building Official, stated the three basic functions a vinyl soffit serves are: aesthetics, exterior surface material and providing venting for the attic spaces. From the thickest vinyl siding to the thinnest, there is an 11,000th of an inch difference. That not being a good criterion to use, the most important criterion is that the International Code Council has

evaluated this product and deems it to be complying with the code if it is installed per the manufacturer's instructions in the evaluation report. Duffendack asked if there is any variation in the vent holes. Maupin stated it depends on the amount of ventilation required for the attic space. Normally, with soffit there would be some solid sheathing that the vinyl soffit be attached to and depending on the amount of square inches of ventilation needed for the attic, the solid sheathing would be cut out and there would be ventilation through the soffit for ventilation of the attic space. Duffendack asked if there are slot vents to allow the ventilation. Maupin stated there are generally little holes that run the length of the soffit to provide proper ventilation at any location.

Williams asked Maupin if it is a requirement that there be a backing sheathing for the vinyl soffits. Maupin stated he believes there would need to be some solid material for the vinyl soffit to be attached to. Williams stated he did some research and most of the manufacturer's products were not put up against a solid sub-strength. Most of the instructions talked about clipping at either end of the soffit. There were also some size limitations because the vinyl soffit could only span so far without eventually buckling because they did not have a solid backing. Maupin stated the evaluation report states that in order to qualify for the wind ratings in this area it would need to have at least a 16 or 8-inch spacing. In this area, they can get by with a 16-inch spacing of the vinyl material. As far as how to fasten it, it does not differentiate between the soffit and the siding material. It is his understanding that the vinyl siding and the soffit material need to be installed in the exact same fashion as the evaluation report and manufacturer's report requires. If it were required to be done at 16 inches on center, then there would need to be a solid material to attach it to. It could be that solid material is the ceiling joist or roof rafters, but there is a solid member that the vinyl soffit is attached to. Williams asked if it could be the roof rafters instead of a solid piece of sheathing. Maupin stated he meant that it should be some solid substrate of some type, being a ceiling joist or the soffit ceiling joists that they construct.

Pilcher asked if there is a reason that the City does not specify aluminum soffits in the ordinance. Binckley stated the ordinance is written so that if something is not listed then it is up to the discretion of the Director of Planning to interpret the intent of the ordinance. That could be brought back at a later date.

Perkins asked how this material would be inspected. Maupin stated it would start at the plan review process and the builder would need to specify they are using vinyl soffit and if so, they would need to provide the evaluation report number to tie to that material they are using. Once that is approved, it would be inspected during the final inspection.

Henderson asked if there are any vinyl soffits in the area, not necessarily in Leawood, and if so, have they been inspected to see how they stand up. Maupin stated prior to the LDO being rewritten there was no specific prohibition for vinyl soffits. Prior to that time, Codes Administration allowed vinyl soffits. He does not know where those are located. There is a resident who recently put vinyl soffits on his house and Maupin believes that is why this case came about. If vinyl soffits are installed properly, there will be less deterioration than one would find with wood-type soffits.

Duffendack asked if the ICC rating speaks to weathering. Maupin stated there is a weathering requirement within the code, but it does not go into the level of what type of weathering a person should have on the exterior of the home.

Munson asked if this amendment is to only allow vinyl soffits, and not vinyl siding. Binckley stated it is shown as it was originally seen on the agenda, but the Commission would be denying the vinyl siding.

Williams asked if all exterior materials used in Leawood need to comply with the ICC rating. Maupin stated they have to comply with code. If it is not specifically mentioned on how to apply a specific material, then the City relies on the International Code Council evaluation report process.

A motion to approve vinyl soffits was made by Pilcher and seconded by Rohlf. Motion approved unanimously.

NEW BUSINESS:

CASE 39-04 ESTATES OF OLD LEAWOOD Request for approval of rezoning from REC (Planned Recreation) to RP-2 (Planned Cluster Detached Residential), preliminary plat and preliminary plan. Located at 8901 Sagamore.

Staff presentation: Presentation by Mark Klein. The applicant is requesting approval of a rezoning from Recreation to Planned Cluster Detached Residential, a preliminary plat and preliminary site plan for 27 single-family residential lots on 16.2 acres for a density of 1.66. The City is proposing tracts A and B remain zoned as recreation. These are the two tracts located to the east and to the west. The tract to the west is a smaller tract where the applicant is proposing to construct a pool along with a pool house. The tract to the east is a larger tract and will be located adjacent to Dyke's Branch and is located within the flood plain. With the exception of the lots around the northern cul-de-sac, a 100-ft. buffer has been provided between the retaining wall and Dyke's Branch to preserve as many trees as possible. The retaining wall around the lots on the northern cul-de-sac only extends as far as the existing parking lot, in order to maintain as many trees as possible. The development continues Sagamore and connects with 89th Street producing three cul-de-sacs. The longest of these cul-de-sacs is 250 ft. The maximum cul-de-sac length allowed by ordinance is 500 ft. A retaining wall is proposed along the east side of many of the lots that abut tract A. This retaining wall will be the limit of the 100-year flood plain and is being constructed to bring those lots out of the flood plain. The lots around the southern end of the southern cul-de-sac will not have a retaining wall. They will be at-grade. The Country Club was constructed in 1940 and is currently not platted. It is currently zoned recreational. In regard to what types of uses are allowed in the Recreational zoning, the ordinance states, "No building structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following principal permitted or special uses: 1) public golf courses, and accessory driving ranges, but excluding pitch and putt and miniature golf courses; 2) City or private parks, including trails for jogging, walk, and bicycling, playgrounds and other customary park uses; 3) public and government uses; 4) private clubs; horseback riding academies, athletic fields, batting cages, skating rinks (roller and ice, indoor or outdoor); commercial or club facilities (for tennis, handball, racquetball, swimming and similar facilities). The current comprehensive plan shows this piece of property as being designated as open space, private. The 1996 comprehensive plan showed this property as low-density residential. The 1988 comprehensive plan showed it as private open space. Staff is recommending approval of this case with the stipulations stated in the staff report.

Williams asked if the calculations for density are based on the entire property or just the portion they are requesting to rezone to residential. Klein stated it is based on the entire property. Williams asked if that is appropriate. Klein stated on most of the residential products the City has seen that include area for flood plain, staff normally calculated the density to include those flood plain areas. It was staff's recommendation to keep those tracts zoned as recreation, as opposed to being rezoned as RP-2. In doing that, it is staff's intention to ensure they remain zoned recreation, but in the future if the developer ever wanted to expand the number of houses or increase the density within that development, then they would be forced to go through the rezoning process. If the density were based just on the RP-2, then it would be 3.96. The maximum allowed within that zoning is 7.26.

Perkins asked if the issue has been resolved about a storm sewer running underneath this property and there being County-owned property. Klein stated it is his understanding that has been resolved. The applicant might be better able to answer that question.

Conrad asked what process they went through for the 500-year flood plain. Ley stated Larkin and Associates has remapped the flood plain. If the City were to go to FEMA, they would include this grading plan in that model. Conrad asked if there is an authority or jurisdiction that could deny the reconfiguration of the 100-year flood plain. Ley stated, no. FEMA usually makes three reviews before they approve it, but the County normally handles that for the City. Conrad asked if the applicant has submitted calculations which staff feels comfortable with. Ley stated, yes, the City had Larkin and Associates review the applicant's study to make sure they were not increasing the 100-year flood plain. They are actually decreasing the 100-year flood plain upstream of the footbridge. Duffendack asked if the improvements proposed for Dyke's Branch were factored into the study. Ley stated the only improvement that was factored into the study is the one between 86th Street and 83rd Street. There is nothing else on the 5-year CIP for improvements to Dyke's Branch.

Rohlf asked for clarification on stipulation 20 about the funding mechanism for storm water improvements. Klein stated it is meant to ensure that the applicant has devised a financial mechanism to ensure the money would be there to maintain the common areas including the pool and the clubhouse as well as the tract by Dyke's Branch and the trails. Perkins asked how that funding mechanism would work. Klein stated the applicant could better answer that question.

Williams stated stipulation number 14 talks about no construction between 10:00 a.m. and 7:00 p.m. and stipulation number 24 talks about 9:00 p.m. and 8:00 a.m. Binckley stated they are essentially the same thing. One is stating construction can be done between certain hours and the other is stating construction cannot be done between certain hours. Eliminating one of those stipulations can clear that up.

Pilcher asked if the lots shown on page PDP-2 have the 10-ft. side setbacks or the 7.5-ft. setbacks. Klein stated that plan shows the 7.5-ft. setbacks. Staff has included a stipulation to make them 10 ft. Pilcher asked if there are any concerns about lots 9 and 20. Klein stated the applicant could better answer that question.

Munson left the meeting.

Applicant presentation: Presentation by Philip C. Owen of Studio Owen, representing the owner. Owen introduced the development team and then described the areas surrounding the property on the site plan. This project is truly a vest-pocket project. A person would have to know where it is to get to it. A person could drive by on State Line and not know that it is there. The project is buffered with open space. There is only one point where the property actually touches R-1 property. The applicant started off with the idea of community. Most Americans share the idea that freedom and security are best achieved by gaining control of the largest piece of property they can and keeping everyone else as far away as possible. That is a pretty dull idea. People perform best and enjoy life more when we work together with other people that we know, like and respect. Some of us need to be closer to nature. This contradicts community in the traditional matter. By concentrating buildings in a small area, they preserve a greater opportunity to have nature around us. Living alone in an isolated setting creates a risk of burglary and other crimes. A community with particularly tightly grouped dwelling is far safer. Many of our cities are a visual nightmare. Communities should be clean, simple, deriving their beauty from a careful and consistent design vocabulary. The complexity of simple objects combined in an organic pattern with superb landscaping, minimizing the impact and keeping it internal of the automobile will also be beneficial. The nature of modern life is for many of us to be compartmentalized and isolated, frankly, rather of dull. He wants to do more, think more, know more and be a more useful and productive person and that is reflected in this design. There are 16.2 acres. The Leawood Country Club began in 1940. That property is now defunct. One of the form-givers that the owners proposed to him is that they wanted a functioning vest-pocket community with as much open space as possible. Each one of these 27 lots will own 1/27th of all of the open space. The density is calculated based on 1/27th of the property. In regard to the recreational zoning, the applicant originally requested for those tracts to be open space, zoned RP-2, with covenants and restrictions that it could never be used for anything other than open space. It was staff's recommendation that the applicant split it and make it recreational zoning. The intention is for it to be open green space forever, whichever zoning does not matter to the applicant. In terms of arriving at this design, the applicant has spent the last nine months working with staff, Public Works, FEMA and Johnson County Wastewater. The highest form-giver is FEMA in that they have changed it from the 100-year flood plain to the ultimate flood plain. Since they have reduced the amount used for RP-2, they have increased the amount of open space from about 6 acres in the lower park to 8.17 acres. That has given them enough additional foot-acres of water that they do not need to make it detention. It is purely retention and runoff. Everything within the lower park and the upper park drains to the two creeks. It will be the last thing to flood and the first thing to drain off. In terms of how they approached this, they have almost a flower pedal type of design. They have continued on Sagamore so that it loops around to 89th Street and then brought three lobe cul-de-sacs off of that. When the property is viewed from the lower park area, there are no automobiles. There is no interface there at all. This is 8.17 acres of private open space that is open to the adjacent homeowners for their use. A huge portion of the project has a 5-ft. retaining wall, then a two-tiered 10-ft. landscaped retaining wall. Only in the very middle does it have a 15-ft. retaining wall. There are walking paths. There is a 10-ft. wide handicapped access to the park, not only for the 27 homeowners, but also for the surrounding neighbors. The upper park is the buffer between the RP-1 homes. It will have a swimming pool with a cabana. Other than lot 27, there is no point at which recreation does not touch the adjacent R-1 property. In RP-2, the minimum lot size is 6,000 sq. ft. The smallest lot is 6,300 sq. ft. The average lot is 8,034 sq. ft. Some of the lots are quite larger than that. They are trying to set up a mix of types of lots. They have worked long and hard with staff and other agencies to come up with this plan. The developer would be building all of the homes. They will be very classic, with high-end materials and real stone. All of the retaining walls are proposed to be concrete reinforced walls faced with hand-laid limestone. All of the materials within the buildings will be slate and tile and of top quality. They are looking at these homes selling from \$600,000 to \$800,000 each.

The applicant agrees with all of staff's stipulations with the exception of stipulation number six. The applicant would prefer to have the 7.5 ft. as opposed to the 10 ft. It is fully allowed within the ordinance.

Rohlf asked for a definition of "vest pocket". Owens stated a vest pocket is a pocket that is inside and hidden. This property is completely hidden.

Perkins asked which plan shows stipulation number six. Owens stated it would be on page PDP-2. Every front yard is drawn with a 30-ft. setback. It is 30 ft. from the City right-of-way line to the front setback line. There is a minimum of a 42-ft. driveway. Perkins asked him to use lot 17 as an example to describe the setbacks. Owens stated the rear yard setback is 20 ft. The side yard setbacks were drawn on this drawing as 7.5 ft. The front setback is 30 ft. Staff is requesting the side setbacks to be 10 ft. The net result of that is that the homes would be 5 ft. narrower. Binckley stated 7.5 ft. is a deviation. They have provided enough green space for it to be granted. Staff's reasoning for not supporting it is because the old ordinance, even for R-1, had a 10-ft. side yard. The minimum in most instances is a 10-ft. side yard. Staff felt in order for it to have a similar appearance to the neighborhood, that they should have a 10-ft side yard; totaling 20 ft. between homes. Owens stated the applicant has given up 58% of this property to open space. They would like to have the additional 5 ft. per home if it can be had.

Conrad asked if all of the streets are public. Owens stated, yes, they would all be built to City standards and then given to the City as dedicated streets. Conrad asked about the accessibility of tract A. Owens stated tracts A and B would be owned by this development, but will be open to full use by the surrounding neighbors. Staff has worked with the applicant to create a definition of who are the adjacent neighbors to this property that would have use of the pool and tennis court. The pool and tennis court will have a membership and a small annual fee to use and maintain it. Conrad asked if the homeowners association would maintain tract A. Owens stated the homeowners association would maintain both tracts. Conrad stated in the survey it talks about the maintenance of tract A as being maintained and used only by the owners of the lots and tracts of parcels within this tract. Owens stated that is a mistake. The neighbors are getting 58% of this property as open, recreational space for their use.

Duffendack asked if the general public would have access to tract A. Owens stated it would just be open to the surrounding homeowners association. Duffendack asked how that would be policed. Owens stated other people would end up using it and it would not be a big deal.

Henderson asked what "close proximity" means. Bill Whitaker, one of the partners, stated the only real perimeters set out would be who would be allowed to use the pool and tennis courts, which would be the people along High Drive, along 89th Street, to Lee Boulevard. There will be a chance to join these facilities, which will run with the home. The fee will be regulated by the 27 homeowners who will be responsible for the rest of the landscaping and common areas. This will be itemized similar to other managed communities where the homeowners police it by sending out audited statements that will go to each of the people in the geographic area who have joined the pool or tennis club. As far as the green space, this is private property. It will be handicapped accessible and insured. It will be policed and landscaped, but it is not a public park. They do have the specifics on who can use the pool and tennis courts. There will be an escrow account set up. Henderson asked if there would be a different classification for the homeowners versus the adjacent homes associations. Whitaker stated the 27 homeowners would not have to pay as much for the membership. Henderson asked if the membership would be transferable from homeowner to homeowner for the homes adjacent to the property. Whitaker stated if a person joins, it would run with the land. If a person does not join, then moves, the new owner would then have the opportunity to join.

Pilcher stated he is not sure that 27 homes could effectively support a swimming pool and tennis court. He then stated he feels that they would more than likely need to expand their customer base. Henderson stated it would depend on the amount of the membership fee.

Henderson asked for a description of the configuration of the retaining walls and how they will function. Mike Shirk, of Genesis Design Group, stated the walls will be on the east side of the development. They will be there to hold back the land to allow the homes to be built out of the 100-year flood plain, and ultimately the 500-year flood plain. They have laid out preliminary drainage of the streets. Water will come down the streets and hit the curb inlets and then flow through pipes and

underground storm sewers. They have laid out a preliminary route where the water can go out the ends of the development or take it through a pipe and daylight it out to the creek. That is something that could be decided at final plan. The creek will not be dammed with these walls. The water will continue to flow. They are not constricting any of the water from the creek. Tract A is graded towards the creek. It will be grassed area. It will drain to the creek. As the water in the creek rises, it would get backed up at the box culvert on State Line Road. It would be subject to flooding, just as it is now. But as the water goes down at State Line Road, the water would go right off of this site as well. Henderson asked if the earthen part on which the concrete walls are based would erode when the water backs up from the boxed culvert. Shirk stated erosion occurs with the velocity of water around it. At this point, the water would just be standing. It would be a structure that would withstand water and erosion. Henderson asked about the box culvert and the part that it plays in this project. Ley stated the box culvert downstream is in Kansas City, Missouri and controls the flood elevation on this property. The water backing up from that box culvert is flooding this land. It is not rushing water through the property. Henderson asked if the Army Corp of Engineers is content with it the way it is. Ley stated he believes so. He does not believe there is any way to increase the box culvert downstream. It is about a half-mile long.

Williams asked what Shirk would foresee as the effect of flooding in this area. Shirk stated similar to flooding at any spot. There would be sedimentation. The water draining down picks up soil from the land and streets. When this water gets to State Line Road and hits the box culvert, the water backs up and gets still. When the water stands still the dirt and deposits come out of the water. That would be dependent on how frequently they get a storm of that magnitude. He agrees with Ley, that he does not see any way the box culvert would ever be corrected. What may be done in the future is upstream of this site. They could put in detention basins to reduce the amount of water that comes down to the site, which would ultimately reduce the sedimentation on this site.

Owens stated the consensus from the closest neighbors is that it seems to be when this property has backed up in the past, it will be backed up for about six hours maximum. It's not the entire property that floods, just the lower part. Williams asked whose financial responsibility it would be to maintain that area from any change due to flood waters. Owens stated the homeowners association who would maintain all 16.2 acres.

Conrad asked if the plantings behind the retaining walls would be irrigated. Owens stated, yes. Conrad then asked if there would be a railing at the top of the retaining wall. Owens stated it would depend on building code. If railings were not required, the applicant would prefer to use vegetation at the top of the retaining walls instead. Conrad asked if there would be easements for access to tracts A and B. Owens described the different access points on the site plan. Conrad asked if the two walkways should be an extension of tract A. Owens stated that it could work either way, but it seems staff is okay with it as proposed. Binckley stated staff had asked a similar question upon review and it appears since everything will be common maintenance, just providing an access easement through those lots at the time of platting will be appropriate because the lots will not be fenced. Conrad asked about the ADA access. Owens stated they are recommending removable bollards so that a person in a wheelchair could easily get around them and then if an emergency vehicle needed access, they could remove the bollards. Conrad asked for an explanation of the design process and how the applicant ended up with 27 lots. Owens stated the existing 100-year flood plain was originally closer to the property line. Right after the current owners purchased the property, Larkin started a new ultimate flood plain study. The flood plain is now farther back. One of the starting form givers is the unbuildable flood plain. There were many requests for a buffer from the R-1 residential. It made the most sense to go to a looping street where Sagamore continues around to 89th Street. They then looked at the 100-ft. setback from the stream bank. They looked at several different designs and ended up with what is currently being proposed, trying to make it as smooth and organic as possible. Nothing fronts on the organizational street. Everything is clustered around the petal. They had to take one lot out because of the new APA stream standards. There is open access around the edges of the project.

Shirk stated typical homes are required to be above the 100-year flood plain or they have to pay the higher insurance rating. They are building these out of the 500-year flood plain. Duffendack asked how much of this development would be built on fill material. Shirk stated probably all of the residential houses will be on fill material, varying from one ft. to probably 12 ft. The houses themselves will probably be at a maximum depth of a 10 ft. The maximum depth of the fill of 15 ft. would be at the wall. If there were a basement, then the basement would probably be closer to existing grade and then fill around the house. Further to the west, the footings themselves will be sitting on undisturbed ground. The areas around the house

would be fill. Owens stated the construction engineer just told him that all of the foundations will be on bedrock and then filled around the foundation. Duffendack asked if the normal footings are above the rock sub-base how they would get down to it. Owens stated they would pier down.

Henderson asked whether or not a deed restriction for the maintenance of 1/27th of the property could pose financial or legal problems for the homes association or a homeowner in the future. Doug Patterson stated not each owner is responsible for 100% of the obligation. Every owner is responsible for their proportionate share, much as some homes associations are responsible for the maintenance of right-of-way. That person's share is assessed and is a lien on their property and they could foreclose on it. Henderson asked if those who administer the agreement would be legally insured and bonded. Patterson stated, yes, the officers of the association.

Perkins asked if an agreement should be made that if the construction traffic tears up the asphalt on 89th Street, the developer would be required to replace it. Binckley stated it is a public street so she is not sure if the City could legally require them to pay to replace it. The City can require that they keep the mud off the road, but that is up to the building inspectors and code enforcement officers. Owens stated the applicant would be required to put up the normal construction mud bonds and damage bonds that normally go on in any other project.

Rohlf asked if there would be fencing around the pool and tennis court. Owens stated they are required by City ordinance to provide a 6 ft. fence around the pool. It would be a decorative wrought iron fence. They would have at least a 6 ft. fence around the tennis court.

Williams asked how the stepped terraces are used as a public use. Owens stated those areas were looked at as landscaped architecture devices. The property would slope down, just to give character to what is going on up there. Williams asked if they are planning for it to be just a green space and not an activity area. Owens stated it is not a retaining wall, but more of a restive area, not quite as active as the lower area would be. Williams asked what would be a typical curbside dimension from property line to property line and also how the driveways fit into that. Owens described the setbacks on the site plan. The front property lines would be about 35 to 40 ft. The driveway can go all the way to the property line. Williams asked if they would anticipate any of the homes to have driveways that would be side by side. Owens stated he would prefer if they were not and he thinks staff would agree.

Conrad asked if the applicant ever laid this out in an R-1 configuration. Owens stated, yes, and they got about 15 or 16 units. That would not support the 58% open space. Conrad stated the 58% open space is dictated by the flood plain. Owens stated it is dictated by the flood plain and the gift of the 1.29 acres up at the top as a buffer. There were originally 28 lots until the City Council adopted the APWA stream drainage standards. That took another lot. Conrad asked Owen to describe the plan architecturally and environmentally. Owens stated it has a street front and then the backside of a park. There will be a three-tiered wall and a metal veranda. There is complete and existing vegetation all around the perimeter.

Pilcher stated he would not like to see garage door after garage door when driving down the cul-de-sacs. Owens stated they are planned to be side-entry garages. Pilcher asked if that would require larger side setbacks. Owens stated they are better able to do that on the larger lots, because they can pull them back. That is another reason they would like the extra 5 ft. on the setbacks.

Duffendack asked the size of the pool. Owens stated the pool is planned to be about 20 to 24 ft. wide and 36 ft. long. Duffendack stated it seems to him that they would want to remove the pool and tennis court area from the adjacent residents, but the applicant has chosen to put it right next to that. In addition, the views from that area do not take advantage of the natural site. He asked why it ended up there instead of closer to the perimeter. Owens described the site of the pool and tennis court. It is designed to trap any noise and focus it away from the residents. They talked with the neighbors and some were of the opinion that if it were to be made accessible to them, they would like it closer to their homes, within walking distance. Whitaker stated the pool and the tennis courts would not be lighted and the pool would only be open about two and a half to three months of the year. Duffendack asked if the only thing happening in that area would be pool activities. Whitaker stated there will be benches and walking trails, but there would be a pool and tennis court component. The pool will be maintained and secure. Duffendack asked if he agrees with Owen that it was a decision based

on input from the neighbors. Whitaker stated he believes the input was to get recreational components on the site and the applicant felt it was a good place to put the pool so it would have good access and people could secure the pool better.

Williams asked how many neighbors would qualify for the pool and tennis court membership. Whitaker stated he believes there would be about 55 to 60 homes in addition to the 27 lots within this property. There will be a small initiation fee in addition to the annual membership. Some people may not elect to join, but will still be able to use the open green space. Owens stated the size of the pool could change. The size set is arbitrary based on the amount of users. Originally, they did not have a pool or tennis court. This is something that the neighbors requested and wanted. It was very important to those the applicant worked with.

Public hearing: Duffendack asked the public to keep their comments at or under 5 minutes.

Gordon Henke, 8901 High Drive. He has never heard any of his neighbors being asked to plan the pool or anything else. In May, he sent a paper to the Commission called "The Link". Originally, the developer wanted to get rid of the footbridge on 89th Street that continues over the creek and takes them into Missouri. As a neighbor, over the last 36 years he has seen all of the different uses that footbridge has. It came back on their second plan and then a City document stated they would need to take it out and replace it. He would like to know the status of that footbridge because it is an amenity they have had in Old Leawood. Duffendack stated it is listed on stipulation number 12. Henke asked if the developers agreed to that. Duffendack stated that remains to be seen. Henke then stated he would like to maintain open space and park space. There is a great example of open space at 83rd and State Line, the space surrounding Alexander Majors home. What motivates him are the young people that are being born. He is concerned about recreational space for the future citizens of Leawood.

James Kirkland, 8940 Sagamore Road. He is not sure if he is involved in the pool or not. His presentation focuses on what guides the Commission's decision, which are the Golden Factors. It is what the courts of Kansas have described as what should govern the Commission's decision. The character of the neighborhood: there is no RP-2 zoning anywhere around this place. It does not look anything like the surrounding neighborhood. They are proposing an average lot size of 8,034 sq. ft. The surrounding properties average lot size is 28,000 sq. ft. The character of the neighborhood would be changed dramatically. Mr. Owens stated it is a vest pocket community and how it is hidden. It is only hidden if you do not live there. He chose to live in this area because there are mature trees with large lots in Old Leawood. The time period for which this property has been sitting empty is by total control of the property owners and should be irrelevant. It has been a process of the property owners trying to see how much they could get out of it. The important thing to realize is that it does not have any relationship to the character of the neighborhood. The extent to which the rezoning would detrimentally affect the nearby property: it may be easy for the developer to say that putting 27 houses with an expected \$600,000 to \$800,000 homes would benefit the nearby property owners, but what it does is prevent them from the recreational space. He lives three houses away from the property. The developers have talked a lot about how much space they are giving up, but they were not going to be able to build on that part of the property. They are giving the scraps that are left over. They are providing a park that is subject to flooding and will not really be usable. What are the assets north of I-435? What is the recreational space if this goes away? It would be 2.6 sq. ft. of accessible parkland per person in north Leawood. This is changing the character of the neighborhood and taking away an asset of the neighborhood.

Dr. William Evans, 8741 High Drive. He thanked the Commission for taking their time away from their families and homes to protect their homes and way of life. It is unbelievable they have people coming in from the outside and telling them how to live and what kind of homes they should have around them. The Commission is here to protect the residents and they appreciate it very much. He passed out pictures of his home. There are some people that do not have much of an opinion and some that have opinions totally opposite of each other. People should be able to appreciate each other's opinion and try to protect each other's way of life. His wife has Alzheimer's disease. The only joy she has is sitting in their sunroom and looking out into their backyard. There are three marmots and foxes that live in the area behind their home that they enjoy watching play. They moved out to Leawood because they love the area. They were in Kansas City, MO until World War II and after that those neighborhoods went downhill. Other communities have not gone downhill because other Commission's have kept those communities the way they were. They are comfortable living areas. He does not want to lose his way of life. He does not want to have a postage stamp tenement housing in his back yard. He does not want them to tear down the trees so that he has to look at Wornall or State Line. He does not want to lose what he and his wife have.

Martha Weber Conradt, 8625 Overhill Road. She is not certain if she is a surrounding or adjacent homeowner or "none of the above". She is one of the 250 people in her neighborhood who have displayed "keep it zoned recreational" signs in their yards. She is in favor of keeping the entire Leawood Country Club property zoned recreational. She showed a map of Leawood and its parks to illustrate the absence of recreational space in north Leawood. Looking at the northern part of Leawood towards I-435 there is almost no parkland. Brooke Beatty Park is only half an acre. On a recent trip to Iowa she and her sons were going to go on a walk to a nearby park. Her youngest son went to the car. When she explained to him that they were walking to the park, he did not understand because he has only gone to the park in a car in his 2-½ years. She hopes that the Commission realizes that this is an issue in the neighborhood and that the zoning does not change. At 16.2 acres, the Leawood Club site is much larger than Brooke Beatty Park, but thanks to these developers, it is quickly deteriorating and covered with weeds. These developers have made no effort to develop this plan in a fully recreational manner. She does not see how the plan, as proposed, offers usable recreational space to her neighborhood. The plan also compromises the pristine, natural environment that has existed at this site. Her family would love to walk to a neighborhood park or club at the Leawood site. It is great exercise and a park offers an excellent opportunity to meet neighbors and build community. There is not even a public school ground they could walk to in north Leawood. As they made their buying decision of their home, they considered the Leawood Club as an alternative to a park. When you look at an annual park and recreation budget of \$7.4 million, it becomes apparent that the residents of north Leawood are not getting their money's worth for their tax dollars. It appears that the park planning for the south part is adequate, but Ironwoods Park is 8 miles from her house and I-Lan Park is 5.5 miles from her house. Swope Park and downtown are as accessible to her as Ironwoods Park. Please keep this zoned recreational.

Angela Hagen, 2544 W. 91st Street. She lives about two or three blocks from the Country Club. She is a former member of the club and would still be a member if there were a club there to join. In regard to neighborhood demographics, there is more than just a bunch of retired people in Old Leawood. There are 28 children within a block either way of her home. There are a lot of kids that can utilize a park. On High Drive there are 35 kids of elementary age or younger between Somerset and 83rd Street, they would like to keep it zoned recreational within walking distance of the area. Corinth Gade School had 40 kids above and beyond the kids from Somerset, which were unexpected. If it cannot be a country club, it would be nice to have a portion of the property as a Leawood City Park.

Cheri LeBlond, 8728 Norwood Drive. She lives a few blocks away from this site. She has lived in Leawood for about 8 years. It has been the most accessible City she has lived in. Any time she has gone to staff they have always bent over backwards to help. That is why she is confused with this process and why we are here today. This plan has gone through so many stages and it has been voted down or passed on. There have been e-mail and letter writing campaigns and if that does not speak any louder than the developers, then she is confused. Government should be "of the people and for the people". She would love this to be representative of the residents' feelings and not the developers who are not residents of this City. She is also a mother of a 4-½ year old. She has been a resident of Leawood for 8 years but used to live closer to the City Park. Since she has moved to Norwood, at least 5 young families have moved into her area in the last year. She understands that there was a rumor that the City of Leawood staff felt the north part of Leawood was filled with empty nesters. There are a lot of young families, but empty nesters love green space too. The Country Club offered tennis services and a pool for a fee. It did not work out. She is not sure if it would work for these developers either. She loves green space and would like to avoid isolation from her neighbors; she believes those are good reasons to keep it as a park.

Gary McKillip, 2007 W. 85th Terrace. Have lived in Leawood for 35 years. He was on the Recreation Commission for three years and the Chairman of the Recreation Commission when they wrote the open space and greenway plan. The principle they developed around was that all of the undeveloped land south of I-435 was to maintain open space in order to maintain the characteristics of all of the open space up north. They realized there was only about 8 or 10 parcels up north. They gave them back to the homeowners because they were not accessible to the public. We are not enhancing the north. We are destroying it. He gave three years to the City. He asked the Commission to go with the principle of the open space plan to maintain the north as we did for the south.

Mary Franklin, 8425 Meadow Lane. She is the president of the Leawood Homes Association, speaking on behalf of the homes association. The Leawood Homes Association consists of about 1,500 homes. Shortly after this came up, the board

of directors did not know which stand to take, so they mailed out a survey to the residents. They received 17% of the surveys back. It is not just the people next to the land, the whole area is concerned. Out of the 17% who responded, 69% of those wanted to keep the area recreational. 26% said R-1 would be acceptable. 5% said they did not care either way. Please keep in mind that almost 70% of the 17% who responded want the land to remain recreational. She believes it is a realistic sampling of what the 1,500 homes want.

Meg Gilmore, 9010 High Drive. She and her husband live at the end of the cul-de-sac that looks over the old country club property. Approximately 300 ft. of the north part of their property abuts the old country club land. They live in one of the homes that are mostly affected by the dilapidated facility. After carefully examining the proposed plans for the Estates of Old Leawood, they would like to see the City take a leadership role and approve this development. They feel that 9 acres of accessible, recreationally zoned green space, at no cost to the City, is an extremely satisfactory compromise. Additionally, the potential for over \$200,000 of annually tax revenue from homeowners in the development will create a positive impact in our City. In regard to the proposed density of the project, as recently as June 9th of this year, the City Council voted to approve two other similar developments: the Villas of Whitehorse with 21 single-family lots on almost 6 acres and the LeaBrooke development with 24 single-family lots on 7 acres. If the developers of the Estates of Old Leawood meet the requirements of section 16-2-5.5 of the Leawood Development Ordinance and they agree with all of staff's stipulations, they should receive Planning Commission approval of their plan. The Gilmore's see the development of this land as the only viable option at this time. After two years, there have been no serious negotiations that would indicate any other possibility. Meanwhile, the old country club property continues its steep decline with no end in sight. It's time to move on.

Pam Zanders, 2012 W. 98th Street. She lives in north Leawood and would like to keep it park if that is possible. She is not sure how that is possible. She does not understand how the people who want to keep it recreational plan to overcome the financial obligations to that part of the City. She thinks this looks like a beautiful project. She thinks it is a wonderful compromise for having a large amount of green space in addition to a beautiful residential development.

Steve Johnston, 2032 W. 96th Street. He has lived in Leawood since before they could call it Old Leawood. He is opposed to the proposed development. The applicant contends that swim, tennis and social clubs are not viable in general and that the Leawood Club is particularly not viable. He has done some research and believes that contention does not prove true based on the statistics of five other clubs located in northeast Johnson County and the Country Club Plaza-Madison Gallery area. Specifically, the Rockhill Tennis Club, the Woodside Tennis and Health Club, the Carriage Club, the Homestead Country Club and Overland Park Racquet Club. Those five clubs have operated continuously for an average of 40 years. They average 698 members per club. The average initiation fee is \$4,840.00 and the average dues are \$191.00 per month. Each one of these clubs is viable and operates. He was a member of the Leawood Country Club back in the 1970's when his kids were very young, now they have grandchildren of the same age. He moved to Green Hills because he likes to play golf. The only problem that he ever had with the Leawood Country Club was some miscues in management. Later on, that got exacerbated because the banks loaned them more money than they should have. We need to keep the only zoning for recreational opportunities for residents north of I-435. Without it, they are the only community that does not have a club for people to gather, swim, play tennis in or the homes association to have a meeting in. A lot of people have asked him what would happen. He believes that if the City does not allow the rezoning, the club would go back on the marketplace; it would be purchased for what it's worth as a country club property, reorganized, and rebuilt as a viable club.

Bill Lowe, 9107 Lee Boulevard. There was a question on what type of debris would be left when there is a flood in the flood plain. He showed some pictures of the area during the last heavy rain. The area is already flooding without an additional 27 homes putting a load on that sewer. It seems like a bad idea to try to increase what is going into there. The developer has said they could bolt down the manhole covers or build towers. That just forces the problem upstream onto someone else. There were questions about the eventual owners of the 27 lots and who would be responsible for what and how much. The language that is used in stipulation number 20 says that each lot owner is jointly and severally liable for such maintenance. He believes that means that if there were only one owner at a particular time, then they would be responsible for the maintenance of the entire site. If this rezoning were to be approved, all of the people on Lee Boulevard that have sizable properties would want the same consideration. He could make a lot more money if his lot were zoned RP-2. He could fit seven houses on his one lot if it were rezoned as RP-2. He encouraged the Commission to not allow this property be rezoned to RP-2.

J.W. Hildreth, 8943 Sagamore Road. He has lived in Leawood since 1951. When he first came to Leawood the country club was a dump. There has been a lot of improvement. The small houses with a small area between the houses needs to be expanded to 15 ft., the same as it is for the rest of the surrounding homes. The air down in that gully is not going to come through there and clean them up without space. He showed a picture of himself standing on one of the tennis courts on the club property after a heavy rain.

Maureen Emme Griffith, 8930 Sagamore Road. She is within 200 ft. of this property. She has been actively involved in this matter since April of 2002. She has attended every Interact, Planning Commission and City Council meeting. She has also attended almost bi-monthly meetings with neighbors and concerned citizens. A development of 27 villas with RP-2 zoning is not compatible with her home. The dwellings they are proposing do not look anything like the surrounding homes. The land their villas sit on are three times smaller than most of the lots surrounding it. The surrounding homes sit on an acre and some are an acre and a half. She does not live in a vest pocket and there are no vest pockets around them. The RP-2 zoning is unprecedented in the area. There are no villas in Old Leawood. There is no zoning even comparable to this in Old Leawood. In every meeting with these land speculators, the residents have told them their plans are too dense. In response, they have upped the number of dwellings and put them on less land. Mr. Patterson has spoken the phrase, "apples to apples" for the past two years. She asked the Commission if these tiny villas are comparable to the homes on large lots. Are these "apples to apples"? Approval of this plan would destroy the integrity and character of the entire mature Leawood community. She showed a picture of the view from her driveway. There is an orange construction fence there, when construction has not even begun. The weeds are never mowed until she calls the City. Because the developers are suing the City, the City is not quick to respond to this deterioration. This is self-imposed blight. If they cannot take care of the land now, how can they take care of it in the future? The land speculators have said they have kept some of the green space. The bulk of the land they are now keeping as recreational could not be developed anyway because it is the flood plain. They have not given up much at all. The surrounding residents would be gaining 27 villas. What they would gain is nothing like the green space they would lose. She has lived here since 1993 and utilized and walked that land more than three times per week. She and her family has used that land in a recreational function at no cost to Leawood and no cost to themselves. This space functioned for years as a gathering space. They were paid members of the Country Club, but this space also served as a community gathering space. The comradery and community feeling is priceless. Instead, the neighbors are asked to pay for and use the pool in a neighborhood full of villas. They are asked to maneuver around a detention basin with retaining walls with a sterile trail with two-story villas surrounding them. This is not "apples to apples" at all. They will lose precious green space and a natural setting. Green spaces like this shape and bring value to our communities. This recreational land has meaning to the entire community, not just her family. This would destroy the value of the community. Communities need these gathering spaces. For the last two and a half years, these land speculators have not shown a single way to use all 16 acres in a recreational manner. This land is irreplaceable. Once it is gone, the recreational zoning is lost forever. A community center, a country club, a park or other recreational use is much better suited for this property than detached villas or other dense proposals sitting on bedrock, a Kroh Brothers dump site and fill dirt. The Commission will hear from others tonight who want the owners to put it up for sale. There is no other recreational space in Old Leawood. Let these land speculators put it back on the free market. She asked the Commission to think about the long term for the community.

Connie Cardell, 8915 High Drive. Her home backs up to the proposed development. An appraiser whom spoke before the Commission at an earlier meeting stated he would consider property next to open space as valuable property. If this open space is rezoned, the adjacent property owners run the risk of devaluation of their property. A quote from an earlier meeting is, "Although the City of Leawood has parkland that meets acceptable planning standards, the problem with the area north of I-435 is that it has little or no public space. That is not acceptable." Another quote: "The desire and need by the residents to have the open space or opportunity for recreational space is as strong today as it ever has been. If we lose this, there is not a chance to get it back." Another quote: "For the City of Leawood, the big picture should be to try to maintain recreational space of value for the residents north of I-435." Another quote: "The density per lot is disproportionate to the surrounding area. The developer could fix the density issue, but that is not fixing the problem of viable recreational space." Another quote: "Even though this recreational space is private, it is there, it is visible. It is open. It is green. You may not be able to walk on it, but you can see it, smell it, hear it and feel it. This is the essence. It is there and it has a presence." Another quote: "The plan as proposed creates a very different area within this part of Leawood. It is not in keeping with the

surrounding areas as some of our criteria for zoning require." She just quoted five of the Commissioner's from a meeting a year ago. She would like to know what has changed since August of last year and September of this year. The land is the same as it was. The issues are the same. There are about 8,600 people in North Leawood and only about 100 people would be able to use this property. It does not solve the problem of not having enough recreational space. By the developer's own admission, the reason the recreational zoning was not considered is because there wasn't enough money in it. This supposed green space does not benefit the citizens of Old Leawood. The citizens and the City are not obligated to ensure a profit. The community has shown that they are opposed to this. She asked the Commission to consider their words from a year ago and make their decision the same.

Tom Mayer, 8935 Sagamore. He lives about 200 ft. from the property. He is opposed to the rezoning for many reasons previously stated. The Golden Factors give us the principles from which these decisions should be made.

Duffendack stated it was 9:00 and there would need to be a motion to extend the meeting. **A motion to extend the meeting until 9:30 p.m. was made by Pilcher and seconded by Williams.** Henderson suggested continuing the meeting to finish the case in process, instead of making a motion to extend the meeting every 30 minutes. Duffendack stated, traditionally, the meeting is extended until a certain time frame. Henderson stated he is not opposed to the motion, he is just saying that they will be interrupted again in 30 minutes. Pilcher asked for a show of hands of who would still like to speak at the public hearing. Duffendack stated that it looks like it will be more than an hour before the public hearing has ended. Pilcher stated that he would like to keep his motion to extend the meeting 30 minutes. **Motion to extend the meeting approved unanimously.**

Sara Revard Armer, 2304 W. 103rd Terrace. She is here as a resident and a realtor working the Leawood Community. She likes their plan, it would be an appropriate development south of I-435 or maybe Overland Park, but not north Leawood. There is a reason there was a master plan developed for Leawood and one of the things that attract us to Leawood is the essence of what they started out with years ago. It would be terribly irresponsible to alter that to allow this to happen at 89th Street.

Steve Stechschulte, 9026 High Drive. He has attended almost all of the meetings since April of 2002. He is a 30-year resident of Leawood and lives within proximity of the club. In regard to the viability of recreational space, a point the developers have made is that the land is not viable or valuable as all recreational space. He believes that a more accurate statement would be that the land is not valuable as recreational space because they paid too much for it and have put too much money into it. Whether or not a certain amount of money has been invested into a property should have no bearing on whether or not a property should be rezoned. Whether or not a property remains vacant because someone chooses to keep it as vacant should have no bearing on whether or not it should be rezoned. There are several homes in Leawood that are essentially vacant because people live elsewhere but they maintain their homes and pay their taxes. That is no argument to rezone their home as RP-2 or commercial or anything else. This property has been zoned as recreational for 50 years. The master plan, this body and citizens have repeatedly said to keep this land zoned as recreational. There have been no attempts to use the land as recreational, but there are great, viable plans. He showed an aerial photo of the current property, and then overlaid the proposed plan on top of it. It is completely out of character. It would be blight upon north Leawood. It is also a real problem, functionally. They have put the only recreational space behind a 15 ft. high wall. Several people who have been working hard to keep this zoned recreational have come up with a proposal for a viable functioning club. There is over \$2 million in private money, not City money, that has been committed to reopening the club. Indoor Courts of America has written commitments to make this a viable recreational option, at no cost to the City, open to anyone. The only thing to prevent that is the hope from the developers that if this land is left vacant, and if they threaten the City with a lawsuit, that somehow they will get a rezoning. His goal is to help the City and the developers to create a good alternative, recoup their investment, and create a great recreational alternative for this City and help them move forward to something else. This project would be unopposed if it were on undeveloped land in south Leawood, but that is not the case. This would be unprecedented rezoning when it does not have to be.

Helen Stechschulte, 9026 High Drive. She has lived in this area for 31 years. She would like to keep the land recreational.

Bill Moran, 8927 Sagamore Road. He has only been a resident of Leawood for about 4 months. His home would back up to the three lots that have no buffer. Old Leawood is a treasure for the City. It's like Ward Parkway is to Kansas City. A lot of it has to do with density. Old Leawood has no parkland. This is the last green space. He asked the Commission if, 50 years from now, their successors would be ashamed of the decision made tonight. The question is if there is there a viable alternative. The Club has acted as a quasi community center. They have a legitimate buyer for the club. The buyer has stated that he doesn't care about the surrounding property; it could be parkland. Mike Meadows of Johnson County Parks and Recreation Department has said that there are dollars available to help subsidize purchase of parks in north Johnson County, up to \$300,000. He believes that there are also fundraising opportunities. He believes there is a viable alternative.

Douglas Carter, 2512 W. 88th Street. The green space is precious. Calling the green area in this proposed project green space does not make it usable or acceptable green space. The alternative is for the developers to use it as recreational themselves or selling it to the viable buyer who has been mentioned. The viable buyer is a former resident of Leawood who grew up here. He is the number one king pin in indoor court development in the United States and arguably in the world today, Mr. Lex Kessler. He asked for his letter to the developers dated February 14, 2004 to be placed in the record. Mr. Kessler commits \$2.2 million to the development of this property, keeping the important part of it recreational as a club that can continue in the spirit of how it used to work. That 16 acres cannot be carved up and still serve the irreplaceable purpose that it has served for decades in our community. The developer believes that if they let the grass grow up long enough, someone will cave in. The economics are there. It was based upon hypothetical. The club failed because there was an over \$4 million bank loan taken out at the beginning of the member ownership commencing on the basis of an appraisal from someone who was from outer space. It created an encumbrance on the property and was doomed from the outset. Mr. Kessler offered, in his letter, \$1.5 million. The developers offered \$1.75 million, which the bank took. Mr. Kessler is working together another plan to put another \$700,000 on the table, and \$400,000 more than they paid. He submitted some pages he printed off of the internet that explains what Mr. Kessler has done. It is not a hard decision, do the right thing.

Steve Corey, 9718 Belinder Road. About 60 years ago, the Kroh brothers created probably one of the first planned communities in this country and it has been amazingly successful. These people are here today because of what Old Leawood is: a wonderful community with high value and attraction to people who want the lifestyle. They want to shoehorn this development into Old Leawood, change the ambiance, the culture and the psychology. Leawood North has created Leawood South. Leawood is an attractive and desirable community because of what the Kroh Brothers developed 60 years ago. The map hinges around that recreational space. Please do not change Old Leawood.

David Gilmore, 9010 High Drive. He asked if he could read some letters from some residents whose properties are contiguous to the site, but could not attend tonight. The first letter is from Marsha and Bill Marshall who reside at 9014 High Drive. "We are not able to attend the meeting but have reviewed the latest plans for the development of the old Leawood Country Club property. Being a neighbor that abuts the property, we feel the proposal meets its obligations to us and would be a nice addition to the neighborhood. We support this proposal and would like to see it proceed." The second letter is from Janice and Steve Touge, 9022 High Drive. "We have lived at 9022 High Drive, which backs up to the Country Club, for 26 years. We were former members of the club and watched it deteriorate for 5-10 years before it closed. In the past 10 years, the property has become a jungle and an eyesore and we are appalled that the City of Leawood has allowed it to become a hazard for residents and their children. The City should proceed in developing the land so that it is consistent with the surrounding neighborhood, but will provide a new tax base for the City." With regard to the mysterious buyer, he has read the letter that was presented and about four paragraphs into the letter there is a very serious stipulation that the offer is effective based on the fact that the clubhouse, pool and facilities are in good condition. The pools are falling apart, the clubhouse and the butler buildings that house the tennis courts flood every time the creek gets up. He cannot imagine the developers would sell this property for less than \$3 million at this point. Looking at the cost to renovate the club, he feels Mr. Kessler would back out. If there is a serious potential buyer, then he is also very surprised he would not attend tonight's meeting and put forward his sincere offers.

Patricia Shaff, 8927 High Drive. Her property is immediately adjacent to the Leawood Country Club property. She appreciates the task the Commission has before them and their interest. The gentlemen who own the property mentioned they worked for 9 months on this plan, but they failed to get to know the community in which they are now owners. The plan they have presented looks nothing like the surrounding neighborhood. Her neighborhood has large yards, friendly people,

beautiful homes and beautiful trees. That is why she invested in a home here. The proposed plan is an albatross. It does not fit. She is concerned about the conflicting stories. She would like to know if they are building on fill or bedrock. The large trees that are removed in this plan are irreplaceable. That is what buffers her neighborhood from Ward Parkway and the lights and also allows them to enjoy the wildlife. Who is responsible for the current dilapidation? If the buildings are declining and the property is falling into disrepair, the codes need to be followed. There is no reason for the property to decline and the grass to be out of control. She is clearly opposed to the rezoning. A neighbor of hers stated that she is in approval of this plan because she feels there is no financial backing. That is not the case. Recognizing public park and recreation areas must increase goes beyond the concerned community. This was recognized back in 1999 through the Master Action Plan 2020 which confirmed the "densely populated northeast portion of Johnson County does not have enough recreational space to support the current or future population." She showed the area on the map. This area was identified as a top priority for the district to increase park and recreational opportunities. Mature Leawood falls into this high target area. Please note on this map, Brooke Beatty Park does not even appear. In 2003 the district went one step further and made \$2.1 million available for the northeast sector. Its purpose is to assist interested Cities in purchasing land. Five cities opted to use these funds to serve their communities. They were Prairie Village, Fairway, Lenexa, Overland Park, and Merriam. Leawood did not submit a proposal. The significance of this \$2.1 million is that in the 50-year history of the district, this is the first time this type of opportunity is available. It is an unprecedented opportunity for densely populated areas, exactly like ours, to act now. District funds are still available, but time is critical as they are currently being distributed. Some of these funds could assist with the acquisition of the five acres mentioned earlier. A long-term agreement could spell out who would be responsible for the upkeep and maintenance of the park. The Johnson County parks and recreation department feels so strongly that the northeast portion of the County needs more, not less, park space that they made historic funds available. Some of these funds are still available but it is critical to step forward and use them now for Leawood's current and future residents. Recreational space is more than a map; it is about neighborhoods, walkability, young families, retirees and the fabric of the community. It is essential to the health and welfare of this community.

A motion to extend the meeting until 10:00 p.m. was made by Pilcher and seconded by Williams. Motion to extend the meeting approved unanimously.

Justin Apprill, 2200 W. 85th Terrace. He and his wife have lived there for a few years. His home is about four blocks north of the proposed project, which would be excluded from the use of the pool and tennis court. They moved to the neighborhood a few years ago. They wanted an established neighborhood with character. They chose Old Leawood after comparing it with many neighborhoods in the Kansas City metro area. The then operational Leawood Country Club played a role in their decision. Though the club closed before they could become members, the fact that this recreational space existed added value to their property and was important to healthy living. The developers plan does not allow for usable recreational space for all of Old Leawood and if rezoned the usable recreational space will likely be lost forever. The foresight of the master plan creators recognized the need for all of the land to be used as recreational space. The fact that the developers have made no attempt to use the entire 16 acres for recreational purposes does not mean the entire 16 acres cannot be successfully utilized. If this land rezoned and we lose the only usable recreation space in Old Leawood, a major amenity will be lost. If the rezoning comes to fruition, he may look in a different community, a community that understands the importance of usable recreational space. The presence of usable, viable, recreational space by all of north Leawood is important not only to his family, but also to many people in the north Leawood community. The developer's plan does not satisfy the recreational needs of the community.

Bill Jennings, 9015 High Drive. He has lived there for 15 years. The recreational space and the club were the primary reasons he moved to the area. It is an invaluable resource. He asked to keep it zoned recreational. He believes that now is the time for negotiation. This has been going on for over two years with a tremendous amount of citizen input and desire to maintain this recreational. He would hope the developers would entertain the thought of negotiation. He believes what Mr. Stechschulte suggested in terms of alternatives to this is real and we need to talk seriously about it.

Susan Ronnekamp, 8720 Meadow Lane. Showed a listing of the amenities for preschool children or K through 12 child. There are no swimming pools, tennis courts, picnic areas, community gathering places, school playgrounds north of 103rd or public playgrounds. Johnson County is known as one of the top 10 counties in the United States. Her son is preschool age and they often walk along Lee Boulevard around the green space at 89th Street and Lee Boulevard. It is little more than an

easement between a creek and a busy street. It is not a place that a child would feel safe to stop and play catch. It is a nice bench without coverage. She tried to get her son to come over and sit on the bench and he told her, "It is not a park, it is a bench." The preschool children, if they could, they would gather and say, "not my park". Elected and appointed officials represent the children too. They should do the right thing and move onto other business with taxpayers' dollars. A bench is not a park. Month after month and year after year, the community has said they do not want the rezoning from recreational. The children would say they want safe and attractive equipment to play on. People of all ages need places to gather. They deserve better.

Sarah Protzmann, 8801 Norwood Drive. She has been a resident of Leawood for the past five years. She has grown to love it and appreciate the great City services. She talked her mother into moving into 8840 Norwood Drive. Being one block west of Lee Boulevard, she has found out she is not close enough to be included in their proposed benefits, but definitely close enough to be exposed to the noise, construction traffic, and upheaval that will happen. A lot of the things she was planning on saying tonight have already been said. With three young children, she already pays for some of the benefits she could have with a community center, which is what she would love to see in that space. She has paid to use Roeland Park and Mission's community centers. That is something she has always found lacking this community: a place to meet your neighbors, a place for family fitness and recreation and a playground for the children.

Ron Reussner, 2516 W. 88th Street. He has lived at that location for over 40 years. The National Recreation and Park Association has set recreational standards for Cities. Cities should have the following park types: many parks which serve residents within 1/4 mile of the park, neighborhood parks which serve residents within 1/2 mile of a park, community parks which serve residents within 3 miles of the park. North Leawood parks are as follows. Brooke Beatty Park is a mini park that serves a few residents of North Leawood. Its primary facility is a park bench. This park does not meet the standards for accessibility set by NRAPA for most of north Leawood because only a few residents are within the 1/4-mile service area for a mini park. There are no neighborhood parks in north Leawood. Some of the facilities of the Leawood City Park are appropriate for a neighborhood park, but no residents north of I-435 live within the 1/2-mile limit for these facilities to meet NARPA standards. Neighborhood parks are the main locations for children play areas. North Leawood has no accessible children play areas. Leawood City Park is a community park. The Leawood residents that live north of 83rd Street are more than three miles from the park. This park does not meet the standards for accessibility for residents north of 83rd Street. Also, a community park should provide indoor meeting facilities for group activities. Leawood City Park does not meet this standard. No other Leawood parks are within the standards for accessibility that are within the standard for NARPA. The residents in north Leawood live closer to Loose Park and Swope Park than they do Ironwoods Park. It is essentially unusable to them. The NARPA standards call for a minimum of one acre of parkland for each one thousand people. Approximately 8,600 residents live north of I-435. Leawood City Park is 66 acres and Brooke Beatty Park is one-half acre. If all of the Leawood City Park were allocated to only serve the residents north of I-435, that would give 7.75 acres for each 1,000 residents. 20 additional acres of parkland is needed to meet the NARPA standards. The proposed development does not make up for this shortfall. The swimming facility and tennis court are only available to residents of the development and immediate landowners. The walking path would only be accessible to people within walking distance. No parking is provided. The location of the club was very good and within 3 miles of all of the residents north of I-435. The club was open for all Leawood residents and over 500 families belonged to it when it was closed. The Leawood Country Club contributed to the recreational welfare as well as the social fabric of north Leawood. He is thankful that Leawood considers recreation and parks to be important and has zoned this land as recreational and has shown it so on the comprehensive plan. He is hopeful this land will once again be a community gathering place for residents north of Leawood.

Elaine Reussner, 2516 W. 88th Street. Why have so many citizens consistently over a two-year period spent literally thousands of hours to attend stressful meetings? This effort has involved hundreds of citizens, not just a few. Why have so many people focused their physical energy to obtain over 2,500 signatures on three community petitions so the City decision makers would understand the importance of keeping this land zoned recreational? Why have area residents written so many letters to City officials and newspapers? Why have they written booklets and fliers and the like? Why have the people in northern Leawood used their own resources for printing flyers, legal fees and such? The people in mature Leawood recognize the value of this space to the people who reside here. Major development of either new homes or villas do not fit into their area of individualized, smaller, older homes on large lots with big trees. The new recreational opportunities created by this development serve the people who do not even live in Leawood, not people like her who lives three blocks away and

does not qualify. Without question, recreational areas within a City provide an environment that enhances physical well-being. Rather than pounding the pavement by collecting signatures, they long to get their physical workouts on the tennis courts or the exercise room in their own part of town. The recreational space is important to their mental well being as well. Instead of stressful meetings, we want to coax our children as they learn to swim, in their own neighborhood. Instead of spending their time writing and distributing fliers, they want a place to meet nearby with old friends. They also want to be able to meet new friends while pushing their children on a swing. When community residents get to know one another, that community becomes a healthier and safer place to live. Wouldn't it be nice to spend their resources not on such things as legal fees, but at a neighborhood recreational site, like other parts of Leawood do? Would a community without any recreational space available to all be a desirable one? If that were true the City would not have designated 423 acres of parkland in the central and southern parts of the City. There are a huge number of acres in those areas that are privately zoned recreational as well. Recreational areas add vitality to communities. They increase home values. They enhance the quality of lives. It is fortunate that what the citizens want and what is good for the City as a whole is one and the same. However there are four other people involved in this, none of which live in Leawood. These men purchased recreational land without a contingency. That land has been used as recreational ever since the City's beginnings and is so zoned in the City's most recent comprehensive plan. Why did they do it? No effort has been made by them to use the 16 acres in a recreational way. Mr. Patterson stated in 2002 that rezoning is a "slam dunk" and with rezoning comes money. The residents have had to spend their own money to try to save this special piece of recreational land. If the developers do not want to work within the guidelines of the City zoning, they should sell it to others who will. Are the resident's desires concerning recreational opportunities any different from the people in the rest of Leawood? The taxpayers contributed heavily to the 18% of the City yearly budget that is used for recreation south of them. They are asking that their only recreational acreage, a mere 16 acres, remain zoned recreational. Residents of Old Leawood worked hard over the years molding this City of Distinction when there were no residents south of 103rd Street. Now it is time for the officials to support us as we have supported them. If Leawood is to remain a City of Distinction, the whole City needs to be a desirable place to live.

Mary McKillip, 2007 W. 85th Terrace, wife of Gary McKillip who was part of the committee designating the green space in the 70's. The values and makeup of the communities south to 147th Street are different. It feels commercial and sterile. We love big trees, love to maintain, love to renovate, love new people coming in with young people. 85th Terrace has gone all these years without a sidewalk, assuming the need for money was somewhere else. It seems the City has not represented her area in any way, as though all of the vision has been out south. Every community has a gathering place, but north Leawood does not. There are adjoining suburbs that have neighborhood community centers in DeSoto, Gardner, Lenexa, Merriam, Olathe, Prairie Village, Overland Park, Roeland Park, and Spring Neighbors Place. There are no sidewalks on many of the streets. Within the past year, two young families have moved because it is too dangerous. There was an article in the paper that describes how Leawood is working with the Arts Council on a plan to add art in public places. The proposed structure is one of a series planned for art in public places. The residents of north Leawood would just like to have a public place. The cost of this sculpture is \$85,000. She was under the assumption that the City could not talk to the residents about funding and purchasing this land. The proposed plan is wonderfully crafted development, but it is not like the surrounding area. All developments want what we already have and everyone in Leawood is happy with what they have and they just want to maintain and preserve it. They live close to the north gateway to Old Leawood. Some of the land is a very historically important.

A motion to extend the meeting until 10:30 p.m. was made by Williams and seconded by Perkins. Motion to extend the meeting approved unanimously.

Kevin Walker, 10308 Wenonga Lane. He supports all of the comments that have been made previously about keeping the land recreational. He is a former Leawood Country Club member and has since joined Homestead Country Club. Within a year he became a member of the board of directors. He did so to better understand the viability of a swim and tennis club. He has learned that swim and tennis clubs can be viable in the Johnson County area. What it takes for them to viable are committed and passionate members and residents. He is afraid that if they lose that chance now on the Leawood Country Club site, it will never happen again. He has witnessed what it takes and what they have been able to accomplish at the Homestead Country Club and have not seen anything similar to that with the current ownership of this land. A country club

is not the only option for recreational zoning. There is still time to use the community resources to use this land in a recreational manner.

Mark Curfman, 2812 W. 90th Street. A year and a half ago we were all in the same room discussing the same problems. What has changed since then? The developers have hired an architect and have submitted prettier pictures and have a better presentation. Any of the developers will tell you what a great design it is and how great neighbors they will be. That is what they get paid to do. Not much has changed. They still have an unbuildable flood plain. The walls are still there. They have a park of some sort that may or may not be open to the public. They have 27 units instead of the latest 20 units proposed. Nothing has changed to make this application more acceptable. Article 8 of the Leawood Development Ordinance clearly delineates 10 specific criteria, which are to be used by the Planning Commission for the approval of subdivision applications. Of these 10, four are basic development stipulations that apply to any development. The remaining 6 criteria are used to judge the appropriateness of the plan. This plan, like the previous submittal, does not meet any of these criteria. This plan does not comply with the Leawood Comprehensive Plan. This plan does not harmoniously relate to the tracts of land in the existing community. The high percentage of irregular shaped lots, the narrow frontage of the lots is not found anywhere else in Old Leawood. This plan does not promote neighborhood conservation. This plan proposes the demolition of a neighborhood asset and the only viable recreational land in old Leawood. This plan does not provide the best possible design of the land parcels including similar lot sizes and shapes of adjacent lots. The lots are on average over three times as small as the surrounding lots and most are irregularly shaped lots with a fraction of the frontage normally found in Old Leawood. The proposed side yard setback is half of that on most of the adjacent lots. This plan does not provide for adequate vehicular circulation. The Leawood Development Ordinance requires parking for recreational uses. If this is going to be a recreational used piece of property, there should be some off-street parking associated with it. Without off-street parking you create a traffic hazard. This plan does not discourage the creation of individual lots of less than the average size of adjacent lots. Clearly the criteria emphasize the harmonious relationship of a new subdivision placed next to an existing subdivision. This plan makes no attempt to relate to the oldest existing neighborhood in Leawood. Not meeting any one of the criteria may be grounds for denial of an application by this Commission. This plan does not meet any of the 6 significant subdivision criteria. Not much has changed. The Commission's rejection of this application should be no different than it was 18 months ago.

Owens asked to make a brief rebuttal. Duffendack stated he was out of order.

A motion to close the public hearing was made by Williams and seconded by Pilcher. Motion to close approved unanimously.

Duffendack thanked the public for taking their time to speak either for or against this case.

Henderson stated he feels as if he sat through two different meetings tonight. The first half was spoken about the proposed plan and legitimate concerns. The second part of the meeting was hearing from the public. Most of their comments were directed towards park-like and asking the City as if we own the property to make a judgment about something that was private, recreational zoned as if the Commission has the right or opportunity to make a comment about that. There is a rezoning issue before the Commission. He has not heard any serious discussion the last hour and a half about the proposal, like he did the first half of the meeting.

Perkins stated he was not on the Commission when this was previously seen. With what he has seen up to now and with all of staff's stipulations, he would support this application.

Pilcher stated he feels there was a lot of emotion wrapped around the recreational use issue. Most of us are aware that this is not public land and would likely never be a city park. He asked himself what would be happening if this land had never been developed and this plan were brought before them. While he does not think the answer is that it should be homogenous, he feels he would not have any choice but to accept the plan if it were a proposal for RP-1 and the lot sizes were comparable. Is this a valid compromise between what would be ideal, which would be a city park, or RP-1, with similar lots sizes, which we're not even close to? He does not feel this is the right answer.

Williams stated the Commission has heard a lot of comments from people about how this should be a park. It is not a question of whether or not this should be a park. The comprehensive plan shows this as recreational use. It has been used as recreational for over 50 years. There is an obvious desire by the community to keep this as recreational use, the park issue aside. The recreational use that has been proposed with this plan is very small for the community. They are proposing a potential recreational use for 80 to 85 residents versus a community made up of 8,600 property owners. The club has served that community for over 50 years. Maybe not everyone has used the club, but it has been available to people who chose to do that. They will not have that opportunity in the plan that has been proposed tonight. Some of the City's own criteria talks about fitting in with the neighborhood. He does not see a plan that is consistent with the surrounding neighborhood with cul-de-sacs, narrow street frontage, the driveways and how they would fit in. There are a lot of driveways and no green space in front of the homes. There are no opportunities for some of the mature trees. He commends the design team for an overall stellar job for the property they are dealing with and trying to address a lot the issues of buffering against the neighborhoods, trying to make the flood area potentially a usable space, though for a small number of people, but he does not see the plan as being compatible, suitable or consistent with the surrounding neighborhood. Due to that, he cannot support the plan that is presented tonight.

Conrad stated they have a plan before them that is for a piece of property that is currently zoned as recreational. The City and the Commission has supported maintaining that. An applicant has come before them with a request to rezone that land. He asked the question as to how they ended up with the plan now proposed and there were some site issues. He still does not fully understand how they ended up with 27 units. He thinks there is very much a character of north Leawood that he does not believe this plan reflects. The applicant said they did a study of an R-1 plan to try to meet some of the requirements of the character of the neighborhood and see if they can improve upon the relationship with the existing neighborhood. For the reason of not blending into the neighborhood, he is very hesitant to support the plan as presented.

Rohlf stated she thinks the rezoning is a reasonable request and use of this land. This plan is significantly improved from what was seen a year ago. Some of the improvements that come with this plan are better than what they have had before with flooding and safety. She thinks the trade-off of getting the 58% open space is a good one for the surrounding community. She does not think it can stay as it is. Her concern is that this land continues to remain vacant. She feels it is a very good compromise.

Duffendack stated he believes density and compatibility are major issues with this proposal. He has some strong concerns about basic land planning and the adjacencies of certain activities to other surrounding uses.

Henderson asked if there is any possibility of looking at the earlier plan with RP-1 houses that is more like the community. Then the issue of rezoning would be a mute issue. Duffendack stated that is not the issue before the Commission tonight.

Williams stated he finds this project does not meet all of the Golden criteria of the character of the neighborhood and the preservation of the neighborhood. It is a drastic change. There are a lot of issues that this does improve upon, but it also creates some other problems for the homeowners who would be saddled with the maintenance of it. He does not see where the project actually meets the criteria.

Pilcher made a motion to deny because it does not meet the Golden Criteria, primarily the character of the neighborhood. Motion seconded by Williams.

Conrad asked if there is any justification for discussing a possible continuance with a revised plan reflecting a closer compatibility with the surrounding neighborhood. Duffendack stated a motion has been offered and that would need to be an amendment to the motion. Binckley stated Conrad could make an amendment to the motion. Conrad suggested an amendment that the applicant be given the opportunity to continue the case. Henderson seconded the amendment because he intends to vote against the motion for that reason. There could be a better way to express the Golden criteria. Binckley stated the applicant has requested the Commission make a decision on this tonight. They prefer not to have a continuance. Conrad withdrew his amendment.

The motion to deny resulted in a 3-3 tie. The chairman voted to break the tie. The motion to deny was approved 4-3. (In favor to deny: Williams, Conrad, Pilcher and Duffendack. In favor to approve: Henderson, Perkins, and Rohlf.)

Meeting adjourned.

J. Paul Duffendack, Chairman

Regular Meeting

THE LEAWOOD CITY COUNCIL

November 1, 2004

Minutes

DVD No. 111

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:00 P.M., on Monday, November 1, 2004. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Mike Gill, Louis Rasmussen, Scott Gullledge, James E. Taylor, Sr., Gregory Peppes, Gary Bussing and Debra Filla.

Councilmembers absent: None

Staff present:

Scott Lambers, City Administrator

Joe Johnson, Public Works Director

Diane Binckley, Planning & Develop. Director

Chris Claxton, Park & Recreation Director

Patty Bennett, City Attorney

Sid Mitchell, Chief, Police Department

Mark Andrasik, Info. Systems Specialist

Deb Harper, City Clerk

1. **PLEDGE OF ALLEGIANCE**

2. **APPROVAL OF AGENDA**

Mayor Dunn noted that Councilmember Bussing would have a report under Agenda No. 9; Councilmember's Report. A motion was made by Councilmember Rawlings, seconded by Councilmember Gullledge to approve the agenda. The motion carried following a unanimous vote of 8-0.

3. **CITIZEN COMMENTS**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. **CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.**

Mayor Dunn confirmed with Marla Cope, Sara Armer and Trish Smith that they had inadvertently signed on the wrong Citizen Sign-In sheet and that they desired to speak on Agenda Item No. 11. Mayor Dunn advised the audience that all persons wanting to address the Council regarding Agenda No. 11 [Leawood Country Club] would need to sign the sign-in sheet.

4. **PROCLAMATIONS** Community & Regional Planning Day, November 8, 2004
Mayor Dunn presented the Community & Regional Planning Day Proclamation to Diane Binckley, Planning & Development Director.

5. **PRESENTATIONS/RECOGNITIONS** None

6. **SPECIAL BUSINESS** - None

7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Approval of Appropriation Ordinance No. 1012
- B. Accept minutes of the October 18, 2004, Governing Body meeting
- C. Accept Minutes of September 14, 2004 Parks and Recreation Advisory Board meeting
- D. Renewal of Cereal Malt Beverage [CMB] License for Hy-Vee Food Store, located at 12200 State Line Road
- E. Mayoral Appointment of Citizen Committee Member, Mike Frank, to Gezer Region Sister City Committee
- F. Approve 14th and Final Pay Request in the total amount of \$24,194.39 to Walton Construction Company pertaining to the Cornerstone Project [CIP # 190 \$4,542.79] [CIP # 191 \$19,169.58] [CIP # 192 \$482.02]
- G. Approve purchase in the amount of \$18,264.00, to Overhead Door for the purchase of garage doors for the Park and Recreation Maintenance Building
- H. Resolution No. 2314, approving Leawood Lots 687 & 687A Final Plat located at 2802 West 93rd Street [*from the October 12, 2004, Planning Commission meeting*]
- I. Resolution No. 2315, approving a Final Site Plan for Valley View Bank sign located at 11813 Roe Avenue [*from the October 12, 2004, Planning Commission meeting*]
- J. Resolution No. 2316, approving a Final Site Plan and Final Plat for Doctor's Specialty Hospital located at 5001 College Boulevard [*from the October 26, 2004, Planning Commission meeting*]
- K. Resolution No. 2317, approving a Final Plat for Village of Camden Woods 70th plat located south of 143rd Street and west of Kenneth Road [*from the October 26, 2004, Planning Commission meeting*]
- L. Resolution No. 2318, approving a Final Plat for Village of Camden Woods 71st plat located south of 143rd Street and west of Kenneth Road [*from the October 26, 2004, Planning Commission meeting*]
- M. Resolution No. 2319, approving a Final Plat for Village of Camden Woods 72nd plat located south of 143rd Street and west of Kenneth Road [*from the October 26, 2004, Planning Commission meeting*]
- N. Declaration of Surplus Property [Information Systems]

Councilmember Taylor stated he would recuse himself from Agenda Item 7F and asked that it be pulled from the Consent Agenda. A motion was made by Councilmember Bussing, seconded by Councilmember Gullede to approve the remainder of the Consent Agenda. The motion carried by a unanimous vote of 8-0.

- F. Approve 14th and Final Pay Request in the total amount of \$24,194.39 to Walton Construction Company pertaining to the Cornerstone Project [CIP # 190 \$4,542.79] [CIP # 191 \$19,169.58] [CIP # 192 \$482.02]

A motion was made by Councilmember Rasmussen, seconded by Councilmember Bussing to approve this Final Pay Request. Councilmember Gill noted his philosophical disagreement in how this project was done. The motion carried by a vote of 7-0-1, with Councilmember Taylor recusing.

8. MAYOR'S REPORT

- A. Participated in a ribbon cutting ceremony and reception at the new Leawood Vein Center, located within Leawood Commons
- B. Attended a Greater Kansas City Community Foundation function featuring Mayor Kay Barnes and Carol Marinovich speaking on quality education
- C. The Leawood Lions Pancake Days, conducted last week was once again, a successful fundraiser
- D. Attended a dinner and breakfast that hosted 5 Russian Judges visiting from the Moscow and St. Petersburg areas this past week
- E. Attended a 3rd Congressional District Debate between Incumbent Congressman Dennis Moore and challenger Kris Kobach
- F. Reminded all citizens to vote tomorrow

9. COUNCILMEMBERS' REPORT

Councilmember Bussing commenting on the Roe Avenue Improvement Project, stated that one lane of Roe Avenue is scheduled to be open for north and southbound traffic from Tomahawk Creek to 127th Street along with the intersection of 127th & Roe itself open, on November 15th, weather permitting. The intersection will have 4-way stop signs until a signal can be installed possibly in December. Mayor Dumm asked if Mr. Bussing could provide another updated report at the Monday, November 15, 2004, Governing Body meeting.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the September 14, 2004, Planning Commission meeting]

Ordinance approving rezoning request from REC to RP-2, Planned Cluster Detached Residential, Preliminary Plat and Preliminary Site Plan for Estates of Old Leawood, located at 8901 Sagamore [Leawood Country Club] [Roll Call Vote]

Mayor Dunn read into the record the procedures with time limitations on the above referenced issue. [See below]

Application Presentation	30 minutes
Governing Body Questions to Applicant	No Time Limit
Citizen Comments	90 Minutes
Each speaker will be limited dependant upon the number of people wishing to address the Governing Body. Anyone wishing to speak must sign in with the City Clerk prior to the start of the application being heard. The transferring of minutes from one speaker to another is not permitted.	
Applicant Rebuttal	15 Minutes
Governing Body Questions to Applicant	No Time Limit
Recess	10 Minutes
Governing Body Deliberation and Possible Action	

Ms. Dunn stated since 90 minutes had been allocated for citizens to make comments and with 36 citizens requesting to speak; each citizen would have 2.5 minutes to comment.

With the arrival of boy scouts from Troop 10, Mayor Dunn asked them to come forward and to lead us in the Pledge of Allegiance for a second time.

Mayor Dunn asked Patty Bennett, City Attorney, to comment regarding the voting requirements for this agenda item. Ms. Bennett stated normally, a recommendation from the Planning Commission requires a simple majority vote on items to be either passed or denied, however, since a valid protest petition was filed on this item against the rezoning, a 3/4 majority or 7 out of 9 votes would be required if the Governing Body desires to override the Planning Commission's recommendation.

Application Presentation 30 minutes
Doug Patterson, Leawood Partners, LLC, gave a brief presentation followed by land planner and architect, Mr. Phil Owen, Studio Owen. Mr. Owen recognized the strong emotional ties of this project to the community as it relates to the loss of the country club that has been in the neighborhood for many years. However, this property has never been a park area, nor has the Johnson County Park and Recreation Department offered to purchase the property for parkland use. Mr. Owen offered some historical facts surrounding the history of this property, stating when the City began zoning City property in the early 1950's, this property was classified as recreational, simply because that was the current use of the land at that time. Since that time, this piece of property has never been zoned recreational, but was simply an overlaying, due to the Master Plan, and was 'defacto' zoned recreational. The property was purchased by Leawood

Partners following a foreclosure of the Country Club. In 2002, the City adopted the new FEMA standards to the ultimate flood plain mapping system, along with the APWA new streamway standards. Much of the country club is located in the ultimate flood plain, and ultimately, could not be reopened under the new FEMA and APWA standards. This design is described as 'donut' zoning, which has RP-2 in the middle of the 'donut'. At no point does the RP-2 zoning touch any of the residential area except for one lot, which is on the dead end of Sagamore. Lots 26 and 27 do touch that lot, however they are separated by a landscaping easement. The green space surrounding the residential lots is used as a buffer zone. The proposed plan has more green space than what is currently there, with a total of 9.46 acres of open green space. This area will be maintained by the 27 home owners. There is also a green buffer space on the north side. A pool, cabana and tennis court has been added to this plan. There will be architectural retaining walls [limestone faced] that divide the upper homeowner area from the lower park area. The minimum price for these homes will begin at \$750,000.

Mr. Patterson stated they have attempted to address every concern the surrounding homeowners have expressed. The City's planning staff has recommended approval of this plan following consideration of the Golden Factors. The previously submitted plan had no recreational zoning with 20 residential lots. This proposed plan has been subsequently modified that has retained 58% of the area as recreational zoning, while increasing the density from 20 residential homes to 27. The former plan had no open space reserved for public use. The current plan has 9.5 acres reserved for recreation, including a pool a cabana, tennis courts and walking trails.

Maintaining this property as a recreational facility is not feasible or financially viable. No viable plan has been submitted in the 2.5 years of trying to develop this property. Johnson County Park and Recreation Department has not contacted the current owners for possibly developing this area as a park. The 9.5 acres of recreational area will be open to public access, without any barriers, provided this area is not abused.

There being no questions by the Governing Body, Mayor Dunn stated we would move to the citizen comment portion of the meeting. Ms. Harper advised that an additional person had signed in, bringing the total number of people to 37. Mr. Lambers suggested that each person still be allowed to speak for 2.5 minutes.

Citizen Comments

90 Minutes

Each speaker will be limited dependant upon the number of people wishing to address the Governing Body. Anyone wishing to speak must sign in with the City Clerk prior to the start of the application being heard. The transferring of minutes from one speaker to another is not permitted.

1. Gordon Henke, 8901 High Drive, speaking in opposition to the plan, gave a brief history of the City and of the area. He believed this 16-acre area was intended to remain recreational, and this plan is out of character for the neighborhood.

2. James Kirkland, 8940 Sagamore, speaking in opposition to the plan, stated the Golden Factors are the guiding standards and is concerned about the plan having a negative impact on the character of the neighborhood and is not in favor of having villas in the neighborhood.
3. Justin Apprill, 2200 W. 85th Terrace, speaking in opposition to the plan, commented on the Golden Factors regarding the suitability of the property and the effect of the rezoning on nearby property. He feels this property is viable if remained zoned as recreational.
4. Emme Griffith, 8930 Sagamore, speaking in opposition to the plan, lives within 200 feet of the property and has not seen the current plans as presented. Ms. Griffith spoke to the Golden Factor regarding length of time the property has remained vacant. Further stating the property wasn't vacant until the current owners purchased the property, and has been allowed to deteriorate.
5. Debbie Korpi, 3601 W. 87th Street, speaking in opposition to the plan, commented on the Golden Factor relating to the relative gain to the public health and welfare, stated this plan would result in no gain to the neighborhood, and will leave the northern part of the City with no recreational facilities.
6. Mark Curfman, 2812 W 90th Street, stated the proposed plan does not measure up to the standards of the planning criteria. Further stating, this plan is not compatible with the existing neighborhood, as most of the existing lots are 24,000 square feet; 3 times the size of the proposed residential lots.
7. Paula Kartus, 9117 Lee Boulevard, stated the northeast end of her property abuts the proposed plan and is opposed to this plan and explained the Old Leawood Preservation Association's vision to maintain this area zoned as recreational.
8. Bill Moran, 8927 Sagamore, speaking in opposition to the plan, advised his property abuts up to the proposed development. He has initiated a fund raising project to form a private-public partnership to raise money for a park, if this property would be for sale.
9. Stuart Stein- not present.
10. Steve Johnston, 2032 W. 96th Street, speaking in opposition to the plan, stated he believes a country club would be viable in this area and that the developers bought the property just to subdivide the property.
11. Patty Shaff, 8927 High Drive, speaking in opposition to the plan, stated the importance of maintaining the recreational zoning in this area is fundamental to Leawood's quality of life.
12. Connie Cardell, 8915 High Drive, speaking in opposition to the plan, feels the owners have not been good neighbors, in not keeping the property in good condition and have not been forthright with the community.

13. Ron Reussner, 2516 W. 88th Street, speaking in opposition to the plan, stated the recreational portion of the developer's plan does not meet park and recreation standards. Mr. Reussner lives 3 blocks away and it will not be convenient for him to use the recreational facilities, as most of the neighborhood will not be able to use this recreational space either.
14. Martha Weber Conradt, 8625 Overhill Road, speaking in opposition to the plan, specifically moved into the area 4 years ago because of the availability of the Country Club. The other City parks are located too far away from her residence.
15. Sharon Grevet, 10201 Mohawk, speaking in opposition to the plan, stated the developers have not been honest with the community or the City and feels the owners of this property are not entitled to the highest and best economic use of the property, and is willing to continue to have this property remain zoned recreational.
16. Elaine Reussner, 2516 W 88th Street, speaking in opposition to the plan, stated this neighborhood has a distinctive ambiance and this rezoning will have a negative impact on the property values.
17. Steve Stechschulte, 9026 High Drive, opposing the plan, stated this proposed plan has more density than the previous submitted plan, the geological studies are inadequate; more than 200 feet of the walking path are in the creek bed, and feels the only reason to rezone this property is to the advantage of the developer, not the existing residential property owners.
18. William Hobbs, 13005 Windsor Circle, speaking in favor of the plan, stated the debate over the future of this property have been going on for 2 years, and feels it is time to move on and develop this site into a positive usage. There is not sufficient support in the neighborhood to sustain a private funded facility.
19. Susan Ronnekamp, 8720 Meadow Lane, opposing the plan, stated the recreational portion of this plan is not sufficient and will not provide the 'park' needs of the neighborhood.
20. Cullen Keough, 8715 Meadow Lane, opposing the plan, stated he likes crossing the footbridge and hopes the opportunity to use the bridge will continue.
21. Jean Grevet, 10201 Mohawk Lane, -Did not desire to speak.
22. Pat Dolliver, 8840 Fairway, stated they moved into the area over 40 years ago specifically because of the location of the Leawood Country Club, and is opposed to this plan and the rezoning.

23. Dr. William Evans, 8741 High Drive, former member of the Leawood City Council, opposed to the plan, commended all involved for the many hours devoted to this issue. Adding, additional housing to this area would increase this area's population to approximately 81 and would have an adverse effect on the water pressure and wastewater system in this area. Additionally, this will increase the traffic flow in the area and possibly cause traffic signalization at some point to be installed at 89 & Sagamore.
24. Mary Franklin, 8425 Meadow Lane, spoke on behalf of the Leawood Homes Association, as President. Ms. Franklin commented on the results of a survey that was conducted on how this plan would impact the neighborhood and the community. The survey reflected the majority of the homes association members were opposed to the rezoning of this property.
25. Bernard Geis, 8011 Sagamore, stated he feels this plan is fair. Even though there is not an ample amount of green space or parks in this area, there are alternatives to this plan; a senior center; a park or some type of recreational facility. Mr. Geis stated if these were not privately owned, the City would be required to develop and maintain the property, and questioned whether the City could afford to maintain this property.
26. Meg Gilmore, 9010 High Drive, stated the current homes and the proposed plans have a number of similarities. The green space will serve a beneficial role as a buffer zone between R-1 and the commercial zoned property along State Line.
27. David Gilmore, 9010 High Drive, stated the proposed homes would blend with the current homes and feels too much time has been wasted on delaying the development of this site. Mr. Gilmore read a letter dated November 1, 2004, from David Costello, ReMax Realtor owner, expressing his view that construction of upper bracket single family homes is needed in the area north of I-435 in Leawood.
28. Douglas Carter, 2512 W. 88th Street, opposing the plan, stated there are other viable options for this property. The country club went bankrupt due to a bad loan. He stated a proposal to put a private club development together has been offered by Mr. Kessler, an indoor court developer.
29. Tom Mayer, 8935 Sagamore, lives within 200 feet of the proposed property. Most of the area homeowners bought homes in this area because of the recreational zoned country club and asked the Council to deny this rezoning plan. The proposed density of building 27 homes on 6 acres is not consistent with the Master Plan.
30. Pam Zanders, 2012 W. 98th Street, - Did not desire to speak.
31. Mark Erickson, 9030 High Drive, stated this recreational zoned area helps form the identity of the neighborhood and is opposed to the rezoning request.

32. Trish Smith, 9415 Lee Boulevard, stated her family attempted to build a tennis court on their property approximately 10 years ago, however, was denied because the City advised her it would alter the integrity of the neighborhood, and feels the City should deny this proposal, because it will also alter the integrity of the neighborhood.
33. G. Gordon Thomas, 10516 Mohawk Lane, urged the Council to not rezone this property and not provide the developers the opportunity to change this neighborhood with this proposed plan.
34. Bill Brandmeyer, 2915 W. 94th Street – Not present
35. Marla Cope, 9300 Lee Court, enjoyed being a member of the Leawood Country Club, which provided opportunities on a variety of different levels in life and encouraged the Council to not rezone this property.
36. Sarah Arner, 2304 W. 103rd Terrace, stated property in Leawood is largely sought after in the community, and is due to the present zoning practices of the City and urged the Council to allow this property to remain recreational to preserve the integrity of the area.
37. Mitch DiCarlo, 9127 Lee Boulevard, stated although a change to this area is hard to accept, asked that the Council give consideration to the developer. The developer has made compromises in an attempt to accommodate the neighborhood and feels this development will have a positive impact on the neighborhood and the community.

Applicant Rebuttal

15 Minutes

Mr. Owen stated this specific site has never been zoned recreational. There have never been any discussion whatsoever with the Johnson County Park and Recreation Department to purchase and use this property as parkland. The current property improvements are not usable and cannot be occupied. Mr. Owen wanted to clarify that the setbacks on Mr. Moran's property are the same setbacks that are in the proposed plan. Mr. Owen stated this is the best possible project for the developer and the neighbors. The 9.5-acre park can be used by the neighbors with no cost to them or the City.

Mr. Patterson stated the plan before the Council is a zoning issue, not the viability of the Country Club. Previous Planning Commission and Council meetings have been reviewed along with the Councilmembers' comments and concerns. Councilmember Rasmussen's comments from the September 15, 2003, meeting reflect that he was interested in seeing a 50/50 plan, a mix of residential and recreational development, with more open green space, even though it may necessitate more density. Mayor Dunn also encouraged the developer to include more green space. This plan has been reconstructed and now offers a 50/50 plan, including a pool, cabana, a walking path, bridge and tennis courts. Mr. Gill previously commented that there was an alternative plan out there that encompasses a 50/50 plan and encouraged the developers to create a plan that was more conducive to the neighborhood that had more green space. Mr. Gullledge had previously stated he felt there was a better plan that could be developed than the one that was presented. Councilmembers Story, Dunn and Rawlings previously stated the viability of the country club was not the issue before the Council.

Mr. Patterson stated the current plan offers 6 ½ acres of residential property; and 9 ½ of recreational property that is open space. This plan has 58% of park space. Area neighbors would be invited to use the pool cabana and tennis court area. This plan is in compliance with the APWA standards. There has been no alternative viable plan presented to the developers in over 2 years.

In terms of the Golden criteria, this plan is a transition of STO to a REC area to RP-2 to more recreation for buffering and then transitioning to R-1. I-Lan Park and City Park are available to area residents that are within driving distance of this community. This plan offers RP-2, which retains 58% in usable recreational area.

Governing Body Questions to Applicant No Time Limit

Mr. Rasmussen commented on Stipulation No. 12, regarding the existing pedestrian bridge. This bridge is an impediment to the water flow along the creek, and should be removed and questioned why the bridge should be replaced.

Mr. Patterson stated that would be at the discretion of the Council as to whether the bridge should be replaced, however, the community is in favor of having the bridge replaced.

Mr. Rasmussen asked if the City would be required to maintain the bridge and felt it would be more appropriate for the Homes Association to be responsible for maintenance.

Mr. Rasmussen then asked about Stipulation No. 20, regarding a funding mechanism to replace the common area and common area improvements, but not limited to landscaping and the storm water system. He said one of the most difficult things to determine is whether a storm water project is privately owned or owned by the City. Mr. Rasmussen confirmed with Mr. Patterson that the stipulation states that the homes association would be responsible for the maintenance of this storm water system.

Mr. Rasmussen confirmed with Mr. Patterson the language 'storm water system' in Stipulation No. 20 should be removed.

Mr. Rawlings stated the main concern of the area citizens was the lack of green space. This plan now offers a 50/50 plan; with over 50% of the area being devoted to green space and asked the applicant how the green space was going to be laid out conceptually. Mr. Owen stated the lower park, which is 7.59 acres is depressed down below the housing area. The entire park area will be completely around the perimeter, and there will be a natural repairin stream with trees all the way down the east property line down to the southeast corner. On the west and to the south there will be architectural retaining walls that form these curving walls and open large verandas, walking trails and tennis courts. Specific design details have not been finalized, however it will be a very beautiful and natural looking area.

Councilmember Gill clarified with Mr. Owen that no homes would be placed in the flood plain. Mr. Owen stated the APWA standards require a 100' set back on the north side of the property for new builds from the top point of the creek flood point. However, if there's an existing structure, you can go to the edge of the structure, but confirmed that no residential portion will be in the flood plain.

Mr. Gill asked about the water pressure and the possible negative impact on the sanitary sewer system. Mr. Mike Shirk, Project Civil Engineer, stated they weren't notified that this was an issue with the area residents; however, the water system would be looped throughout the system, which would increase the water pressure. Mr. Patterson confirmed with Mr. Gill that they would agree to a stipulation that allowed for no degradation of the water pressure system. Mr. Gill asked about the impact on the sanitary sewer system. Mr. Shirk stated approximately 5 different sewer systems criss-cross the site. They will ensure that all the sewer lines are compatible with the development, along with working with the Johnson County Unified Wastewater Department [JCUWD]. Mr. Gill confirmed with the applicant that they would support any additional assessment necessary for this wastewater system not to be negatively impacted.

Mr. Gill asked Mr. Patterson to respond after the recess as to the availability of the pool, tennis courts, cabana and pedestrian walking paths to the area residents.

Ms. Filla asked what the changes were concerning the flood plain and APWA standards. Mr. Owen stated when the first plan was presented; it was not subject to the APWA standards, because the City adopted those standards subsequent to the first submitted plan. Ms. Filla then asked what the acreage difference was in order to be in compliant. Mr. Owen stated this plan was designed not from the basis of APWA, but was started with the 50/50 idea that was suggested, to increase the open space and control the density factor. Subsequent to the City adopting the APWA standards, further modifications were made which were minor.

Ms. Filla asked if Tract A, where the walks are located, located in the expanded flood plain could be rezoned due to the flood plains. The only tract in the future would be the 1.7 acres at the top. Additionally, she asked what would prevent this area from being rezoned in the future. Mr. Owen stated both tracts need to be included in the rezoning request, because the 16.2 acres have never been properly zoned.

Mr. Skirk clarified that the previous submitted plan did comply with the standards, however, since that time, the City has adopted new standards and regulations, which are applicable now. The first plan was to preserve the trees and had an approximate 80-foot buffer zone. However the new standards required a 100-foot buffer zone.

Ms. Filla asked the applicant to expand on the core drillings at the 15-foot level and fill land versus bedrock. Mr. Shirk stated a geotechnical firm was involved with the core drillings, but believed they did a scattering of drillings on the site. All of the homes will be built on a fill material, which is normal throughout this area. The compaction rate can be controlled to make the fill as good as native soils. Mr. Shirk stated the amount of fill would range from 15 feet to zero as you move towards the west. Ms. Filla confirmed with Diane Binckley that other areas in the City that have had fill engineering would be individual homes located in the Tomahawk

Creek area, Hallbrook, Hazelwood. Ms. Binckley stated individual lots have been built up, however, she is not familiar with an entire subdivision having fill.

Ms. Filla asked what would prevent the 1.7 acres from being rezoned residential. Mr. Patterson assured Ms. Filla that the developer does not want to come back and go through this rezoning process again, and this area would be preserved as recreational zoning. A self-imposed 'no build' will be provided. Mayor Dunn confirmed with Mr. Patterson that additional building would be prohibited in this area. Mr. Lambers reiterated there is protection in place that a rezoning request would require Council approval.

Ms. Filla confirmed with Mr. Patterson that the developer would be the builder on this project. Mr. Patterson also stated they would agree to a special inspection procedure on the fill engineering, if desired.

Ms. Filla asked what the developer's experience was in building. Mr. Bill Whitaker, corrected the information on the builders. Stating further Mr. Owen will conduct the primary architectural work, in addition to having 3-4 area builders. They will interview and select the top 3-4 builders in the metro area to construct this project. The homeowners will be able to select the homebuilder they desire from this selection.

Ms. Filla stated Staff had an earlier concern regarding building the retaining wall over the sewer lines and asked what the outcome was regarding this issue. Mr. Shirk stated he had discussed this issue with the Public Works Department, and have received clarification from the JCUWD that walls built over sewer lines is a common occurrence and they would not object to this being done. There would be special provisions and easements for this to occur.

Ms. Filla asked if there was a cost estimate for the rebuilding of the bridge. Mr. Whitaker stated the future of the bridge has not been determined. The Public Works Department would prefer the structure in the creek be removed to allow the flow of the water and this structure will be removed. The cost estimate is approximately \$100,000. A number of neighbors have expressed an interest in keeping the bridge. However, Mr. Whitaker feels it is a security risk, but the developer will rebuild the bridge if the Council wants it done.

Ms. Filla asked the impact of the loss of the trees on the project. Ms. Binckley stated she believed the amount was 74-76 out of 422 that would need to be removed.

Ms. Filla confirmed with Mr. Lambers that because this property was privately owned and the pending rezoning application, that the City could not engage in any conversations with the Johnson County Parks and Recreation Department regarding this property.

Mr. Taylor asked Mr. Shirk that because of the new flood control regulations adopted by the City, and due to the 100 foot set back, that the present Country Club would not be able to be re-used as this type of facility. Mr. Shirk stated the flood plain criteria hasn't changed, however, the City has adopted the riparian habitat zone, which requires a 100-foot buffer zone.

Mr. Taylor then asked about the Corp of Engineers requirements of abandonment of a structure for 12-month period. Mr. Owen stated the ultimate flood plain line goes through the existing building. Secondly, because the building has been abandoned for over a period of 12 months, it would not be allowed to be open.

Councilmember Peppes asked who would be responsible for repairing the retaining wall if the sewer lines below it had to be repaired. Mr. Lambers stated if the City possessed an easement, any construction or obstruction along that easement is done at the risk of installing it. The City is not obligated to restore or reassemble it; this would be the responsibility of the owner of the property. The easement would only provide the City with unlimited access; it does not transfer ownership rights of any kind. Generally, only temporary structures, not permanent structures are allowed in the easement area.

Councilmember Peppes then asked the applicant what the impact of the recreational area with a swimming pool used by kids would have on potential homebuyers that would be 'empty-nesters.' Mr. Patterson stated the situation of usage by the area homeowners would be addressed, however reminded the Council that the size of the proposed pool would be considerably smaller in size than the one the Country Club had.

Mayor Dunn stated, there being no further questions at this point, a 10-minute recess will be taken.

Recess

10 Minutes

**Governing Body Deliberation and
Possible Action**

The Council reconvened at 10:31 PM.

Mayor Dunn asked Mr. Patterson to respond to Councilmember Gill's earlier concerns. Mr. Patterson stated the pool, cabana and courts will be open for membership to the 27 homeowners in the development, and the homes contiguous to the south of the development and homes on either side of Sagamore to the south, High Drive to the north all the way to Lee Boulevard. This would be on a membership due paying basis. Membership for homeowners outside this described area would be offered also, however subject to dues paid.

Mr. Lambers asked if the membership would be of equal standing. Mr. Whitaker stated there would be a one-time fee, with equal standing, and the membership would run with the land. The assessment would be a pro ratio share for the maintenance on the tennis courts and the pool. The 27 homeowners and the selected other surrounding homeowners would have a separate annual assessment.

Mr. Patterson stated the trails will be owned and maintained by the Homes Association and they will be open to the public. However, the use of the trails and the area to the east will be subject to common sense rules and regulations, to ensure no vandalism, criminal activity, etc., occurs.

Mr. Gill stated he was anticipating some type of easement in favor of the Leawood Homes Association or some other body besides the 27 homeowners, in regards to the usage of the trails and green space. Mr. Patterson stated if the Council desires assurances that this area will be open to the public by means of a non-exclusive easement to the 2 contiguous homes association, they would offer that for assurance. *

Mr. Gill confirmed with Mr. Patterson that usage of the tennis courts, pool and cabana could be under similar circumstances and to have the opportunity of membership available to the 2 contiguous homes associations. Mr. Patterson stated they would be wiling to have this as an added stipulation to the plan, provided that there would be limits placed upon the usage, according to availability and capacity levels.

Councilmember Filla stated the Planning Commission minutes reflected the developers' estimate of 50-60 homes along with the 27 homeowners, which she feels is a small percentage of homeowners in the area that could take advantage of using the recreation area.

Councilmember Rawlings clarified with Councilmember Gill if he was requesting this be made a part of a stipulation, as he is concerned that the Leawood Homes Association and the Leawood Estates have approximately 1500 members each, for a total of 3,000 and having this number of people use this pool, cabana and tennis court area places an unfair burden on the developer.

Mr. Gill stated he feels a pool and tennis court could support more than 80 homeowners, however certainly couldn't support 500. Mr. Gill stated he is suggesting an easement or some type of legal document that could be enforced.

Councilmember Filla asked Diane Binckley if the property met the Golden Factor pertaining to the suitability of the property for its use because the property is engineered. Ms. Binckley stated a portion of the single-family area has been raised up and out of the flood plain, which makes this land more usable in this location.

Councilmember Gill made a motion to approve the proposed plan with the following stipulations:

1. No degradation of the water pressure and no negative impact placed upon sanitary sewers, working with the authorities if a problem develops regarding structures placed in the sewer easement [retaining wall, etc.]
2. Easements or other legal enforcement rights to all of the trails and green space, as well as the pool cabana and tennis courts area. With respect to the pool, cabana & tennis areas, some clarity on the eligibility for membership dues, maintenance and parity, including establishing rules and regulations for usage.
3. In regard to modifying Stipulation No. 12 and 20, as earlier discussed by Councilmember Rasmussen, and that any change whatsoever to this plan would require approval by the Governing Body.

Mayor Dunn asked that changes to Stipulation No. 12 be clarified. Mr. Lambers stated the maintenance responsibility of the bridge would not run with the City, but would be privately maintained. The existing bridge would be replaced, a pedestrian bridge would be installed, and the maintenance of the bridge would be the responsibility of the homes association.

The motion was seconded by Councilmember Rawlings.

Councilmember Rasmussen stated a decision should be made as to whether the bridge should be replaced. Mr. Rasmussen made an amendment to the motion that the bridge be torn down, but should not be replaced. The motion was seconded by Councilmember Taylor.

Mr. Rasmussen wanted to clarify Councilmember Gill's motion regarding Stipulation No. 20, that the language 'storm water system' should be deleted, and replaced by 'all other private improvements to Tract A and Tract B.'

Councilmember Rawlings asked how much the bridge is used by citizens.

Mayor Dunn stated due to the time being 11:00 P.M., a motion was needed to extend the meeting for an additional 30 minutes. A motion was so made by Councilmember Peppes, seconded by Mr. Gullede. The motion was approved unanimously by an 8-0 vote.

Mr. Lambers stated the City does not have any estimated numbers on the usage of the bridge, however, due to the state of the bridge and the country club being closed, the traffic is somewhat minimal. However, if a pedestrian bridge was to be constructed and this development was built, there would be an increase in the usage of the bridge.

Ms. Filla stated there are no sidewalks on 85th Terrace or other alternative footpath, and pedestrians and bike riders are now using 85th Terrace between Lee Boulevard and State Line and this needs to be considered when discussing not replacing the bridge.

The motion that the bridge be removed, but not replaced, failed by the following vote: Yea: Councilmembers Rasmussen and Gullede: Nay: Councilmembers Gill, Taylor, Filla, Peppes, Bussing and Rawlings [2-6].

Mayor Dunn clarified that due to this motion failing, the previous stipulation of building the pedestrian bridge with the Homes Association responsible for maintenance instead of the City, would remain as one of the stipulations.

Councilmember Gill asked if the applicant would confirm that they would be in favor of the above additional and modified stipulations.

Mayor Dunn clarified that there are presently 25 stipulations; the above stipulations would modify 2 of those stipulations; and adding the stipulation regarding the water pressure and sanitary sewer system would meet all requirements and specifications with no degradation; and enforcement rights for the recreation area, including the pool, cabana and tennis courts and clarity regarding eligibility and parity and rules and regulation, running in favor of the other bodies, and homes association; along with modifications to Stipulation No. 12 and 20. The 3rd stipulation would be to ensure any modifications whatsoever to the plan would require Governing Body approval at Final Plan. Mr. Patterson agreed in the affirmative to all of the changes and additions to the stipulations.

Councilmember Bussing wanted to clarify that due to the large number of residents from the 2 existing homes associations that will have access to the pool, cabana and tennis courts, that the Council was only considering the rezoning issue, not the potential increase in traffic in the neighborhood or sufficient parking spaces, etc. Mr. Lambers stated those types of details will be provided at the time the Final Plan is submitted to the Council for approval. Mr. Bussing feels the pool usage is a nuisance and is uncomfortable with the stipulation added by Mr. Gill. Mr. Bussing stated normally, any 'material change' is brought before the Council at Final Plan, however, Mr. Gill is requesting that 'any change' be included in the Final Plan approval process. Stating further, it is his hope that the applicant can meet with the Planning & Development and Parks and Recreation Departments and the Council, and that a reasonable decision can be made by reasonable people as to whom will have access to this pool.

Councilmember Gulledge stated he echoes Mr. Bussing's concerns and questioned whether the Council is setting a precedent of mandating what one association should include and make available for another homes association when the Council is considering developments like this application. Mr. Gulledge stated the reason he voted against building the pedestrian bridge is due to a security issue that will extrapolate into a bigger security issue and wishes there was an alternative.

Ms. Filla asked about the parking. Ms. Binckley stated the current plan doesn't reflect the parking area, because the homes are situated within walking distance to the facilities, however based upon an amendment, this would be reevaluated. Ms. Filla doesn't feel this is the plan the neighbors were anticipating, in that it doesn't provide the recreational gathering spot they desire. Ms. Filla stated her biggest concern of this plan concerns the engineering land filling of bringing in 15 feet of land, and that a large portion of the development will be located in the flood area. Even though the developers have stipulated to maintaining this area, she questions their commitment and feels the City eventually would have to share in this responsibility in the future.

Mr. Owen stated virtually every project in Johnson County, having the poorest sub grade soil, today is over dug, treated with fly ash and built back up to a foundation level, where the soil is brought in and engineered fill. This is the standard procedure that is used today in Johnson County for almost every project.

Councilmmember Filla stated she is concerned about the density issue. Mr. Lowe stated at the Planning Commission that his lot alone could be redeveloped in 7 lots with the same density and is concerned about the possible precedent that is being set.

Councilmember Peppes stated the Governing Body's duty here tonight is to make a decision on the rezoning of this property. Stating further, that he will support the Planning Commission's recommendation and vote in the negative on this plan: the nonconformance of the Master Plan for over 50 years used as recreation; and the incompatibility of the character of the neighborhood that he desires to preserve this area.

Mayor Dunn clarified with Councilmember Bussing that a vote in favor of the motion would be a vote to approve the rezoning request, including the 25 stipulations along with the 3 stipulations that were added by the Council. The plan was approved by the following roll call vote: Yea: Councilmembers Rawlings, Gulledge, Bussing, Taylor, Rasmussen and Gill. Nay; Councilmembers Filla and Peppes. Mayor Dunn stated she votes in the affirmative, making the total vote 7-2.

Mayor Dunn stated there has been compromises made by both sides and the citizens should be applauded for their commitment to the planning process. This plan is a good compromise and appreciated everyone's involvement in this 2-year process. Change is never easy, however, change is sometimes the law of life. Although there were a small number of people speaking tonight in favor of this plan, Mayor Dunn stated she had received a large number of e-mails that supported this plan.

Golden Factors

Mr. Gill commented on the Golden criteria as it relates to this project. This project has been considerably improved since the first plan was submitted. The status quo of this property is not acceptable. The recreational opportunities go beyond a quiet little tennis court and pool area. The housing plan is well done. Villas are in very high demand. Villas have been placed in and around Ironhorse and Hallbrook which have villas mixed with other uses and has been successful.

Clearly, villas work and have ample precedent located in Ironhorse and Hallbrook and other areas of the City. This is a transition area. There is a significant commercial body of property adjacent and villas have quite often been used in transitional zoning.

Presently, this is restricted as a residential use, however, as stated in Mr. Kessler's letter, he was working for a public-private partnership, which is another word for subsidy. This is not a subsidy issue; this is a private zoning matter.

Since this property has been vacant since September, 2002, this factor should not be considered. It is a neutral factor because it was under the control of the applicant. As far as the relative gain to health safety and welfare, the one thing that was not acceptable was the status quo of the property. If a comprehensive recreational plan would have been presented, it possibly would have worked. However, the plan presented is a comprehensive combination of recreational and residential that will work. The staff did recommend approval of this plan with stipulations, even though the Master Plan did not support this plan. Looking collectively at the Golden Factors the overall assessment is that the City is doing the right thing in approving this plan.

12. **OLD BUSINESS**
13. **NEW BUSINESS**
14. **OTHER BUSINESS**

ADJOURN

There being no further business, the meeting was adjourned at 11:30 PM.

Debra Harper, CMC, City Clerk

EFF. DATE: 11-23-04

ORDINANCE NO. 2087

AN ORDINANCE RELATING TO REZONING FROM REC (PLANNED RECREATION) TO RP-2 (PLANNED CLUSTER DETACHED RESIDENTIAL), PRELIMINARY SITE PLAN AND PRELIMINARY PLAT FOR ESTATES OF OLD LEAWOOD LOCATED 8901 SAGAMORE ROAD.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:

SECTION 1. REZONING. Pursuant to K.S.A. 12-757, the real estate hereinafter described:

All that part of the Southeast Quarter of the Northeast Quarter of Section 34, and all that part of the North One-Half of Fractional Section 35, all in Township 12, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows:

COMMENCING at the Southeast corner of the North One-Half of said Fractional Section 35; thence North $1^{\circ}55'34''$ West, along the East line of the North One-Half of said Fractional Section 35, a distance of 553.06 feet; thence South $88^{\circ}04'26''$ West, a distance of 394.02 feet; thence North $78^{\circ}10'44''$ West, a distance of 61.03 feet, to the Northeast corner of LOT 1375, LEAWOOD ESTATES, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof; thence continuing North $78^{\circ}10'44''$ West, along the North line of said LEAWOOD ESTATES, a distance of 69.39 feet; thence South $89^{\circ}15'16''$ West, along the North line of said LEAWOOD ESTATES, a distance of 265.46 feet; thence South $59^{\circ}45'31''$ West, along the North line of said LEAWOOD ESTATES, a distance of 59.34 feet; thence South $41^{\circ}04'31''$ West, a distance of 188.74 feet; thence South $53^{\circ}11'06''$ West, along the North line of said LEAWOOD ESTATES, a distance of 56.80 feet; thence South $56^{\circ}59'31''$ West, along the North line of said LEAWOOD ESTATES, a distance of 35.00 feet, to a point on the East line of the Southeast Quarter of the Northeast Quarter of said Section 34; thence North $2^{\circ}09'39''$ West, along the East line of the Southeast Quarter of said Northeast Quarter Section, a distance of 143.43 feet; thence North $34^{\circ}12'25''$ West, along the Easterly line of LOT 484-X, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof, a distance of 75.94 feet, to the POINT OF BEGINNING; thence continuing North $34^{\circ}12'25''$ West, along said Easterly line, a distance of 205.29 feet, to a point on the Southerly right of way line of Sagamore Road, as now established; thence North $56^{\circ}04'04''$ East, along said Southerly right of way line, a distance of 42.07 feet; thence North $33^{\circ}26'34''$ West, a distance of 50.00 feet, to the Southeast corner of LOT 483, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof; thence Northeasterly, along a curve to the left having a radius of 175.00 feet, a central angle of $5^{\circ}37'39''$, an initial tangent bearing of North $53^{\circ}50'16''$ East, an arc distance of 17.19 feet, to a point of tangency; thence North $48^{\circ}12'37''$ East, a distance of 13.11 feet, to a point of curvature; thence Northeasterly and Northerly, along a curve to the left having a radius of 490.89 feet and a central angle of $28^{\circ}30'08''$, an arc distance of 244.20 feet, to a point of tangency; thence North $19^{\circ}42'29''$ East, a distance of 31.51 feet, to a point of curvature; thence Northerly, along a curve to the left having a radius of 175.00 feet and a central angle of $18^{\circ}10'40''$, an arc distance of 55.52 feet, to a point of tangency; thence North $1^{\circ}31'49''$ East, a distance of 3.43 feet, to a point of curvature; thence Northerly, Northwesterly and Westerly, along a curve to the left having a radius of 164.00 feet and a central angle of $92^{\circ}58'55''$, an arc distance of 266.15 feet, to the East line of LOT 479, of said LEAWOOD; thence North $2^{\circ}22'07''$ West, along said East line, a distance of 50.00 feet; thence Easterly and Southeasterly, along a curve to the right having a radius of 214.00 feet, a central angle of $38^{\circ}51'37''$, an initial tangent bearing of North $88^{\circ}20'02''$

East, an arc distance of 145.14 feet; thence North $22^{\circ}34'30''$ East, a distance of 63.52 feet, to the point of curvature; thence Northeasterly, Easterly, Southeasterly, Southerly and Southwesterly, along a curve to the right having a radius of 152.00 feet and a central angle of $213^{\circ}07'09''$, an arc distance of 565.38 feet; thence South $33^{\circ}27'04''$ East, a distance of 17.39 feet; thence North $85^{\circ}42'00''$ East, a distance of 65.20 feet; thence Easterly, Southeasterly, Southerly, Southwesterly and Westerly, along a curve to the right having a radius of 172.71 feet, a central angle of $195^{\circ}05'32''$, an initial tangent bearing of South $79^{\circ}14'44''$ East, an arc distance of 588.06 feet; thence South $34^{\circ}27'57''$ West, a distance of 8.96 feet; thence South $17^{\circ}44'54''$ East, a distance of 14.30 feet; thence Southerly,

along a curve to the right having a radius of 176.24 feet, a central angle of 33°27'18", an initial tangent bearing of South 18°06'11" East, an arc distance of 102.91 feet; thence Southwesterly, along a curve to the left having a radius of 271.18 feet, a central angle of 19°23'39", an initial tangent bearing of South 77°09'36" West, an arc distance of 91.79 feet; thence North 44°22'35" West, a distance of 71.13 feet; thence Southwesterly, along a curve to the right having a radius of 52.00 feet, a central angle of 12°23'03", an initial tangent bearing of South 38°19'02" West, an arc distance of 11.24 feet; thence South 32°16'18" East, a distance of 68.20 feet; thence Southwesterly, along a curve to the left having a radius of 271.18 feet, a central angle of 22°28'08", an initial tangent bearing of South 52°17'55" West, an arc distance of 106.35 feet; thence Northwesterly, along a curve to the right having a radius of 176.24 feet, a central angle of 23°46'30", an initial tangent bearing of North 88°21'44" West, an arc distance of 73.13 feet; thence South 24°12'55" West, a distance of 24.49 feet, to the POINT OF BEGINNING, containing 6.79 acres, more or less.

Now zoned REC is hereby rezoned to RP-2.

SECTION 2. CURRENTLY ZONED PROPERTY. The real estate herein after described:

All that part of the Southeast Quarter of the Northeast Quarter of Section 34, and all that part of the North One-Half of Fractional Section 35, all in Township 12, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows:

COMMENCING at the Southeast corner of the North One-Half of said Fractional Section 35; thence North 1°55'34" West, along the East line of the North One-Half of said Fractional Section 35, a distance of 553.06 feet; thence South 88°04'26" West, a distance of 394.02 feet, to the POINT OF BEGINNING; thence North 78°10'44" West, a distance of 61.03 feet, to the Northeast corner of LOT 1375, LEAWOOD ESTATES, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof; thence continuing North 78°10'44" West, along the North line of said LEAWOOD ESTATES, a distance of 69.39 feet; thence South 89°15'16" West, along the North line of said LEAWOOD ESTATES, a distance of 265.46 feet; thence South 59°45'31" West, along the North line of said LEAWOOD ESTATES, a distance of 59.34 feet; thence South 41°04'31" West, a distance of 188.74 feet; thence South 53°11'06" West, along the North line of said LEAWOOD ESTATES, a distance of 56.80 feet; thence South 56°59'31" West, along the North line of said LEAWOOD ESTATES, a distance of 35.00 feet, to a point on the East line of the Southeast Quarter of the Northeast Quarter of said Section 34; thence North 2°09'39" West, along the East line of the Southeast Quarter of said Northeast Quarter Section, a distance of 143.43 feet; thence North 34°12'25" West, along the Easterly line of LOT 484-X, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof, a distance of 75.94 feet; thence North 24°12'55" East, a distance of 24.49 feet; thence Southeasterly, along a curve to the left having a radius of 176.24 feet, a central angle of 23°46'30", an initial tangent bearing of South 64°35'14" East, an arc distance of 73.13 feet; thence Northeasterly, along a curve to the right having a radius of 271.18 feet, a central angle of 22°28'08", an initial tangent bearing of North 29°49'47" East, an arc distance of 106.35 feet; thence North 32°16'18" West, a distance of 68.20 feet; thence Northeasterly, along a curve to the left having a radius of 52.00 feet, a central angle of 12°23'03", an initial tangent bearing of North 50°42'04" East, an arc distance of 11.24 feet; thence South 44°22'35" East, a distance of 71.13 feet; thence Northeasterly, along a curve to the right having a radius of 271.18 feet, a central angle of 19°23'39", an initial tangent bearing of North 57°45'57" East, an arc distance of 91.79 feet; thence Northeasterly, along a curve to the left having a radius of 176.24 feet, a central angle of 33°27'18", an initial tangent bearing of North 15°21'07", an arc distance of 102.91 feet; thence North 17°44'54" West, a distance of 14.30 feet; thence North 34°27'57" East, a distance of 8.96 feet; thence Easterly, Northeasterly, Northerly, Northwesterly, and Westerly, along a curve to the left having a radius of 172.71 feet, a central angle of 195°05'32", an initial tangent bearing of South 64°09'13" East, an arc distance of 588.06 feet; thence South 85°42'00" West, a distance of 65.20 feet; thence North 33°27'04" West, a distance of 17.39 feet; thence Northeasterly, Northerly, Northwesterly and Westerly, along a curve to the left having a radius of 152.00 feet, a central angle of 213°07'09", an initial tangent bearing of North 55°41'39" East, an arc distance of 565.38 feet, to a point of tangency; thence South 22°34'30" West, a distance of 63.52 feet;

thence Westerly, along a curve to the left having a radius of 214.00 feet, a central angle of 38°51'37", an initial tangent bearing of North 52°48'21" West, an arc distance of 145.14 feet; thence North 2°22'07" West, a distance of 2.40 feet; thence North 87°42'06" East, a distance of 125.74 feet; thence 2°08'44" West, a distance of 109.91 feet; thence North 49°25'14" East, a distance of 108.57 feet; thence North 52°26'42" West, a distance of 65.15 feet; thence North 26°44'19" West, a distance of 59.93 feet; thence North 0°18'46" East, a distance of 83.82 feet; thence South 70°42'04" West, a distance of 26.09 feet, to a point on the West line of the North One-Half of the North One-Half of said Fraction Section 35, said point being the common corner for LOTS 378 and 379, LEAWOOD; thence North 1°35'18" West, along the West line of the North One-Half of the North One-Half of said Fraction Section 35, a distance of 133.84 feet; thence South 48°00'03" East, a distance of 692.19 feet; thence South 22°51'08" West, a distance of 27.62 feet, to a point on the North line of the South One-Half of the North One-Half of said Fraction Section 35; thence South 45°07'54" East, a distance of 75.00 feet; thence South 43°22'54" East, a distance of 105.00 feet; thence South 32°17'54" East, a distance of 100.00 feet; thence South 19°27'54" East, a distance of 120.00 feet; thence South 13°10'00" West, a distance of 181.73 feet; thence South 17°49'52" West, a distance of 62.30 feet; thence South 3°03'58" West, a distance of 59.10 feet; thence South 13°23'57" East, a distance of 148.21 feet, to the POINT OF BEGINNING, containing 8.17 acres, more or less.

And,

All that part of the Southeast Quarter of the Northeast Quarter of Section 34, and all that part of the North One-Half of Fractional Section 35, all in Township 12, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows:

COMMENCING at the Southeast corner of the North One-Half of said Fractional Section 35; thence North 1°55'34" West, along the East line of the North One-Half of said Fractional Section 35, a distance of 553.06 feet; thence South 88°04'26" West, a distance of 394.02 feet; thence North 78°10'44" West, a distance of 61.03 feet, to the Northeast corner of LOT 1375, LEAWOOD ESTATES, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof; thence continuing North 78°10'44" West, along the North line of said LEAWOOD ESTATES, a distance of 69.39 feet; thence South 89°15'16" West, along the North line of said LEAWOOD ESTATES, a distance of 265.46 feet; thence South 59°45'31" West, along the North line of said LEAWOOD ESTATES, a distance of 59.34 feet; thence South 41°04'31" West, a distance of 188.74 feet; thence South 53°11'06" West, along the North line of said LEAWOOD ESTATES, a distance of 56.80 feet; thence South 56°59'31" West, along the North line of said LEAWOOD ESTATES, a distance of 35.00 feet, to a point on the East line of the Southeast Quarter of the Northeast Quarter of said Section 34; thence North 2°09'39" West, along the East line of the Southeast Quarter of said Northeast Quarter Section, a distance of 143.43 feet; thence North 34°12'25" West, along the Easterly line of LOT 484-X, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof, a distance of 281.23 feet (meas.) 280.28 feet (plat), to a point on the Southerly right of way line of Sagamore Road, as now established; thence North 56°04'04" East, along said Southerly right of way line, a distance of 42.07 feet; thence North 33°26'34" West, a distance of 50.00 feet, to the Southeast corner of LOT 483, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof, and the POINT OF BEGINNING; thence continuing North 33°26'34" West, along the East line of said LOT 483, a distance of 66.65 feet, to the Southeast corner of LOT 482, of said LEAWOOD; thence North 30°39'02" East, along the East line of said LOT 482, a distance of 119.28 feet, to the Southeast corner of LOT 481, of said LEAWOOD; thence North 2°22'07" West, along the East line of said LOT 481, and along the East lines of LOTS 480 and 479, of said LEAWOOD, a distance of 317.81; thence Easterly, Southeasterly and Southerly, along a curve to the right having a radius of 164.00 feet, a central angle of 92°58'55", an initial tangent bearing of North 88°32'53" East, an arc distance of 266.15 feet, to a point of tangency; thence South 1°31'49" West, a distance of 3.43 feet, to a point of curvature; thence Southerly, along a curve to the right and a radius of 175.00 feet and a central angle of 18°10'40", an arc distance of 55.52 feet, to a point of tangency; thence South 19°42'29" West, a distance of 31.51 feet, to a point of curvature; thence Southerly and Southwesterly, along a curve to the right having a radius of 490.89 feet and a central angle of 28°30'08", an arc distance of 244.20 feet, to a

point of tangency; thence South 48°12'37" West, a distance of 13.11 feet, to a point of curvature; thence Southwesterly, along a curve to the right having a radius of 175.00 feet and a central angle 5°37'39", an arc distance of 17.19 feet, to the POINT OF BEGINNING, containing 1.29 acres, more or less.

Currently zoned REC, will continue to maintain said zoning.

SECTION 3. PRELIMINARY SITE PLAN AND PRELIMINARY PLAT GRANTED. Pursuant to Section 16-3-10 and section 16-8-3 of the Leawood Development Ordinance, permission is hereby granted to use the property, as identified in Sections 1 and 2, in the manner set forth in the Preliminary Site Plan and Preliminary Plat, on file with the Leawood Planning Department, 4800 Town Center Drive, Leawood, Kansas, 66211, and in accordance with Section 16-2-5.5 and 16-2-8.1 of the Leawood Development Ordinance, and subject to all other laws and regulations.

SECTION 4. CONDITIONS AND STIPULATIONS. The rezoning, preliminary site plan and preliminary plat referenced in Sections 1, 2 and 3 above is hereby approved and adopted contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions:

1. The project is limited to 27 single-family lots on 16.2 acres for a density of 1.66 units/acre.
2. Tracts A and B shall remain zoned REC.
3. A park impact fee in the amount of \$300/unit is required prior to recording of the final plat. (\$300 x 27 = \$8,100)
4. 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 home within the project.
5. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and meter banks, shall be screened from public view with landscaping.
6. The development shall meet all of the minimum setbacks requirements within the RP-2 zoning district:
 - Front setback of 30'
 - Side setback of 10'
 - Rear setback of 20'
 - Corner lot side setback of 20'
7. The corner lot side setback for lot 27 shall be equal to the existing front setbacks of the homes to the southwest that front onto Sagamore.
8. At the time of final site plan application the applicant/owner shall provide restrictions on the type and location of fencing within the development to ensure that all pedestrian paths shall have adequate open space to avoid unnecessary safety concerns and to allow the survival of adjacent landscaping.
9. The applicant/owner shall work with City Staff at final site plan application to ensure that flood tolerant landscaping is provided within Tract A.
10. The applicant/owner will maintain as many quality, existing trees as possible, including in the final layout of the all trails. The applicant/owner shall mark all trees to be removed and meet with City Staff prior to any grading.
11. A photometric study for the pool, cabana and tennis court shall be required at the time of final site plan application. Only low profile light fixtures with cut offs shall be used within these areas and these amenities shall not be used after dark.
12. The existing pedestrian bridge that provides access from this site to the property on the east side of the adjacent creek shall be removed and replaced with a new pedestrian bridge that does not interfere with the drainage of the area. The applicant/owner shall be responsible for the removal of the existing bridge and the construction and installation of the new bridge. This pedestrian bridge shall be located within the public right-of-way and maintained by the Estates of Old Leawood homes association. In addition, an access easement shall be provided at the time of final site plan approval to provide access to this bridge from the west.
13. All construction traffic shall enter from 89th Street.

14. No construction shall be allowed between the hours of 10:00 p.m. to 7:00 a.m.
15. All common landscaped areas shall be irrigated.
16. Sign design and calculations will be required at final plan.
17. The applicant must 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 recording the plat.
18. The applicant must obtain all approvals from the City of Leawood Fire Department, per the Fire Marshal's memo on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit.
19. An erosion control plan for both temporary and permanent measures to be taken during and after construction will be required at the time of application for building permit.
20. 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, landscaping, walls, and all other private improvements to Tract A & Tract B. 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.
21. All sidewalks shall be installed as per street construction standards.
22. All streets within the subdivision will be public. The developer or Homes Association will maintain any planting or statuary within the street right-of-way.
23. The applicant/owner shall provide a letter from the owners of all easements that are to be abandoned, stating that they support the vacating of the easements prior to final plan approval.
24. 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 such an extension for a definite period of time for good cause shown by the developer.
25. There shall be no degradation of the water pressure and no negative impact placed upon sanitary sewers. The applicant shall work with the proper authorities if a problem develops regarding structures placed in the sewer easement [retaining wall, etc.].
26. The Owner/Developer of the property shall provide easements or other legally enforceable rights for use of all of the trails and green space, as well as, the pool, cabana and tennis courts area. With respect to the pool, cabana and tennis areas, such rights shall be provided to the neighboring homes associations on a tiered or other staggered basis and such documents shall provide information on eligibility for use, membership dues, maintenance and parity, including establishing rules and regulations for usage shall be provided at the time of final site plan application for review and approval by the Governing Body. As to the green space and trails, such rights shall be afforded to all neighboring owners.
27. The developer/property owner agrees to execute a statement acknowledging in writing that they agree to stipulations one through twenty-seven.

SECTION 5. OFFICIAL ZONING MAP AMENDED. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

SECTION 6. REINCORPORATION OF OFFICIAL ZONING MAP AS AMENDED. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 16-2-2 of the Leawood Development Ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication as required by law.

PASSED by the City Council this 1st day of November 2004.

APPROVED by the Mayor this 1st day of November 2004.

(SEAL)



Peggy Dunk, Mayor

ATTEST:



Debra Harper, City Clerk

APPROVED AS TO FORM:



Patricia A. Bennett, City Attorney

City of Leawood Planning Commission Staff Report

MEETING DATE: January 10, 2017
REPORT WRITTEN: December 30, 2016

CORNERSTONE OF LEAWOOD - ELEMENT HOTEL - REQUEST FOR A REVISED PRELIMINARY PLAN FOR THE CORNERSTONE DEVELOPMENT AND A SPECIAL USE PERMIT FOR A HOTEL - Located south of 135th Street and east of Nall Avenue - Case 65-16 **PUBLIC HEARING**

STAFF RECOMMENDATION:

Staff recommends approval of Case 65-16, Cornerstone of Leawood - Element Hotel - application for a Revised Preliminary Plan and Special Use Permit for a hotel, with the stipulations outlined in the staff report.

APPLICANT:

- The applicant is John Peterson with Polsinelli, PC.
- Lot 15 and Lot 16 is owned by SBN REO, LLC.
- The Cornerstone of Leawood development is owned by SBN REO, LLC; Third Millennium Real Estate, LLC.; Park Pad, LLC.; Prairie Holdings, LLC.; Troost 63 Cornerstone, LLC.; Agree Leawood, LLC.; Persepolis, LLC.; 5020 Property, LLC.; 5031 West 135th Street Limited Partnership; and DMI Properties, LLC.
- The engineer is Judd Claussen, PE with Phelps Engineering.
- The architect is Daniel T. Muzquiz with DTM Architects, LLC.

REQUEST:

- The applicant is requesting approval of a Revised Preliminary Plan and Special Use Permit for a hotel. The hotel is proposed to be a 4-story, 72,819 square foot building with 110 rooms, on 1.42 acres on Lot 16 and a portion of Lot 15 of the Cornerstone of Leawood development. The applicant is proposing to reconfigure Lots 15 and 16 as Lots 17 and 18 in order to allow the hotel to be located on a single lot (proposed Lot 18). A Revised Final Plat shall be required at the time of Final Plan application.
- The overall Cornerstone of Leawood development is proposed be made up of 371,856 sq.ft. of construction on 34.14 acres, for a F.A.R. of 0.25.

ZONING:

- The property is currently zoned SD-CR (Planned General Retail).

COMPREHENSIVE PLAN:

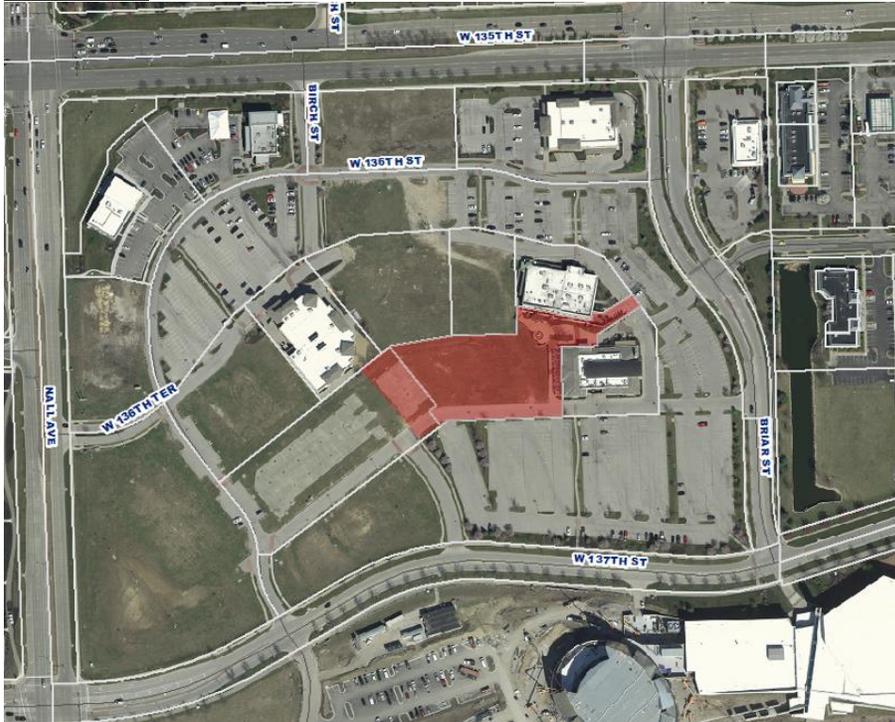
- The Comprehensive Plan designates this property as Mixed Use.

SURROUNDING ZONING:

- North To the north is a multifamily development within the City of Overland Park, Kansas and Parkway Plaza within Leawood, which is a mixed-use development zoned MXD (Mixed Use District).
- South South, across 137th Street, is The Church of the Resurrection, zoned AG (Agriculture) with a Special Use Permit for a church.

- East To the east, across Briar Street, is the Plaza Pointe development, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).
- West To the west of Nall Avenue is the mixed use development of Prairie Fire, located within the City of Overland Park, Kansas, zoned Mixed Use.

LOCATION:



SITE PLAN COMMENTS:

Cornerstone of Leawood Development:

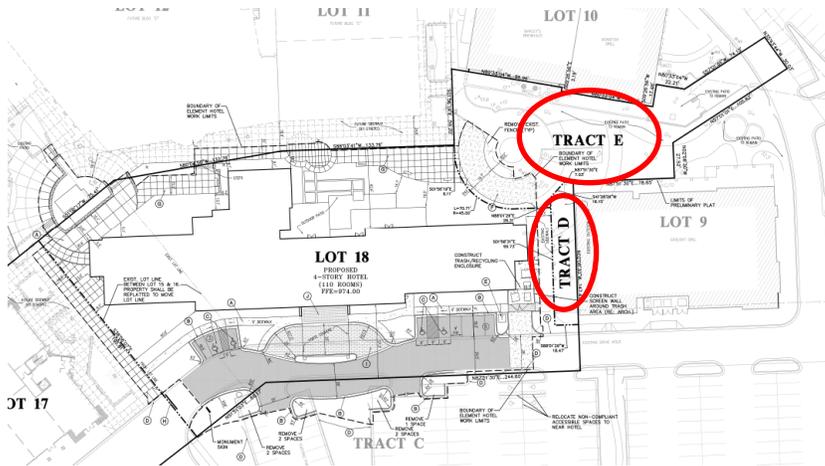
- Cornerstone of Leawood is located at the southeast corner of 135th Street and Nall Avenue. The development is also bordered by 137th Street and the Church of the Resurrection to the south and Briar Street and the Plaza Pointe development to the east.
- A Preliminary Plan, Preliminary Plat, and rezoning from AG (Agricultural) to SD-CR (Planned General Retail) for the Cornerstone of Leawood development was approved by the Governing Body on November 18, 2002 (Case 71-01; Ordinance No. 1967 addressed the rezoning, while Resolution No. 1842 addressed the Preliminary Plan and Preliminary Plat for this application). The development was approved for 356,827 sq.ft. of construction on 34.39 acres, for a F.A.R. of 0.24 and consisted of a mix of retail and office uses.
- A Final Plan and Final Plat was approved by the Governing Body on February 3, 2003 (Case No. 10-03; Resolution No. 1889). The plan consisted of 356,827 sq.ft. of construction on 34.39 acres for a F.A.R. of 0.24. This plan included the first phase of construction for 101,152 sq.ft. of retail and 60,130 sq.ft. of office, and did not include any pad sites in the first phase. The Final Plat included eight (8) lots and two (2) common area tracts. A copy of the Final Plat approved as been attached (Exhibit A) and a copy of the current plat has been attached (Exhibit B).
- The Cornerstone development was designed and approved as a lifestyle center, with the main center of the of the development organized around, and integrated with, a central pedestrian corridor onto which primary entrances of the surrounding businesses were provided to create a pedestrian friendly,

walkable environment. Surface parking was provided around the main center, with pad sites located along 135th Street and Nall Avenue. Additional direct access to some of the perimeter tenants within the main center was also provided from the surface parking around the main center. Patrons of the development were to be able to park once around the perimeter of the main center and access the businesses within the pedestrian corridor that was to extend through the main center. The pedestrian corridor itself was to be a rich pedestrian environment that included hardscaped plaza areas, open spaces, enhanced landscaping, pedestrian benches, and other amenities such as water features and/or sculpture. At the time the Preliminary Plan was approved the development consisted of seven (7) pad sites adjacent to Nall Avenue and 135th Street, with several small and mid-sized tenant buildings and two multi-story buildings in the main center of the development with a landscaped pedestrian corridor. The buildings within the main center of the development were planned around and to integrate with pedestrian plazas and a central pedestrian corridor to promote a multi-use lifestyle center, intended to be the backbone of the development's concept, with parking on the perimeter and access to the majority of the business within the development through the pedestrian plaza. Portions of the pedestrian plaza have been constructed as some buildings within the main center were approved.

- On December 5, 2016, the applicant filed a Certificate of Survey with Johnson County (copy provided as Exhibit C) to divide Tract C into two separate tracts just east of Gaslight Grill.

Element Hotel:

- The applicant is proposing a 72,819 sq.ft. rectangular shaped hotel to be located within Lot 16 of the development. The hotel is proposed to encroach into Lot 15 to the west, which will require the applicant to submit for a Revised Final Plat to adjust the lot line between Lot 15 and Lot 16 at the time of Final Plan. Lot 16 is currently 66,962 sq.ft. (1.54 acres) in size, and is proposed to be increased to 80,422 sq.ft. (1.85 acres) with the Revised Final Plat application. The Revised Final Plat will create Lots 17 and 18 and enable the hotel to be located on a single lot (proposed Lot 18).
- The lot proposed for the hotel is centrally located within the development on an irregular shaped lot and partially extends into the lot adjacent to the west. The proposed site of the hotel is surrounded by surface parking to the south, vacant lots to the north that are approved for retail development, and existing restaurant uses to the northeast and east. West of the site, is an existing retail furniture and home goods store.
- Currently, Lot 16 is approved for a two-story retail / office building (retail on the first floor and office above), for a total of 62,663 sq.ft.
- The main entrance for the hotel is proposed to face south onto an existing internal circulation drive directly adjacent to the main center. That internal drive is proposed to be realigned to accommodate a covered customer drop off and a porte-cochère.
- Adjacent to the building along the internal circulation drive, head in parking is proposed that will back into this circulation drive.
- At the time of Final Plan, the applicant is proposing to create two (2) new common tracts of land within the pedestrian plaza with the Final Plat, which will incorporate an existing a circular plaza with a fountain at the northeast corner of the lot adjacent to a service yard and trash enclosure for BRGR and Bonefish Grill, and existing outdoor seating for Gaslight Grill east of the proposed hotel.



- The applicant is proposing to finish a portion of the pedestrian corridor located within their lot with decorative hardscape and shall connect to existing circular plaza areas east and west of the hotel within the pedestrian corridor that extends through the main center. A small portion of the pedestrian corridor outside the lot area north of the hotel is also proposed to be constructed.
- An outdoor patio is proposed on the north side of the hotel, adjacent to the pedestrian corridor around which the main center of the Cornerstone development is constructed. The outdoor patio is proposed to be separated from the pedestrian corridor by landscaping and a knee wall which is proposed to be approximately 4' in height.
- On the north side of the building, an indoor pool is proposed adjacent to the pedestrian plaza. A portion of the pool is proposed to project into the pedestrian corridor that is to extend through and tie the main center together. The projection narrows the pedestrian corridor slightly (approximately 2') at this location and obstructs the view corridor leading through the main center.
- On the east side of the building, a trash enclosure is proposed. This trash enclosure is proposed to be located adjacent to an existing outdoor dining patio for Gaslight Grill and pedestrian access into the main center.
- A backup generator is not be proposed with this project.

BULK REGULATIONS:

- The following table outlines the required and provided bulk regulations for the Element Hotel:

<u>Criteria</u>	<u>Required</u>	<u>Provided</u>	<u>Compliance</u>
Interior Structure Setback	10'	8.1'	Deviation Granted ¹
Interior Parking Setback	10'	0'	Deviation Granted
Minimum Interior Open Space %	10%	32%	Complies
Height Limit	50'	46'-8" ²	Complies

- The following table outlines the required and provided bulk regulations for Cornerstone Development:

<u>Criteria</u>	<u>Required</u>	<u>Provided</u>	<u>Compliance</u>
Exterior Structure Setback	40'	40'	Complies
Interior Structure Setback	10'	0'	Deviation Granted
Exterior Parking Setback	25'	25'	Complies
Interior Parking Setback	10'	0'	Deviation Granted

¹ At the time the Preliminary Plan was approved (Case 71-01 approved November 18, 2002; Ordinance No. 1967 addressed the rezoning, while Resolution No. 1842 addressed the Preliminary Plan and Preliminary Plat), deviations for the development were approved, which included an interior structure setback of 0' and an interior parking setback of 0'.

² Per Section 16-2-4.7 of the Leawood Development Ordinance, parapets, elevator overruns, and ornamental towers are excluded from the calculation of height.

<u>Criteria</u>	<u>Required</u>	<u>Provided</u>	<u>Compliance</u>
Minimum Open Space %	25% ³	30%	Complies
Height Limit	50'	46'-8"	Complies

- The applicant is not proposing changes to other lots within the development.

TRAFFIC:

- The applicant has provided a traffic study for review by staff.
- The use initially proposed for this lot was a two story building, with first floor retail and a second floor dedicated to office, for a total building size of 62,663 sq.ft. According to the study provided, the average weekday traffic generated was approximately 2,261 trips.
- The hotel plans an average weekday trip generation of 899 trips. This is a reduction of 1,362 daily weekday trips generated for the site.

INTERACT:

- An interact meeting was held July 18, 2016. A summary of the meeting is attached. It appears those in attendance had concerns including, but were not limited to:
 - the height of the hotel;
 - whether the height of the hotel will impact the visibility of Church of the Resurrection; and,
 - deliveries to the hotel.

PARKING:

- Currently, a total of 1,862 parking spaces are provided for the entire development. The applicant has indicated a total of 122 parking spaces of existing parking for hotel use.
- The parking ratio for the Cornerstone Development is proposed to be 4.98 per 1,000 sq.ft. of building area. The Preliminary Plan for the development was approved prior to the current Leawood Development Ordinance, which had a requirement of a minimum of 5 parking spaces per 1,000 square feet, accounting the high parking ratio. Under the current Leawood Development Ordinance, the currently approved retail / office building (with a required parking ratio of 3.5 to 4.5 per 1,000 sq.ft.) is required to have a range of 205 to 268 parking spaces.
- Section 16-4-5.4(B) of the Leawood Development Ordinance states hotels are required to have one parking space per room plus one space per employee. The hotel is proposed to utilize 122 existing parking spaces for the hotel from the existing supply of parking. The required parking for the hotel is reduced from what was required for the previous building planned for this lot.
- The internal drive is proposed to be realigned by bowing the drive to the south to accommodate a patron drop off with a porte-cochère that will result in the loss of seven (7) existing parking spaces in the lot south of the internal drive.
- The applicant is proposing nine (9) new head in parking spaces that back into the interior circulation drive on the south side of the hotel, therefore, a net gain of 2 parking spaces are proposed to be added with this project.

³ At the time the Preliminary Plan was approved in 2001, Open Space requirements were 25%. The 30% open space went into effect when the current ordinance was approved by the Governing Body in 2003.

ELEVATIONS:

- The applicant has provided some preliminary elevations of the proposed hotel. Elevations are reviewed and approved at the time of Final Plan.
- The building is proposed to be a 4-story, 110 room hotel, with a height of 46'-8".
- The hotel is proposed to have a flat roof line with elevator overruns. The maximum height of the parapet shall be 49'-1". Elevator overruns will extend above the roofline to a maximum height of 55'-4". Per Section 16-2-4.7 of the Leawood Development Ordinance, parapets and elevator overruns are excluded from the calculation of height.
- The hotel is proposed to be a combination of cementitious stucco, metal composite wall panels, simulated wood panels, linear stone (a natural stone), and clear glass.
- On the south elevation over the main entrance, an ornamental architectural tower constructed of metal composite wall panels, is proposed and extends an additional 8' over the height of the parapet. Per Section 16-2-4.7 of the Leawood Development Ordinance, ornamental towers are excluded from the calculation of height.
- At the main entrance, a porte-cochère is proposed. The porte-cochère is proposed to be 14' in height with support columns wrapped in a metal panel. The porte-cochere is proposed to project from the building approximately 37'.
- On the east side of the building, adjacent to the outdoor dining area of Gas Light Grill, a 6' trash enclosure is proposed, which will have a stone finish that shall match the façade of the building.
- Louvers for room air conditioning units are proposed on the façade of the building, and are planned to be painted to match the adjacent color of the façade.

SIGNAGE:

- Although signage is shown on the elevations, signage is not reviewed or approved with this application. The Cornerstone of Leawood development has approved sign criteria on file with the City.
- The applicant has provided a preliminary plan for a monument sign, proposed to be located at the southwest corner of the lot, adjacent to the internal drive. The monument sign is proposed to be internally illuminated and a height of 8' and a width of 5', for 40 square feet in size. The monument sign is proposed to have an aluminum face with white push through letters. The sign criteria for the Cornerstone development does not address monument signs for individual tenants and therefore is not currently permitted within the development. In addition, the monument sign that is proposed does not meet the current requirements of the Leawood Development Ordinance including size, dimensions and lighting.

LANDSCAPING:

- A general landscape plan has been provided. Landscaping is reviewed and approved at the time of Final Plan.
- Directly adjacent to the building, the applicant is proposing a combination of deciduous shrubs, evergreen shrubs, and evergreen trees.
- Along the internal drive, the applicant is proposing a combination of honeylocust, elms, and maples.

LIGHTING:

- Lighting is reviewed and approved at the time of Final Plan. At that time the applicant shall be required to provide a photometric study and detailed information regarding all proposed light fixtures.

APPROVED DEVIATIONS:

- The following deviations for the development were approved at the time the Rezoning from AG (Agricultural) to SD-CR (Planned General Retail) and Preliminary Plan in 2002. The zoning designation at the time the Preliminary Plan was approved was considered a special development district, and that plan included reduced interior parking and interior building setbacks. Deviations were approved when the deviation resulted in a higher quality project. Deviations approved with the development include:
 - 0' interior property line building setback
 - 0' interior property line parking setback

IMPACT FEES:

- **PARK IMPACT FEE:** The applicant/owner shall be responsible for a Park Impact Fee in the amount of \$0.10/sq.ft. of finished floor area prior to issuance of a Building Permit. This amount is subject to change by Ordinance.
- **PUBLIC ART IMPACT FEE:** The applicant/owner shall be responsible for a Public Art Impact Fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council and Planning Commission and approved by the Governing Body at a later date. In lieu of that, the applicant may pay a Public Art Impact Fee in the amount of \$0.15/sq.ft. of finished floor area prior to issuance of a Building Permit. This amount is subject to change by Ordinance.
- **135TH STREET IMPACT FEE:** The applicant/owner shall be responsible for a 135th Street Impact Fee in the amount of \$1.95 for retail prior to issuance of a Building Permit. This amount is subject to change by Ordinance.

GOLDEN CRITERIA:

The character of the neighborhood:

The area is characterized by an arterial street (135th Street), high density multifamily residential located in Overland Park, and a mixed use development (Parkway Plaza) to the north; an arterial street (Nall Avenue) and a mixed use development (Prairie Fire in Overland Park) to the west; a collector street (137th Street) and a church to the south; and a collector street (Briar Street) and a commercial development (Plaza Pointe) to the east.

The zoning and uses of properties nearby:

- North To the north is a multifamily development within the City of Overland Park, Kansas and Parkway Plaza within Leawood, which is a mixed-use development zoned MXD (Mixed Use District).
- South South, across 137th Street, is The Church of the Resurrection, zoned AG (Agriculture) with a Special Use Permit for a church.
- East To the east, across Briar Street, is the Plaza Pointe development, zoned SD-CR (Planned General Retail) and SD-O (Planned Office).
- West To the west of Nall Avenue is the mixed use development of Prairie Fire, located within the City of Overland Park, Kansas, zoned Mixed Use.

The suitability of the subject property for uses to which it has been restricted:

A hotel is a suitable use for this development, due to the existing commercial development and the anticipated mixed use for the 135th Street corridor. The development is surrounded by an existing mixed use development to the west in Overland Park, an existing mixed use development to the north in Leawood, a retail / office multi-use development east in Plaza Pointe, and a church to the south. The

135th Street corridor is anticipated to develop over the next several years, planned with mixed use between Nall Avenue and State Line Road, which has been outlined in the 135th Street Community Plan approved in 2014.

The time for which the property has been vacant:

The City of Leawood Governing Body approved a Preliminary Plan for this site on November 18, 2002 (Case 71-01; Ordinance No. 1967 addressed the rezoning, while Resolution No. 1842 addressed the Preliminary Plan and Preliminary Plat). The Development consisted of 356,827 sq.ft. of construction on 34.14 acres and included office and retail uses. Since the time the Preliminary Plan was approved, the development has been built out in stages. To date, eight lots remain undeveloped.

The extent to which removal of the restrictions will detrimentally affect nearby property:

The development is suitable for a hotel with the stipulations recommended in the staff report that will require changes to the layout at the time of Final Plan to ensure the integration of the hotel into the concept of the Cornerstone development. In staff's opinion, the currently proposed layout of the hotel is not adequately integrated with the other buildings within the development or the pedestrian corridor that extends through the heart of the main center, which was the primary design concept that the Cornerstone development was designed around. The primary entrance of the hotel faces to the south with its back to the pedestrian corridor that was designed within the main center of Cornerstone to tie the uses and buildings within the main center together. A small secondary entrance is provided for on the north side of the hotel adjacent to the primary pedestrian corridor, but the general design on this side of the building does not open to, or interact with, the adjacent pedestrian corridor in a significant way. In addition, the hotel is proposing an extension of the first floor of the building, to house an indoor pool, that will project into the pedestrian corridor, slightly narrowing the corridor at this point (by approximately 2') and obstructing the view corridor within the pedestrian corridor.

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:

Although a hotel use is suitable for the Cornerstone development, the proposed layout of the hotel abandons the pedestrian oriented concept that the original lifestyle center of Cornerstone was based on. Approval of the currently proposed layout will detrimentally affect the pedestrian environment and walkability of the development and therefore have a negative effect on the health safety and welfare. However, the stipulations recommended within the staff report will require changes to the layout of the hotel at the time of Final Plan, which integrate the hotel within the adjacent pedestrian corridor and surrounding businesses (both existing and future), preserving the original concept of the development and reinforce the walkability concept of the development, which will provide a positive gain to public health, safety, and welfare.

The recommendation of the permanent staff:

Staff is recommending approval of this application with the stipulations outlined in the report.

Conformance of the requested change to the adopted master plan of the City of Leawood:

The Comprehensive Plan designates this site as Mixed Use. Cornerstone of Leawood is zoned SD-CR (Planned General Retail) and has been developed with uses approved with that zoning classification. The proposed use of a hotel is an appropriate use, with the issuance of a Special Use Permit, for which it is zoned for. Should the development be rezoned to Mixed Use as designated in the Comprehensive Plan, a hotel is still an approved use with a Special Use Permit within a mixed use district.

STAFF COMMENTS:

- The Preliminary Plan for the Cornerstone development was approved in 2002 as a life style center in which the main center was organized around a central pedestrian corridor that provided access to the businesses and a rich pedestrian scaled, walkable environment. This pedestrian oriented concept encouraged customers to park once and be able to access all the businesses within the main center. The pedestrian corridor included plazas, landscaping, decorative hardscape, architectural features, pedestrian connections, seating, and a water feature. The pedestrian corridor was not to be angular through the development, but rather to curve to the south and west to allow corridors to gradually be revealed as patrons walked through the development. The buildings adjacent to the pedestrian plaza were proposed to be both single story and multi-story buildings. The multi-story buildings comprised of first floor retail with office on the upper stories. The first floor retail was to create the pedestrian activity that the concept of the Cornerstone development was based on. Currently, Seville Home, Gaslight Grill, Bonefish Grill, and BRGR have been constructed around the pedestrian plaza. Two of the four businesses have been constructed to take advantage of the pedestrian plaza once it is fully complete. Seville Home has two entrances: one from the parking lot on the north side of the building, and the other that opens into the pedestrian plaza. Gaslight Grill has a dining patio which faces the pedestrian plaza. Staff has the following concerns regarding the layout and design of the proposed hotel:
 - The plan proposed by the applicant shows the hotel encroaching into the pedestrian plaza at the west end of the hotel, with a one story indoor pool, slightly reducing the width of the corridor in that location and obstructing the view corridor leading through the main center. The building currently approved within the main center where the hotel is proposed to be located is bent to the southwest to preserve the pedestrian corridor and not obstruct the view corridor as people travel through and experience the main center. In communications with the applicant, staff has recommended the hotel bend to the southwest in alignment with the pedestrian corridor (as the currently approved building at this location does), which will help maintain the width and views within the corridor. The hotel layout, as proposed, does not flow with the pedestrian plaza as the main center of Cornerstone was approved. It is staff's opinion by encroaching into the pedestrian plaza, activity will be discouraged and will impact the view corridor of the main center as the development is built out, thereby hurting the pedestrian concept that the main center of Cornerstone was based on.
 - In addition, the hotel's main entrance faces south, with little activity encouraged within the pedestrian plaza. A primary entrance is not proposed to open onto the pedestrian plaza as was contemplated with the original concept of the Cornerstone development. As more buildings within the development are approved and the pedestrian plaza is built out, the back of the hotel will face pedestrian oriented corridor, creating little activity along a significant portion of the pedestrian corridor and detrimentally affecting the activity and walkability of the main center of the Cornerstone development.

Staff recommends that at the time of Final Plan, the applicant shall work with staff to revise the layout of the building to flow and interact with the approved design and layout of the original concept of the pedestrian corridor, which shall enhance activity and promote walkability and not inhibit pedestrian traffic and view corridors. **(Stipulation #5)**

- The applicant has proposed nine (9) head in parking stalls off the internal circulation drive adjacent to the hotel. Staff does not support the head in parking from the internal drive, because it will impact traffic and cause safety issues. These parking spaces will back directly into the internal circulation drive on the south side of the building. There is also the potential of people unloading cars in these

parking spots and potentially creating the situation of pedestrians obstructing the drive aisle. In addition, the parking spaces are in close proximity to a proposed porte-cochere, where cars will be entering and exiting the interior circulation drive, thus increasing potential vehicular/vehicular and vehicular/pedestrian conflicts. Staff has stipulated that prior to Governing Body consideration the applicant shall revise the plan to remove the nine (9) head in parking spaces adjacent to the hotel. **(Stipulation #6)**

- The applicant has proposed the use of metal composite panels to be incorporated into the design of the hotel. While final materials are not approved at the Preliminary Plan phase, it should be noted aluminum and steel siding are prohibited materials per Section 16-2-10.3(B) of the Leawood Development Ordinance. Staff has stipulated at Final Plan the applicant shall work with City Staff on a metal panel which is an approved material, as outlined in Section 16-2-10.3 of the Leawood Development Ordinance. **(Stipulation #7)**
- The applicant has proposed a monument sign to be located at the southwest corner of the lot, adjacent to the internal drive of the development. This sign is proposed to be internally illuminated, and 8' in height and 5' in width, for a total of 40 square feet size. The height of the sign does not comply with Section 16-4-6.13(A) of the Leawood Development Ordinance, which restricts monument signs within the SD-CR zoning district to a maximum height of 6' and 10' in width. In addition, monument signs within the SD-CR zoning district are to be either non-illuminated or indirectly illuminated only. Internal illuminated monument signs are not allowed. In addition, the approved sign criteria for Cornerstone of Leawood does not address monument signs for individual businesses. If a monument sign is to be requested, the sign criteria must be revised to allow for monument signs within the development, and must be approved by the Governing Body, after a recommendation by the Planning Commission. Staff has stipulated at Final Plan, the sign criteria for Cornerstone be revised to address monument signs, which shall comply with Section 16-4-6.13(A) of the Leawood Development Ordinance. **(Stipulation #9)**
- The applicant has proposed to locate the trash enclosure for the hotel on the east side of the building, which will be approximately 10' from an existing outdoor dining patio. It is staff's opinion the trash enclosure will negatively impact the existing amenity of an outdoor dining area for the development. Staff has stipulated that prior to Governing Body consideration, the applicant shall relocate the trash enclosure to a location which will not impact existing outdoor dining. **(Stipulation #10)**

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve Case 65-16, Cornerstone of Leawood - Element Hotel - request for a Revised Preliminary Plan and Special Use Permit for a hotel, with the following stipulations:

1. The project shall be limited to a 72,819 sq.ft., 110 room hotel within the Cornerstone Development zoned SD-CR. The overall Cornerstone of Leawood Development shall have a total of 371,856 sq.ft. of construction on 34.14 acres, for a F.A.R. of 0.25.
2. A Special Use Permit for a hotel shall be issued to SBN Hospitality, LLC.
3. 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.
4. A Final Plat shall be required at the time of Final Plan to accommodate the hotel within a single lot and to and create common tracts within the pedestrian corridor.
5. At the time of Final Plan, the applicant shall work with staff to revise the layout of the building to flow and interact with the approved design and layout of the original concept of the pedestrian corridor,

- which shall enhance activity and promote walkability and not inhibit pedestrian traffic and view corridors.
6. Prior to Governing Body consideration, the applicant shall revise the plan to remove nine (9) head in parking spaces adjacent to the hotel.
 7. At Final Plan the applicant shall work with city staff on a metal panel which is an approved material, as outlined in Section 16-2-10.3 of the Leawood Development Ordinance.
 8. The building shall conform to the architectural type, style, and scale of the buildings approved by the Governing Body at Final Plan.
 9. At the time of Final Plan, the sign criteria for Cornerstone be revised to address monument signs, which shall comply with Section 16-4-6.13(A) of the Leawood Development Ordinance.
 10. Prior to Governing Body consideration, the applicant shall relocate the trash enclosure to a location which shall not impact the existing outdoor dining toe the east.
 11. The applicant shall be responsible for the following Impact Fees:
 - a. A Park Impact Fee in the amount of \$0.10/sq.ft. of finished floor area prior to issuance of a Building Permit. This amount is subject to change by Ordinance.
 - b. A Public Art Impact Fee or a piece of public art. Approval of the design and location of the art will need to go before the Arts Council and Planning Commission and be approved by the Governing Body at a later date. In lieu of that, the applicant may pay a Public Art Impact Fee in the amount of \$0.15/sq.ft. of finished floor area prior to issuance of a Building Permit. This amount is subject to change by Ordinance.
 - c. A 135th Street Impact fee in the amount of \$1.95 for retail prior to issuance of a Building Permit. This amount is subject to change by Ordinance.
 12. The project shall include deviations approved with the Preliminary Plan in 2002 (Ordinance No. 1967 addressing the rezoning, while Resolution No. 1842 addressing the Preliminary Plan and Preliminary Plat), including:
 - a. 0' interior property line building setback
 - b. 0' interior property line parking setback
 13. 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 Department of Community Development, prior to recording the plat.
 14. 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 shall be done prior to final occupancy of any building within the project.
 15. All utility boxes, not otherwise approved with the Final Plan, with a height of less than 55 inches, a footprint of 15 sq.ft. in area or less, or a pad footprint of 15 sq.ft. in area or less, shall be installed only with the prior approval of the Director of Community Development as being in compliance with the Leawood Development Ordinance.
 16. All utility boxes, not otherwise approved with the Final Plan, with a height of 55 inches or greater, a footprint greater than 15 sq.ft. in area, or a pad footprint greater than 15 sq.ft. in area, shall be installed only with the prior recommendation of the Planning Commission as being in compliance with the Leawood Development Ordinance based on review of a site plan containing such final development plan information as may be required by the City, and approved by the Governing Body. The City may impose conditions on approval, including but not limited to duration or renewal requirements, where the circumstances are sufficiently unusual to warrant the conditions.
 17. At Final Plan, pedestrian crosswalks shall be demarcated from the adjacent street pavement which shall match the existing crosswalks within the Cornerstone of Leawood development.

18. In accordance with the Leawood Development Ordinance, all trash enclosures shall be screened from public view with a 6' solid masonry structure to match the materials used in the buildings and shall be architecturally attached to the individual buildings and accented with appropriate landscaping. The gates of the trash enclosures shall be painted, sight obscuring, decorative steel.
19. All downspouts shall be enclosed.
20. Ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities, meter banks and air conditioning units, shall be painted to blend with the building and screened from public view with landscaping or with an architectural treatment compatible with the building structure.
21. All rooftop equipment shall be screened from the public view with an architectural treatment, which is compatible with the building architecture. The architectural treatment screening the utilities shall be at least as tall as the utilities they are to screen.
22. Lighting plans, photometric studies and specific light fixtures shall be provided at the time of Final Plan.
23. Materials boards shall be submitted at the time of Final Plan.
24. A 3-D Sketch-up model shall be submitted at the time of Final Plan.
25. A cross access/parking easement for the entire development shall be recorded with the Johnson County Registrar of Deeds prior to issuance of a Building Permit.
26. 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.
27. The conditions and stipulations of the preliminary plan for the Cornerstone of Leawood development approval (Ordinance No. 1967 addressing the rezoning, while Resolution No. 1842 addressing the Preliminary Plan and Preliminary Plat) shall remain in full force and effect except to the extent expressly modified herein.
28. 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 Governing Body to request an extension of this time period. The Governing Body may grant one such extension for a maximum of 12 months for good cause shown by the developer.
29. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of 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-nine.



City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax

MEMORANDUM

Date: January 4, 2017

To: Richard Coleman, Director of Community Development

From: David Ley, P.E., City Engineer
Department of Public Works

Re: Cornerstone – Element Hotel
Case Number: 65-16

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) Traffic:

- a) The developer submitted a Trip Generation Assessment to determine if there are impacts from converting the current approved office/shopping to hotel. The hotel is projected to generate fewer trips than the current approved land use. Staff agrees with this study.
- b) Staff is not supportive of the parking stalls in front of the hotel on the loop roadway. Staff is concerned about pedestrian safety with people loading luggage in to their vehicle and standing within the roadway and with people trying to pull out of the stall. There is a significant parking lot south of the loop roadway that can handle the parking of the development.

2) Stormwater:

- a) The developer of Cornerstone completed the storm sewer improvements for the site during the original site construction. Element Hotel has less impervious areas than the previously approved plan. Therefore detention is not required.
- b) The developer of Element Hotel is proposing to install two curb inlet inserts to meet the Stormwater Treatment Ordinance.

- 3) Developments on or between 133rd Street to 137th Street shall have all utilities relocated underground. This includes private property and utilities in the Right-of-Way between the curb and property line per the 135th Street Corridor Urban Design and Development Plan, adopted by the City of Leawood March 31, 1997.

PW-1

- 4) 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).
- 5) The developer shall provide as-built storm sewer information in accordance with our 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. .

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

Copy: Project File
PW Book

Michelle Kriks

From: Gene Hunter
Sent: Monday, August 15, 2016 9:19 AM
To: Michelle Kriks; Mark Klein
Subject: RE: Case 65-16 Cornerstone of Leawood - Preliminary Plan and Special Use Permit for a Hotel

The Fire Dept has no objections to this site plan.

Gene Hunter, Leawood Fire Marshal

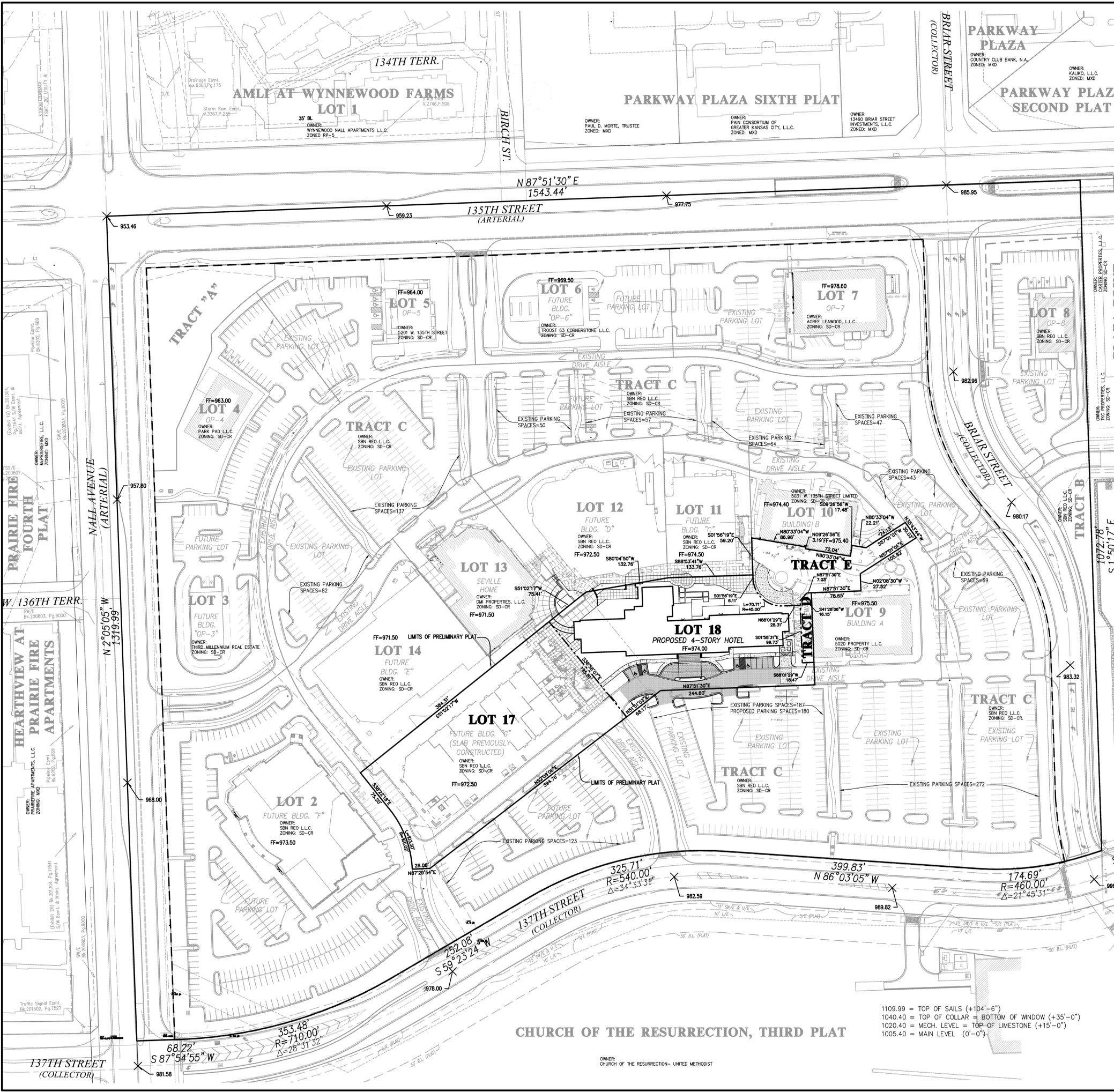
From: Michelle Kriks
Sent: Friday, August 12, 2016 4:17 PM
To: Gene Hunter <geneh@leawood.org>
Subject: Case 65-16 Cornerstone of Leawood - Preliminary Plan and Special Use Permit for a Hotel

Gene

Will Fire have any comments regarding the attached plan?

Thank you,

Michelle Kriks, AICP
Planner
City of Leawood – Department of Community Development
4800 Town Center Drive | Leawood, KS 66211
Direct: (913) 663-9163 Fax: (913) 661-7063
michellek@leawood.org | www.leawood.org
[Leawood Development Ordinance](#)



BUILDING	LOT #	FLOOR	FLOOR AREA	BLDG USE	PRKG. RATIO	PRKG. REQ'D	PRKG. PROVIDED
BLDG-A	LOT 9		14,000 SF	RETAIL/RESTAURANT	5 STALLS / 1,000 SQ. FT.	70 STALLS	
BLDG-B	LOT 10		12,303 SF	RETAIL/RESTAURANT	5 STALLS / 1,000 SQ. FT.	62 STALLS	
BLDG-C	LOT 11		15,000 SF	RETAIL/RESTAURANT	5 STALLS / 1,000 SQ. FT.	75 STALLS	
BLDG-D	LOT 12		27,821 SF	RETAIL	5 STALLS / 1,000 SQ. FT.	140 STALLS	
BLDG-E	LOT 13		20,485 SF	SEVILLE HOME	5 STALLS / 1,000 SQ. FT.	103 STALLS	
BLDG-F	LOT 14		34,577 SF	RETAIL	5 STALLS / 1,000 SQ. FT.	173 STALLS	
BLDG-G	LOT 2		31,805 SF	RETAIL/GROCERY	5 STALLS / 1,000 SQ. FT.	160 STALLS	
BLDG-H	LOT 17	1st	36,588 SF	RETAIL	5 STALLS / 1,000 SQ. FT.	183 STALLS	
		2nd	41,263 SF	OFFICE	4 STALLS / 1,000 SQ. FT.	166 STALLS	
		3rd	20,974 SF	OFFICE	4 STALLS / 1,000 SQ. FT.	84 STALLS	
		4th	20,829 SF				
		5th	16,478 SF	HOTEL - 110 ROOMS	1 SPACE PER ROOM PLUS	122 STALLS	
		6th	17,756 SF	12 EMPLOYEES (MAX. SHIFT)	ON MAX. SHIFT		
			327,685 SF			1,339 STALLS	1,395 STALLS
OP-8 PAD-1	LOT 8		5,000 SF	FAST FOOD W/DRIVE-THRU - WINSTEADS	1 STALL / 2 SEATS	72 STALLS	72 STALLS
OP-7 PAD-2	LOT 7		15,051 SF	RETAIL W/D.T.-CVS	5 STALLS / 1,000 SQ. FT.	76 STALLS	64 STALLS
OP-6 PAD-3	LOT 6		5,000 SF	BANK W/D.T.	5 STALLS / 1,000 SQ. FT.	25 STALLS	34 STALLS
OP-5 PAD-4	LOT 5		4,620 SF	RESTAURANT-TALK OF THE TOWN	1 STALL / 2 SEATS	24 STALLS	54 STALLS
OP-4 PAD-5	LOT 4		10,000 SF	RESTAURANT	1 STALL / 2 SEATS	70 STALLS	70 STALLS
OP-3 PAD-6	LOT 3		4,500 SF	FAST FOOD W/D.T.	1 STALL / 2 SEATS	23 STALLS	41 STALLS
			44,171 SF			290 STALLS	335 STALLS
			327,685 SF			1,339 STALLS	1,395 STALLS
			290 STALLS			335 STALLS	
			371,856 SF			1,629 STALLS	1,730 STALLS

*2,000 S.F. BASEMENT NOT INCLUDED

PARKING:
1,629 CARS REQUIRED
1,730 CARS PROVIDED

PARKING CALCULATIONS:
RETAIL-5 CARS/1000 SF
OFFICE-5 CARS/1000 SF x 80% EFFICIENCY=4 CARS/1000 SF

LAND AREA: EXCLUDES ROW
TOTAL 1,487,456 SF, 34.14 ACRES

FLOOR AREA RATIO:
FAR-SD/CR
1,487,456 SF x 0.25 = 371,864 SF ALLOWABLE
371,856 SF ACTUAL

ROW DEDICATION: 279,680 SF, 6.42 ACRES

TRASH SCREENING:
ALL TRASH ENCLOSURES TO BE SCREENED WITH A 6 FOOT MASONRY STRUCTURE TO MATCH ADJOINING BUILDING

OPEN SPACE:
OVERALL SITE = 1,487,456 X 0.25 = 371,864 SF REQUIRED (ORIGINAL PLAN)
447,454 SF (PREVIOUSLY APPROVED PLAN) = 30%
451,976 SF (PROVIDED) = 30%

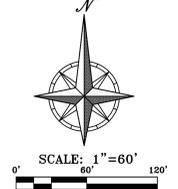
CROSS ACCESS AGREEMENT:
A CROSS ACCESS RECIPROCAL EASEMENT PARKING AGREEMENT SHALL BE PROVIDED BETWEEN ALL PARCELS WITHIN THE DEVELOPMENT

ROADWAY LIGHTING "BRIAR":
LIGHTING FIXTURES FOR 137TH STREET AND BRIAR WILL MATCH SPECIAL DESIGN PRESENTLY INSTALLED ON ROE AVENUE

LOT	LAND AREA
17	75,305 S.F. 1.73 Ac.
18	61,979 S.F. 1.42 Ac.
TRACT D	1,975 S.F. 0.05 Ac.
TRACT E	16,468 S.F. 0.38 Ac.
TOTAL	155,727 S.F. 3.58 Ac.

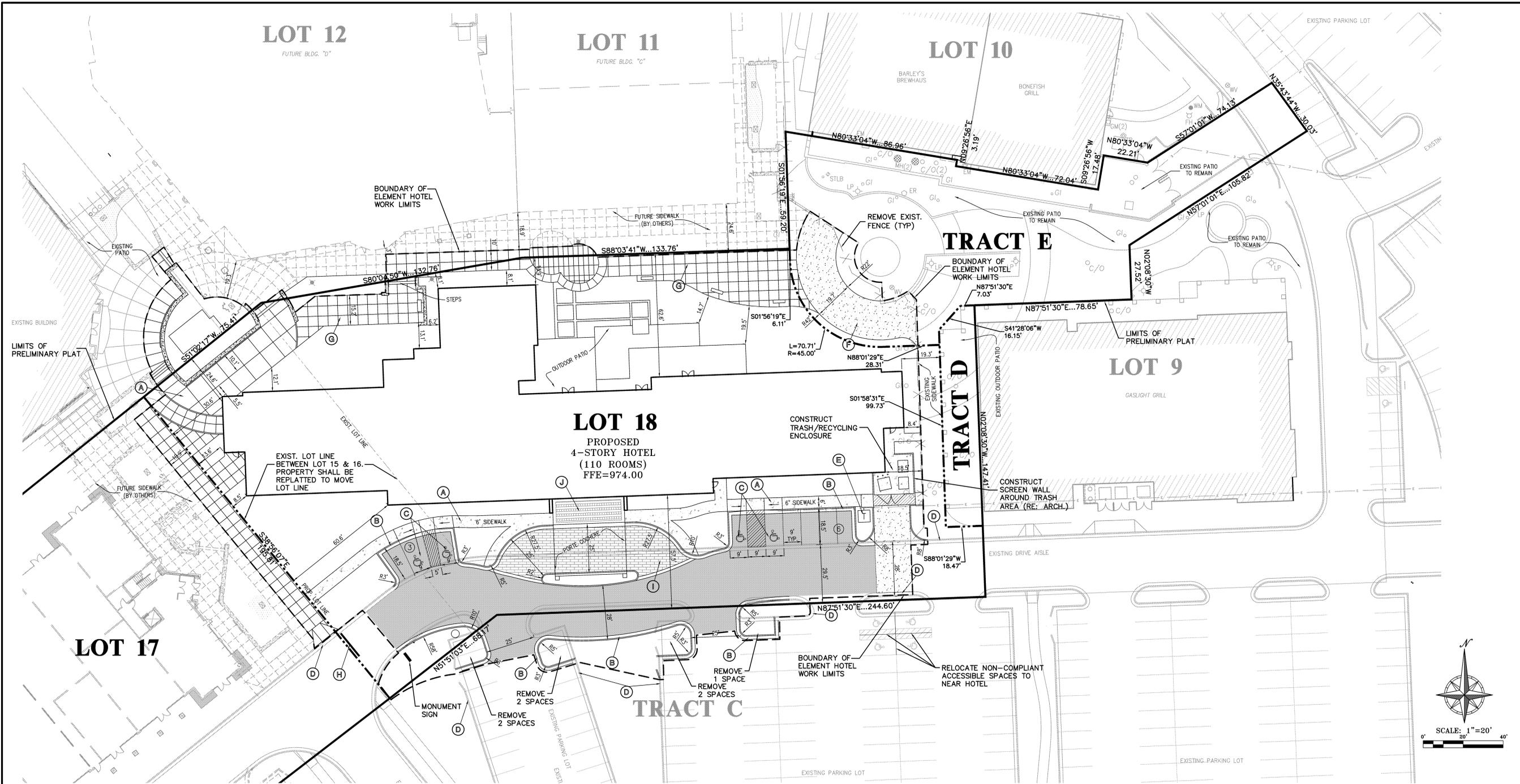
LEGEND:
X 953.46 AIMS ELEVATION

1109.99 = TOP OF SAILS (+104'-6")
1040.40 = TOP OF COLLAR = BOTTOM OF WINDOW (+35'-0")
1020.40 = MECH. LEVEL = TOP OF LIMESTONE (+15'-0")
1005.40 = MAIN LEVEL (0'-0")



PRELIMINARY PLAT / SITE PLAN - OVERALL
ELEMENT HOTEL
CORNERSTONE OF LEAWOOD, LOT 18
LEAWOOD, KANSAS

PROJECT NO.	151709	DATE	5-24-16	NO.	1	REVISIONS
DATE	5-24-16	NO.	1	REVISED PER CITY COMMENTS	AMJ DEU	
DATE	8-5-16	NO.	2	REVISED PER CITY COMMENTS	AMJ DEU	
DATE	8-8-16	NO.	3	REVISED PER CITY COMMENTS	AMJ DEU	
DATE	11-30-16	NO.	4	REVISED PER CITY COMMENTS	AMJ DEU	



SITE PLAN NOTES:

- ALL CONSTRUCTION MATERIALS AND PROCEDURES ON THIS PROJECT SHALL CONFORM TO THE LATEST REVISION OF THE FOLLOWING GOVERNING REQUIREMENTS, INCORPORATED HEREIN BY REFERENCE:
 - CITY ORDINANCES & O.S.H.A. REGULATIONS.
 - CITY OF LEAWOOD TECHNICAL SPECIFICATIONS AND MUNICIPAL CODE.
 - PROJECT TECHNICAL SPECIFICATIONS.
- THE CONTRACTOR SHALL HAVE ONE (1) SIGNED COPY OF THE PLANS APPROVED BY THE CITY AND ONE (1) COPY OF THE APPROPRIATE DESIGN AND CONSTRUCTION STANDARDS AND SPECIFICATIONS AT THE JOB SITE AT ALL TIMES.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR SECURING ALL PERMITS, BONDS AND INSURANCE REQUIRED BY THE CONTRACT DOCUMENTS, CITY OF LEAWOOD, KANSAS, AND ALL OTHER GOVERNING AGENCIES (INCLUDING LOCAL, COUNTY, STATE AND FEDERAL AUTHORITIES) HAVING JURISDICTION OVER THE WORK PERFORMED BY THESE CONSTRUCTION DOCUMENTS. THE COST FOR ALL PERMITS, BONDS AND INSURANCE SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE INCLUDED IN THE BID FOR THE WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF HIS AND HIS SUB-CR CONTRACTOR'S WORK. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR PROTECTING AND MAINTAINING HIS WORK DURING THE CONSTRUCTION PERIOD AND BETWEEN THE VARIOUS TRADES/SUB-CONTRACTORS CONSTRUCTING THE WORK.
- THE DEMOLITION AND REMOVAL (OR RELOCATION) OF EXISTING PAVEMENT, CURBS, STRUCTURES, UTILITIES, AND ALL OTHER FEATURES NECESSARY TO CONSTRUCT THE PROPOSED IMPROVEMENTS SHALL BE PERFORMED BY THE CONTRACTOR. ALL WASTE MATERIAL REMOVED DURING CONSTRUCTION SHALL BE DISPOSED OFF THE PROJECT SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS FOR HAULING AND DISPOSING OF WASTE MATERIAL. THE DISPOSAL OF WASTE MATERIAL SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SANITARY SEWER SERVICES, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
- ALL EXISTING UTILITIES INDICATED ON THE DRAWINGS ARE ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. HOWEVER, ALL UTILITIES ACTUALLY EXISTING MAY NOT BE SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES FOR AN EXACT FIELD LOCATION OF EACH UTILITY PRIOR TO ANY CONSTRUCTION. ALL UTILITIES SHOWN AND UNSHOWN, DAMAGED THROUGH THE NEGLIGENCE OF THE CONTRACTOR SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT HIS EXPENSE.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES, PAVEMENT, FENCES, STRUCTURES AND OTHER FEATURES NOT DESIGNATED FOR REMOVAL. THE CONTRACTOR SHALL REPAIR ALL DAMAGES AT HIS EXPENSE.
- THE CONTRACTOR SHALL VERIFY THE FLOW LINES OF ALL EXISTING STORM OR SANITARY SEWER CONNECTIONS AND UTILITY CROSSINGS PRIOR TO THE START OF CONSTRUCTION. NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
- SAFETY NOTICE TO CONTRACTOR:** IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. ANY CONSTRUCTION OBSERVATION BY THE ENGINEER OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES, IN, ON OR NEAR THE CONSTRUCTION SITE.
- WARRANTY/DISCLAIMER:** THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER THE ENGINEER NOR ITS PERSONNEL CAN OR DO WARRANT THESE DESIGNS OR PLANS AS CONSTRUCTED EXCEPT IN THE SPECIFIC CASES WHERE THE ENGINEER OBSERVES THE PHYSICAL CONSTRUCTION ON A CONTINUING BASIS AT THE SITE.
- NO WORK IS TO BE ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY OR EASEMENTS WITHOUT A RIGHT OF WAY WORK PERMIT.
- ALL PAVING CONSTRUCTION AND EARTHWORK GRADING/COMPACTION SHALL CONFORM TO THE REQUIREMENTS OF THE GEOTECHNICAL ENGINEERING REPORT PREPARED FOR THIS PROJECT.
- WITHIN FORTY-EIGHT HOURS PRIOR TO ANY ASPHALT OR CONCRETE PAVING, THE SUBGRADE SHALL BE PROOF ROLLED WITH A FULLY LOADED TANDUM WHEELED DUMP TRUCK AND OBSERVED BY THE ON-SITE GEOTECHNICAL ENGINEER. AREAS OF THE SUBGRADE WITH EXCESSIVE RUTTING AND OR PUMPING SHALL BE RE-WORKED OR REMOVED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS. FLYASH OR GRANULAR MATERIAL MAY BE ADDED BY THE CONTRACTOR TO STABILIZE THE SUBGRADE. SEE PROJECT SPECIFICATIONS.
- ALL CURB SHALL BE SLOPED FOR POSITIVE DRAINAGE. CONTRACTOR SHALL USE "DRY CURB AND GUTTER" AS NEEDED IN LOCALIZED PAVED AREAS THAT DRAIN AWAY FROM THE CURB AND GUTTER. SEE PAVING DETAILS.
- THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION ALL PROPERTY CORNERS AND SECTION CORNERS. ANY PROPERTY CORNERS AND/OR SECTION CORNERS DISTURBED OR DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE RESET BY A REGISTERED LAND SURVEYOR LICENSED IN THE STATE OF KANSAS, AT THE CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RESTORATION OF THE RIGHT-OF-WAY AND FOR DAMAGED IMPROVEMENTS SUCH AS CURBS, SIDEWALKS, STREET LIGHT AND TRAFFIC SIGNAL JUNCTION BOXES, TRAFFIC SIGNAL LOOP LEAD INS, SIGNAL POLES, ETC. DAMAGED IMPROVEMENTS SHALL BE REPAIRED IN CONFORMANCE WITH THE LATEST CITY STANDARDS AND TO THE CITY'S SATISFACTION.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING BERMS, SILT FENCES, STRAW BALES, OR OTHER MEANS TO PREVENT ERODED MATERIALS FROM REACHING THE PUBLIC RIGHT-OF-WAY AND ADJACENT PROPERTIES. IN THE EVENT THE PREVENTION MEASURES ARE NOT EFFECTIVE, THE CONTRACTOR SHALL REMOVE ANY DEBRIS, SILT OR MUD AND RESTORE THE RIGHT-OF-WAY OR ADJACENT PROPERTY TO ORIGINAL OR BETTER CONDITION.
- ALL DISTURBED AREAS ARE TO RECEIVE TOPSOIL, SOIL, AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED. SEE THE LANDSCAPING PLANS FOR REQUIREMENTS.
- THE CONTRACTOR SHALL SOO ALL DISTURBED AREAS WITHIN THE PUBLIC STREET RIGHT-OF-WAY.
- CONTRACTOR SHALL REFER TO THE ARCHITECTURAL BUILDING PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLIP PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOORS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS. ALL DIMENSIONS ARE TO OUTSIDE WALL OF BUILDINGS(S) OR TO BACK OF CURBS.
- PROVIDE "FIRE LANE" PAVEMENT MARKING AND SIGNING AS REQUIRED BY LOCAL AUTHORITY.
- CONTRACTOR SHALL BE RESPONSIBLE FOR SPECIAL INSPECTIONS FOR PAVEMENTS AND CURBS PER CITY OF LEAWOOD 100 SECTION 16-4-4.5.7.B1. THE FOLLOWING WEBSITE IS A LINK TO DOWNLOAD THE LEAWOOD DEVELOPMENT ORDINANCE: <http://www.leawood.org/commdev/ldo.aspx>
- KOMBI 4K GRANITE MAY TO BE USED FOR ALL EXTERIOR CONCRETE PAVING INCLUDING CONCRETE CURBS, SIDEWALKS AND CONCRETE PAVEMENT.

PAVEMENT MARKING & SIGNAGE NOTES:

- PARKING STALL MARKING STRIPES SHALL BE FOUR INCH (4") WIDE WHITE STRIPES. DIRECTIONAL ARROW AND ACCESSIBLE STALL MARKINGS SHALL BE FURNISHED AT LOCATIONS SHOWN ON PLANS.
- ACCESSIBLE PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO ALL FEDERAL (AMERICANS WITH DISABILITIES ACT) AND STATE LAWS AND REGULATIONS.
- TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
- TRAFFIC CONTROL AND PAVEMENT MARKINGS SHALL BE PAINTED WITH A WHITE SHERWIN-WILLIAMS S-W TRAFFIC MARKING SERIES B-2922 OR APPROVED EQUAL. THE PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. APPLY ON A CLEAN, DRY SURFACE AND AT A SURFACE TEMPERATURE OF NOT LESS THAN 70°F AND THE AMBIENT AIR TEMPERATURE SHALL NOT BE LESS THAN 60°F AND RISING. TWO COATS SHALL BE APPLIED.

LEGAL DESCRIPTION:

ALL OF LOTS 2 THROUGH 8, TRACT A, TRACT B, AND PORTIONS PLATTED AS PUBLIC STREET RIGHT-OF-WAY FOR WALL AVENUE, 135TH STREET, AND BRUAR STREET, CORNERSTONE OF LEAWOOD, A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

TOGETHER WITH:
ALL OF LOTS 9 THROUGH 16 AND TRACT C, CORNERSTONE OF LEAWOOD, A SUBDIVISION IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS.

SITE DIMENSION NOTES:

- BUILDING TIES SHOWN ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC FIELD LOCATION AND LAYOUT INFORMATION FOR THE BUILDINGS.
- ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FORM BACK OF CURB TO BACK OF CURB.

BENCHMARK:

BM #1381 ELEV.=946.55
2" DOME TOP ALUMINUM MONUMENT STAMPED JOHNSON COUNTY PUBLIC WORKS BM-381, FROM THE INTERSECTION OF WEST 143RD STREET AND WALL AVENUE, 00 EAST APPROX. 0.40 MILES TO CONCRETE BOX UNDER WEST 143RD STREET.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR JOHNSON COUNTY, KANSAS AND INCORPORATED AREAS, MAP NO. 20091C00840 AND DATED AUGUST 3, 2009.

Requirement	SD-CR Zoning Bulk Regulations		Minimum Provided on Lot 18
	Minimum Distance/Area		
Front Yard Setback:	Structures:	40 Feet	N/A
	Surface Parking (Loading and Service Areas Prohibited):	25 Feet	N/A
Side Yard Setback:	Structures:	40 Feet	N/A
	Surface Parking, Loading and Service Areas:	25 Feet	N/A
Interior Property Line Setback:	Structures:	10 Feet	8.1'
	Surface Parking, Loading and Service Areas:	10 Feet	29.5'
Rear Yard Setback:	Structures:	40 Feet	N/A
	Surface Parking, Loading, and Service Areas:	25 Feet	N/A
Building Setback from Residential:	125 feet from property zoned, used, or master-planned for residential use.	125 Feet	No residential uses surround the property
Open Space:		30% minimum	See Sheet C2 for Open Space calculations for entire development
Minimum Acres:	10 acres per development, provided however that an applicant may seek a deviation as set forth in Section 16-3-9 of the Leawood Development Ordinance	Entire Development is 34.14 Acres	
Floor Area Ratio (FAR):		.25 maximum	See Sheet C2 for FAR calculations for entire development
Height Limit:		50 Feet	45'-8" * Deviation Required

BUILDING & LOT DATA

PROPOSED LOT 18	61,979 S.F. / 1.42 AC
EXISTING ZONING	SD-CR
TOTAL BUILDING (4 STORY)	72,819 S.F.
BUILDING FOOTPRINT	20,829 S.F.

SITE KEY NOTES:

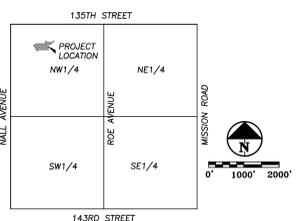
- (A) CONSTRUCT CONCRETE SIDEWALK
- (B) CONSTRUCT CURB & GUTTER (TYP)
- (C) ACCESSIBLE PARKING SPACE (TYP)
- (D) USE-IN-PLACE EXISTING CONCRETE CURB & GUTTER
- (E) CONSTRUCT KOPAL TRANSFORMER
- (F) CONSTRUCT COLORED CONCRETE
- (G) CONSTRUCT DECORATIVE HARDSCAPE
- (H) INSTALL 24" WHITE (PAINT) STOP BAR & 30" STOP SIGN
- (I) CONSTRUCT STAMPED COLORED CONCRETE PAVEMENT
- (J) CONSTRUCT STAMPED COLORED CONCRETE SIDEWALK

LEGEND

- (A) CONSTRUCT CONCRETE SIDEWALK
- (B) CONSTRUCT ASPHALT PAVEMENT
- (C) CONSTRUCT 2' CURB & GUTTER
- (D) PARKING SPACES
- (E) CONSTRUCT COLORED, STAMPED CONCRETE PAVEMENT

UTILITY NOTE:

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH AND RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



LOCATION MAP SECTION 33-13-25



UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES.

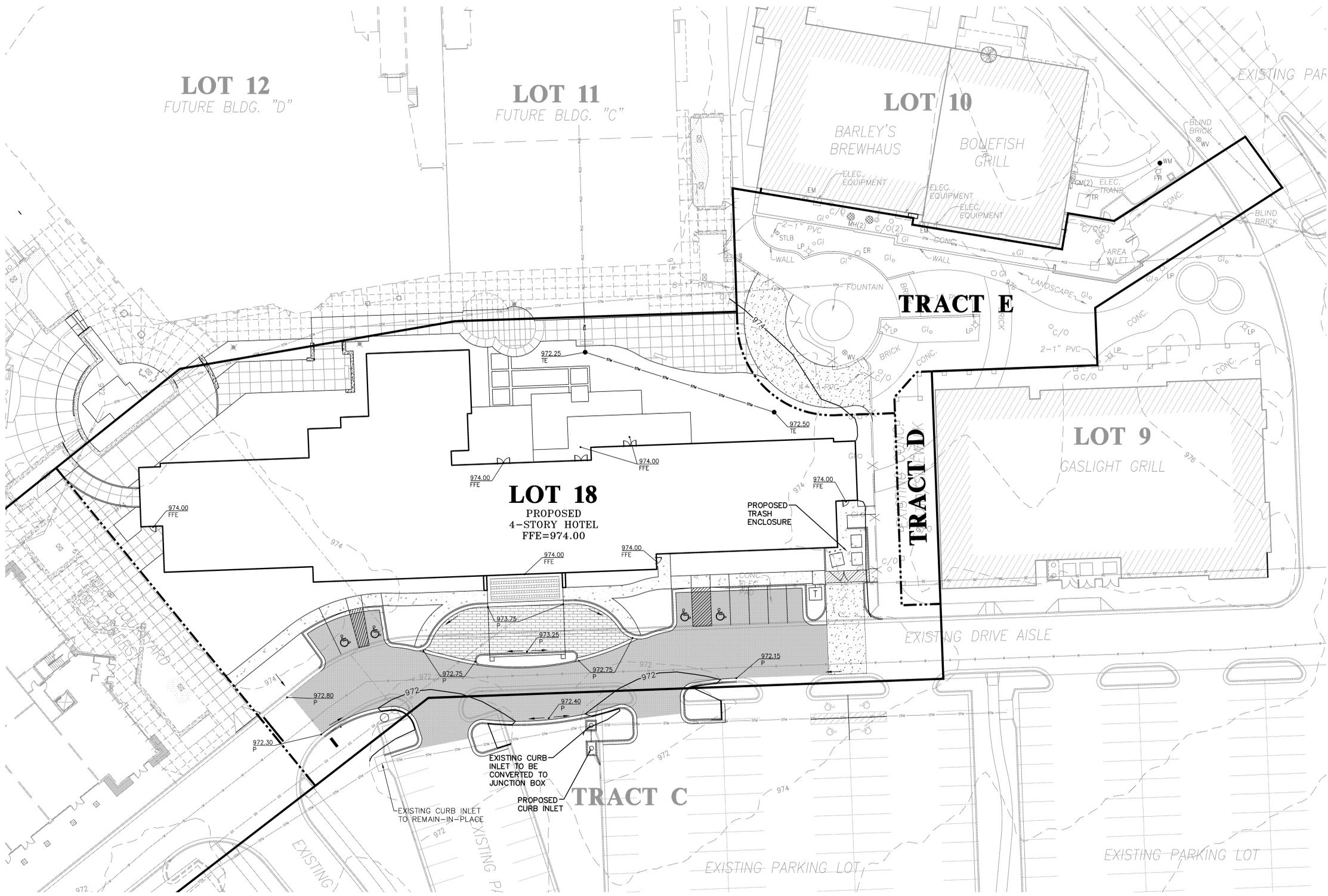
PHELPS ENGINEERING, INC.
1220 N. Winchester
Overland Park, Kansas
(913) 399-1600
Fax (913) 399-1666
www.pelphsengineering.com



SITE PLAN
ELEMENT HOTEL
CORNERSTONE OF LEAWOOD, LOT 18
LEAWOOD, KANSAS

PROJECT NO.	DATE	NO.	DESCRIPTION	BY	APP.
15-2209	5-24-18	1	REVISED PER CITY COMMENTS	JMO	DEU
	6-10-18	2	REVISED PER CITY COMMENTS	JMO	DEU
	8-5-18	3	REVISED PER CITY COMMENTS	JMO	DEU
	11-27-18	4	REVISED PER CITY COMMENTS	JMO	DEU

SHEET
C3



LOT 12
FUTURE BLDG. "D"

LOT 11
FUTURE BLDG. "C"

LOT 10
BARLEY'S BREWHAUS
BONEFISH GRILL

LOT 9
GASLIGHT GRILL

LOT 18
PROPOSED
4-STORY HOTEL
FFE=974.00

TRACT E

TRACT D

TRACT C

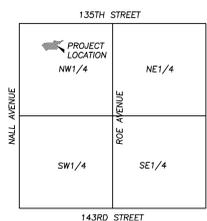


Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES.

LEGEND:

- XXX --- EXISTING CONTOURS
- === XXX === PROPOSED CONTOURS
- ==== PROPOSED CURB
- XXXXXX PROPOSED SPOT ELEVATION
- P TOP OF PAVEMENT
- GR GROUND ELEVATION
- SW SIDEWALK
- FFE FINISHED FLOOR ELEVATION



LOCATION MAP
SECTION 33-13-25



SCALE: 1"=20'

PHELPS ENGINEERING, INC.
1326 N. Winchester
Olathe, Kansas 66061
(913) 391-1195
Fax: (913) 391-1166
www.phelpsengineering.com



SITE GRADING PLAN
ELEMENT HOTEL
CORNERSTONE OF LEAWOOD, LOT 18
LEAWOOD, KANSAS

By	Date	Revisions
JMO	6-10-16	REVISED PER CITY COMMENTS
DLM	8-5-16	REVISED PER CITY COMMENTS
JMO	8-16-16	REVISED PER CITY COMMENTS
JMO	11-9-16	REVISED PER CITY COMMENTS

SHEET
C5

LOT 12
FUTURE BLDG. "D"

LOT 11
FUTURE BLDG. "C"

LOT 10
BARLEY'S BREWHAUS
BONEFISH GRILL

LOT 9
GASLIGHT GRILL

LOT 18
PROPOSED
4-STORY HOTEL
FFE=974.00

TRACT E

TRACT D

TRACT C

- LEGEND**
- W- EXISTING WATERLINE
 - G- EXISTING GAS LINE
 - E- EXISTING BURIED ELECTRICAL
 - BT- EXISTING BURIED TELEPHONE
 - SS- EXISTING SANITARY SEWER
 - SS- EXISTING PROPERTY LINE
 - SS- SANITARY SEWER LINE
 - STM- PROPOSED ROOF OR FOUNDATION DRAIN LINE
 - W- PROPOSED WATER LINE
 - BE- PROPOSED BURIED ELECTRICAL
 - BT- PROPOSED BURIED TELEPHONE

KEY NOTES:

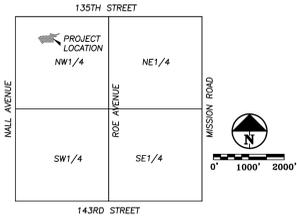
- (D1) PROPOSED 6'x4' STANDARD CURB INLET.
- (D2) CONVERT EXISTING CURB INLET TO JUNCTION BOX.
- (D3) PROPOSED NYLOPLAST DRAIN BASIN
- (E1) PROPOSED TRANSFORMER LOCATION. ALL WORK TO BE COORDINATED WITH KCP.
- (E2) PROPOSED ELECTRICAL ENTRY INTO BUILDING.
- (S1) PROPOSED 4' DIA. SANITARY SEWER MANHOLE ON TOP OF EXISTING SANITARY MAIN.
- (S2) EXTEND 6" PVC FROM EXISTING SANITARY SERVICE LINE TO PROPOSED MANHOLE LOCATION.
- (S3) CONNECT TO EXISTING SANITARY SERVICE LINE AND INSTALL WYE.
- (S4) INSTALL 6" PVC FROM PROPOSED BUILDING TO EXISTING SANITARY SERVICE LINE
- (S6) SANITARY SEWER EXIT FROM BUILDING
- (W1) PROPOSED TAP LOCATION ON EXISTING 8" DIP WATER MAIN FOR DOMESTIC WATER SERVICE TO BUILDING. ALL WORK TO BE COORDINATED WITH WATERONE.
- (W2) INSTALL WATER SERVICE LINE TO BUILDING.
- (W3) PROPOSED DOMESTIC WATER METER LOCATION.
- (W4) PROPOSED WATER SERVICE ENTRY INTO BUILDING.
- (W6) PROPOSED TAP LOCATION ON EXISTING 8" DIP WATER MAIN FOR FIRE LINE TO BUILDING. ALL WORK TO BE COORDINATED WITH WATERONE.
- (W8) INSTALL FIRE LINE TO BUILDING.
- (W7) PROPOSED FIRE LINE ENTRY INTO BUILDING.

SANITARY SEWER SERVICE NOTES:

1. SERVICE LINE TO EXISTING BUILDING SHALL BE 6" HDPE (SDR-17) WITH BUTT-FUSED JOINTS.
2. NO ROOF DRAINS, OR FOUNDATION DRAINS SHALL CONNECT TO THE SANITARY SEWER.
3. REFERENCE JOW SERVICE LINE DESIGN AND CONSTRUCTION STANDARDS VERSION 2011 FOR HDPE SPECIFICATIONS AND INSTALLATION REQUIREMENTS.
4. IN THE EVENT OF WORK IN OR ON THE JOW SANITARY MAIN, ANY TREES OR PLANTING PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE-OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.
5. FOR BUTT-FUSED HDPE JOINING, FUSION SHALL BE ACCOMPLISHED BY PERSONNEL CERTIFIED AS FUSION TECHNICIANS BY A MANUFACTURER OF POLYETHYLENE PIPE AND/OR FUSING EQUIPMENT. CERTIFICATIONS FOR ALL PERSONNEL SHALL BE SUBMITTED TO JOW PRIOR TO THE INSPECTION OF THE WORK.
6. A CONTINUOUS TRACER WIRE SHALL BE INSTALLED ALONG THE FULL LENGTH OF THE PIPE ALIGNMENT SO THE ALIGNMENT CAN BE DETECTED. THE TRACER WIRE SHALL BE A MINIMUM AWG#12 XHHW COPPER WIRE. THE TRACER WIRE SHALL BE TAPED TO THE TOP OF THE PIPE AND SHALL BE BROUGHT TO THE GROUND SURFACE AT ACCESS POINTS LOCATED AT A MAXIMUM OF EVERY 300 FEET. ACCESS POINTS MAY INCLUDE CLEAN OUT CASTINGS, VALVE BOXES, HAND HOLES, MANHOLES, VAULTS OR OTHER COVERED ACCESS DEVICES. ACCESS POINT COVERS SHALL BE CLEARLY MARKED WITH THE TYPE OF FACILITY. THE TRACER WIRE SHALL BE CONTINUOUS WITHOUT SPLICES BETWEEN THE ACCESS POINTS. SPLICES IN THE TRACER WIRE SHOULD BE CONNECTED BY MEANS OF A SPLIT BOLT OR COMPRESSION TYPE CONNECTOR TO ENSURE CONTINUITY. THE CONTRACTOR SHALL PERFORM CONTINUITY TESTS ON THE TRACER WIRE AFTER INSTALLATION. A STANDARD 5 WATT GENERATOR SHALL BE USED TO PROVIDED AN AC CURRENT ON THE WIRE FOR THE CONTINUITY TEST. THE GENERATOR SIGNAL FREQUENCY IS RESTRICTED TO 33 KHZ OR LESS. A STANDARD HAND HELD DETECTOR SHALL BE USED TO TRACE THE SIGNAL. TRACER WIRE SHALL BE ACCEPTED IF THE TRACER WIRE IS ACCESSIBLE AT ALL ACCESS POINTS AND THE TRACER WIRE CAN BE TRACED FROM ACCESS POINT TO ACCESS POINT. IF THE TRACER WIRE FAILS THE CONTINUITY TEST, THE CONTRACTOR SHALL LOCATE THE DAMAGE TO THE WIRE, REPAIR THE WIRE AND RETEST AND REPAIR UNTIL THE CONTINUITY TEST IS PASSED.

BENCHMARK:

BM #1381 ELEV.=946.55
2" DOME TOP ALUMINUM MONUMENT STAMPED "JOHNSON COUNTY PUBLIC WORKS BM-381". FROM THE INTERSECTION OF WEST 143RD STREET AND MALL AVENUE, GO EAST APPROX. 0.40 MILES TO CONCRETE BOX UNDER WEST 143RD STREET.



LOCATION MAP
SECTION 33-13-25

SITE UTILITY NOTES:

1. The contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies, and where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The contractor must call the appropriate utility companies at least 48 hours before any excavation to request exact field location of utilities. It shall be the responsibility of the contractor to coordinate with and relocate &/or remove all existing utilities which conflict with the proposed improvements shown on the plans.
2. The construction of storm sewers on this project shall conform to the requirements of the City of Leawood, Kansas Technical Specifications and Design Criteria
3. The contractor shall field verify the exact location and elevation of the existing storm sewer lines and the existing elevation at locations where the proposed storm sewer collects or releases to existing ground. If discrepancies are encountered from the information shown on the plans, the contractor shall contact the design engineer. No pipes shall be laid until direction is received from the design engineer.
4. It will be the contractor's responsibility to field adjust the top of all manholes and boxes as necessary to match the grade of the adjacent area. Tops of existing manholes shall be flush with proposed pavement elevations and to be 6-inches above finished ground elevations in non-paved areas. No separate or additional compensation will be made to the contractor for making final adjustments to the manholes and boxes.
5. Inlet locations, horizontal pipe information and vertical pipe information is shown to the center of the structure. Deflection grades shown for storm sewer pipes are measured from the center of curb inlets and manholes. The contractor shall adjust the horizontal location of the pipes to go to the face of the boxes. All roof drains shall be connected to storm sewer structures. Provide cleanouts on roof drain lines at 100' max. Spacing and at all bend points. Do not connect roof drains directly to storm sewer pipe.
6. The contractor shall be responsible for furnishing and installing all fire and domestic water lines, meters, backflow devices, pits, valves and all other incidentals required for a complete operable fire protection and domestic water system. All costs associated with the complete water system for the buildings shall be the responsibility of the contractor. All work shall conform to the requirements of City of Leawood, Kansas.
7. The contractor shall be responsible for furnishing and installing all sanitary sewer service lines from the buildings to the public line. The contractor shall refer to the architectural plans for specific locations and elevations of the service lines of the building connection. All work shall conform to the requirements of the City of Leawood, Kansas and the Johnson County Unified Wastewater District.
8. The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City of Leawood, Kansas, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits bonds and insurance shall be the contractor's responsibility and shall be included in the bid for the work.
9. By the use of these construction documents the contractor hereby agrees that he/she shall be solely responsible for the safety of the construction workers and the public. The contractor agrees to hold the engineer and owner harmless for any and all injuries, claims, losses or damages related to the project.
10. The Contractor shall be responsible for furnishing all materials, tools and equipment and installation of electrical power, telephone and gas service from a point of connection from the public utility lines to the building structures. This will include all conduits, service lines, meters, concrete pads and all other incidentals required for a complete and operational system as required by the owner and the public utilities. Refer to building plans for exact tie-in locations of all utilities. Contractor shall verify connection points prior to installation of utility line.
11. All fill material to be in place, compacted, and consolidated before installation of proposed utilities. On-site geotechnical engineer shall provide written confirmation that this requirement has been met and that utilities may proceed in the fill areas. All utilities are to be placed in trench conditions.
12. Contractor shall notify the utility authorities inspectors 48 hours before connecting to any existing line.
13. Storm sewer roof drains (s1) shall be as follows (unless otherwise shown on plans).
- PVC SDR 35 per ASTM D 3034, for pipes less than 12' deep.
- PVC SDR 26 per ASTM D 3034, for pipes 12' to 20' deep.
14. Water lines shall be as follows (unless otherwise shown on plans):
for 6" and larger: ductile iron pipe per AWWA C150
between 2" and 6", copper tube Type "K" per ANSI B16.22 or ductile iron pipe per AWWA C150.
For smaller than 2": copper tube Type "K" per ANSI B16.22.
15. Minimum trench width shall be 2 feet.
16. Contractor shall maintain a minimum of 42" cover on all waterlines. All water line joints are to be mechanical joints with thrust blocking as called out in specifications and construction plans. Water mains and service lines shall be constructed in accordance to waterone's specifications for commercial services.
17. All waterlines shall be kept ten (10') apart (parallel) from sanitary sewer lines or manholes. Or when crossing, an 24" vertical clearance (outside edge of pipe to outside edge of pipe) of the water line above the sewer line is required.
18. In the event of a vertical conflict between waterlines, sanitary lines, storm lines and gas lines (existing and proposed), the sanitary line shall be encased in concrete at least 10 feet of both sides of the crossing. The waterline shall have mechanical joints with appropriate thrust blocking as required to provide a minimum of 24" clearance. Meeting requirements of ANSI A21.10 or ANSI 21.11 (AWWA C-151) (CLASS 50).
19. All underground storm, sanitary, water and other utility lines shall be installed, inspected and approved before backfilling. Failure to have inspection approval prior to backfill will constitute rejection of work.
20. All necessary inspections and/or certifications required by codes and/or utility service companies shall be performed prior to announced building possession and the final connection of service. Contractor shall coordinate with all utility companies for installation requirements and specifications.
21. Refer to building plans for site lighting electrical plan, irrigation, parking lot security system and associated conduit requirements. Coordinate with Owner that all required conduits are in place & tested prior to paving.
22. When a building utility connection from site utilities leading up to the building cannot be made immediately, temporarily mark all such site utility terminations.

FLOOD NOTE:
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR JOHNSON COUNTY, KANSAS AND INCORPORATED AREAS, MAP NO. 20091C00846 AND DATED AUGUST 3, 2009.



UTILITY NOTE:

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH AND RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166
www.phelpsengineering.com



UTILITY PLAN
ELEMENT HOTEL
CORNERSTONE OF LEAWOOD, LOT 18
LEAWOOD, KANSAS

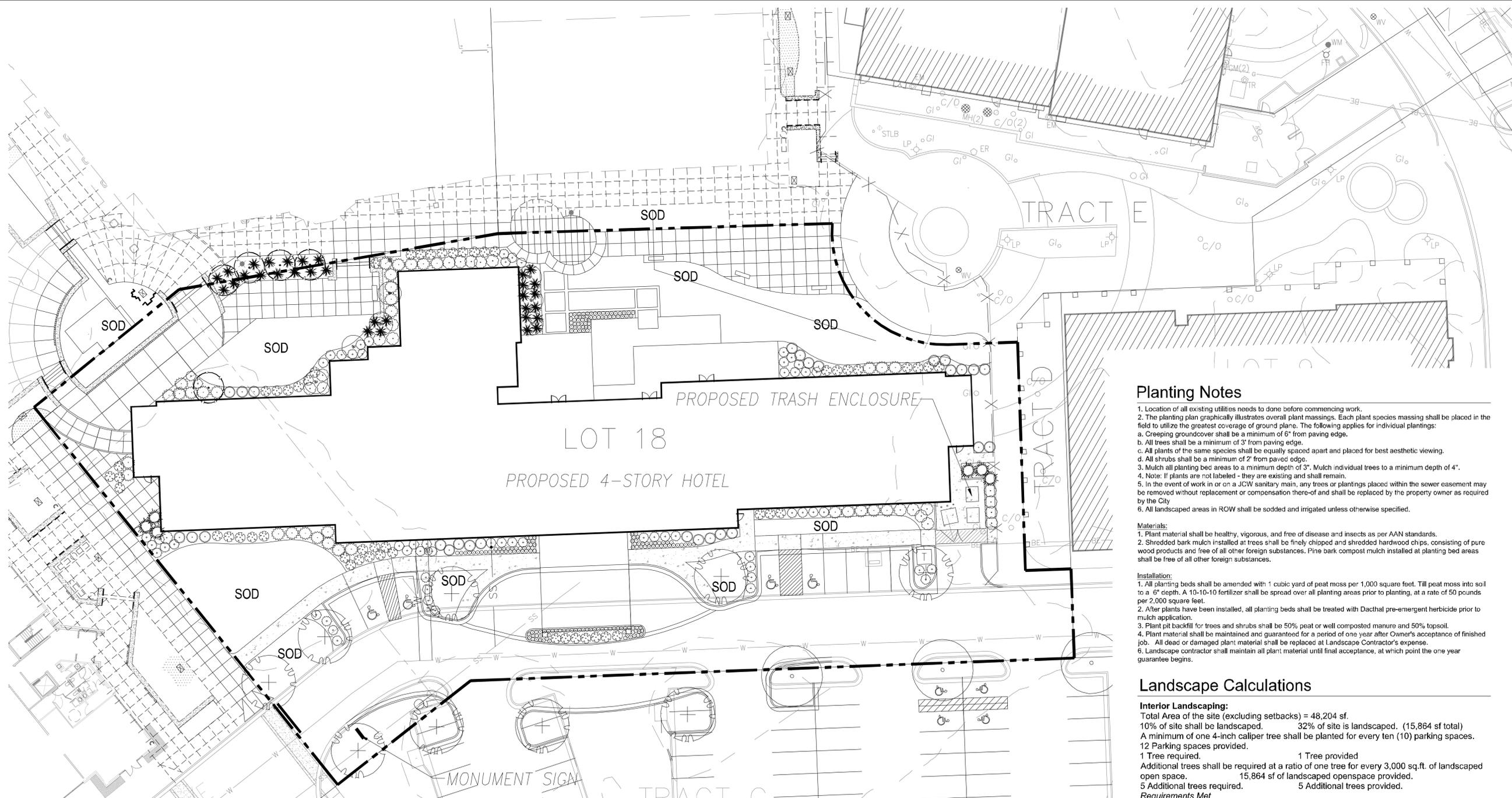
PROJECT NO.	DATE	BY	DATE	REVISION
52-24-16	6-10-16	JMO	6-10-16	REVISED PER CITY COMMENTS
52-24-16	8-5-16	JMO	8-5-16	REVISED PER CITY COMMENTS
52-24-16	8-16-16	DEU	8-16-16	REVISED PER CITY COMMENTS
52-24-16	11-9-16	DEU	11-9-16	REVISED PER CITY COMMENTS

SHEET
C6



CLIENT
Element Hotel
5022 W 137TH ST
Leawood, KS

PROJECT
Element Hotel
5022 W 137TH ST
Leawood, KS



Planting Notes

1. Location of all existing utilities needs to be done before commencing work.
2. The planting plan graphically illustrates overall plant massings. Each plant species massing shall be placed in the field to utilize the greatest coverage of ground plane. The following applies for individual plantings:
 - a. Creeping groundcover shall be a minimum of 6" from paving edge.
 - b. All trees shall be a minimum of 3' from paving edge.
 - c. All plants of the same species shall be equally spaced apart and placed for best aesthetic viewing.
 - d. All shrubs shall be a minimum of 2' from paved edge.
3. Mulch all planting bed areas to a minimum depth of 3". Mulch individual trees to a minimum depth of 4".
4. Note: If plants are not labeled - they are existing and shall remain.
5. In the event of work in or on a JCW sanitary main, any trees or plantings placed within the sewer easement may be removed without replacement or compensation there-of and shall be replaced by the property owner as required by the City.
6. All landscaped areas in ROW shall be sodded and irrigated unless otherwise specified.

Materials:

1. Plant material shall be healthy, vigorous, and free of disease and insects as per AAN standards.
2. Shredded bark mulch installed at trees shall be finely chipped and shredded hardwood chips, consisting of pure wood products and free of all other foreign substances. Pine bark compost mulch installed at planting bed areas shall be free of all other foreign substances.

Installation:

1. All planting beds shall be amended with 1 cubic yard of peat moss per 1,000 square feet. Till peat moss into soil to a 6" depth. A 10-10-10 fertilizer shall be spread over all planting areas prior to planting, at a rate of 50 pounds per 2,000 square feet.
2. After plants have been installed, all planting beds shall be treated with Dacthal pre-emergent herbicide prior to mulch application.
3. Plant pit backfill for trees and shrubs shall be 50% peat or well composted manure and 50% topsoil.
4. Plant material shall be maintained and guaranteed for a period of one year after Owner's acceptance of finished job. All dead or damaged plant material shall be replaced at Landscape Contractor's expense.
6. Landscape contractor shall maintain all plant material until final acceptance, at which point the one year guarantee begins.

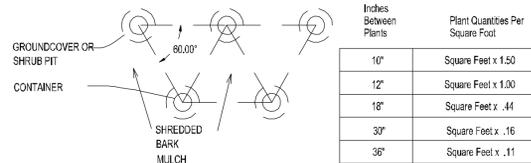
Landscape Calculations

Interior Landscaping:

Total Area of the site (excluding setbacks) = 48,204 sf.
10% of site shall be landscaped. 32% of site is landscaped. (15,864 sf total)
A minimum of one 4-inch caliper tree shall be planted for every ten (10) parking spaces.
12 Parking spaces provided.
1 Tree required. 1 Tree provided
Additional trees shall be required at a ratio of one tree for every 3,000 sq.ft. of landscaped open space. 15,864 sf of landscaped openspace provided.
5 Additional trees required. 5 Additional trees provided.
Requirements Met

1 LANDSCAPE PLAN

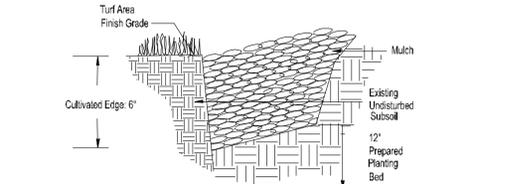
SCALE: 1"=20'-0"



- NOTES: 1. SPACING FOR GROUNDCOVERS, SHRUBS, AND PERENNIALS NOTED ON PLANS.
2. TILL SOIL IN BED TO A 12" MINIMUM DEPTH AND THOROUGHLY MIX IN SOIL AMENITIES AS NOTED ON PLANS.

2 GROUNDCOVER/SHRUB DETAIL

SCALE: NTS



3 CULTIVATED EDGE DETAIL

SCALE: NTS

TREE PLANTING NOTES:

- 1) DO NOT HEAVILY PRUNE THE TREE. PRUNE ONLY CROSSOVER LINES, CO-DOMINANT LEADERS, & BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS & LATERAL BRANCHES MAY BE PRUNED. DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN
- 2) MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE
- 3) SET TOP OF ROOT BALL 1-2 INCHES HIGHER THAN SURROUNDING GRADE
- 4) APPLY 4" THK WOOD MULCH. DO NOT PLACE MULCH IN DIRECT CONTACT w/ TREE TRUNK
- 5) EACH TREE MUST BE PLANTED SUCH THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE FLARE IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE TOP OF THE ROOT BALL w/ SOIL
- 6) REMOVE ALL TWINE, ROPE, WIRE AND BURLAP FROM THE UPPER 1/3 OF ROOT BALL (REMOVE WIRE BASKETS)
- 7) PLACE ALL ROOT BALLS ON UN-EXCAVATED OR TAMPED SOIL. TYP

STAKING REQUIREMENTS:

- 1) WIRE / CABLE SHALL BE GALV. 12-GAUGE
- 2) TIGHTEN WIRE / CABLE ONLY ENOUGH TO KEEP FROM SLIPPING. ALLOW FOR SOME TRUNK MOVEMENT. PLASTIC HOSE SHALL BE LONG ENOUGH TO ACCOMMODATE 1 1/2" OF GROWTH
- 3) STAKES SHALL BE 2" x 2" HARDWOOD OR EQUAL

PERENNIAL PLANTING NOTES:

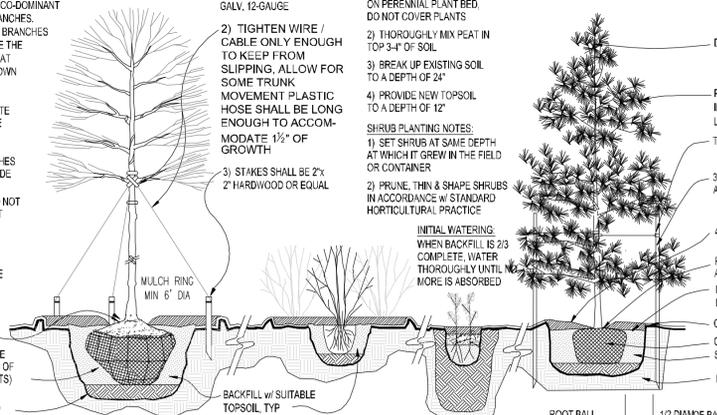
- 1) APPLY 2" THK BED OF MULCH ON PERENNIAL PLANT BED. DO NOT COVER PLANTS
- 2) THOROUGHLY MIX PEAT IN TOP 3-4" OF SOIL
- 3) BREAK UP EXISTING SOIL TO A DEPTH OF 24"
- 4) PROVIDE NEW TOPSOIL TO A DEPTH OF 12"

SHRUB PLANTING NOTES:

- 1) SET SHRUB AT SAME DEPTH AT WHICH IT GREW IN THE FIELD OR CONTAINER
- 2) PRUNE, THIN & SHAPE SHRUBS IN ACCORDANCE w/ STANDARD HORTICULTURAL PRACTICE

INITIAL WATERING:

- WHEN BACKFILL IS 2/3 COMPLETE, WATER THOROUGHLY UNTIL MORE IS ABSORBED



DO NOT PRUNE LEADER

PRUNE DAMAGED OR DEAD WOOD IMMEDIATELY PRIOR TO PLANTING. NEVER LEAVE LEAVE "Y" CROTCHES OR DOUBLE LEADER.

TREE TIE SYSTEM. SEE STAKING REQUIREMENTS

3 METAL STAKES. PLACE NEXT TO ROOT BALL AS SHOWN. SPACE EQUIDISTANT AROUND TREE.

4" MIN. SPECIFIED MULCH

PLANT ROOT BALL 2" HIGHER THAN GRADE AT WHICH TREE GREW.

INSTALL WEED CONTROL FABRIC IF TREE IS IN LANDSCAPE BED

CONTINUOUS SAUCER. RIM FOR WATER & MULCH CUT & REMOVE BURLAP FROM TOP 1/3 OF BALL. SPECIFIED BACKFILL MIXTURE

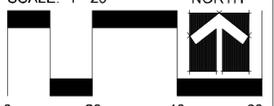
EXISTING UNDISTURBED SUBSOIL

ROOT BALL 1/2 DIA OF BALL

Landscape Schedule

Symbol	Qty.	Botanical Name	Common Name	Min. Root	Min. Size	Caliper	Remarks
OVERSTORY TREES							
○	0	Gleditsia triacanthos "Skyline"	Shademaster Honeylocust			4"	6' min. clear., ground to canopy
○	9	Ulmus parvifolia	Lacebark Elm			4"	6' min. clear., ground to canopy
○	0	Acer x truncatum "Warrenred"	Pacific Sunset Maple			4"	6' min. clear., ground to canopy
EVERGREEN TREES							
○	00	Juniperus chinensis "Keteleeri"	Keteleeri Juniper			6" ht.	symmetrical pyramidal form
○	00	Pinus flexilis "Vanderwolf's Pyramid"	Vanderwolf Pine			6" ht.	symmetrical pyramidal form
○	00	Picea abies	Norway Spruce			6" ht.	symmetrical pyramidal form
ORNAMENTAL TREES							
○	5	Cercis canadensis	Eastern Redbud			1.5"	
○	7	Cornus florida "Cloud Nine"	Cloud 9 Dogwood			2"	
DECIDUOUS SHRUBS/GRASSES							
○	175	Liriope muscari "Variegated"	Variegated Liriope	1 gal.			Plant @ 18" O.C.
○	28	Spirea x bumalda "Goldflame"	Goldflame spirea	3 gal.			Plant @ 3' O.C.
○	52	Abelia x grandiflora Kaleidoscope	Kaleidoscope Abelia	3 gal.			Plant @ 4' O.C.
○	21	Syringa x "Panda"	Bloomerang Purple Lilac	5 gal.			Plant @ 5' O.C.
EVERGREEN SHRUBS							
○	33	Juniperus chinensis "Sea Green"	Sea Green Juniper	3 gal.			Plant @ 4' O.C.
○	61	Juniperus chinensis "Gold Coast"	Gold Coast Juniper	3 gal.			Plant @ 4' O.C.
○	3	Juniperus virginiana "Glauca"	Burki Juniper	3' ht.			Plant @ 4' O.C.
GROUNDCOVERS AND GRASSES							
○	31	Juniperus horizontalis "Wiltoni"	Blue Rug Juniper	1 gal.			Plant @ 24" O.C.
EXISTING TREES TO BE REMOVED							
EXISTING TREES/SHRUBS TO BE PRESERVED							

SCALE: 1"=20" NORTH



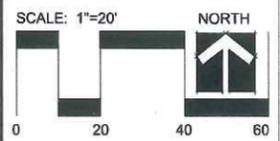
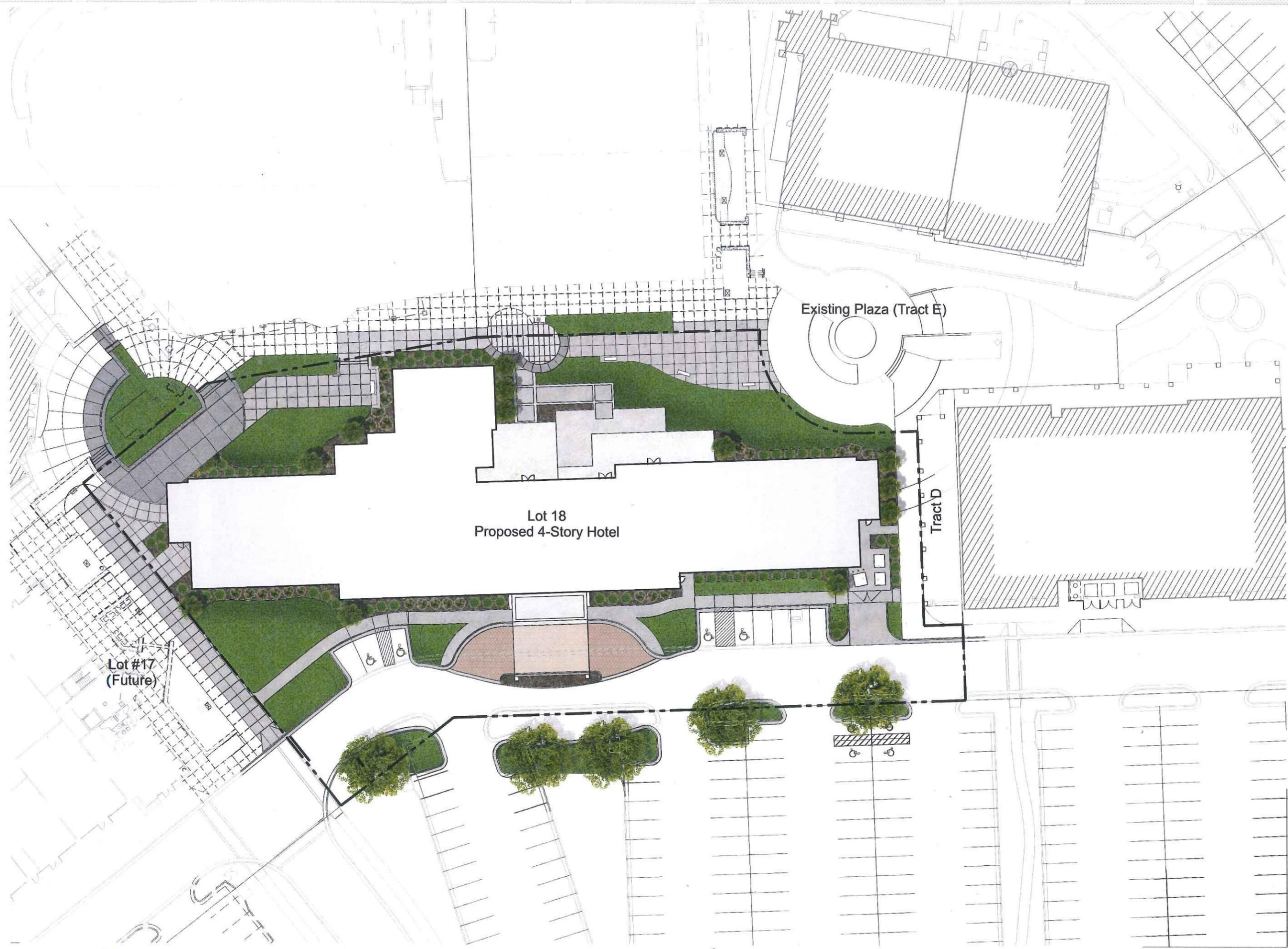
Date: 11.10.2016

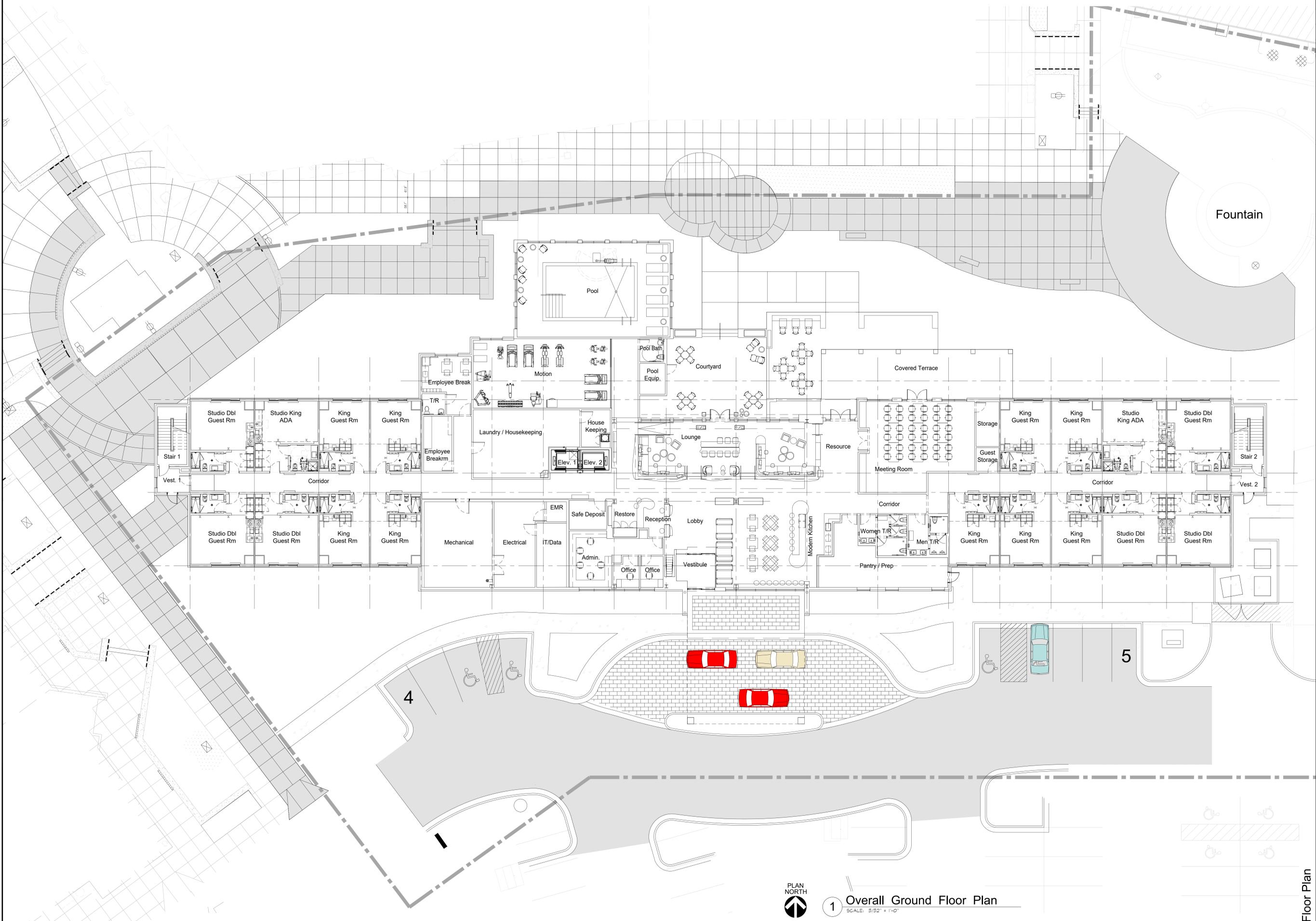
Landscape Plan



CLIENT
Element Hotel
5022 W 137TH ST
Leawood, KS

PROJECT
Element Hotel
5022 W 137TH ST
Leawood, KS





Architects, LLC
Daniel T. Muzquiz

4083 De Zavala Road
San Antonio, Texas 78249
Tel. 210.340.0077
Fax. 210.479.9988
dan.muzquiz@dtmarchitects.com

NCARB CERTIFIED



Robinson
Development, Inc.

Development
Construction
Real Estate Services



Hotel
110 Units

CORNERSTONE
OF LEAWOOD

5022 W. 137th Street
Leawood, Kansas

CONSULTANTS

DTM ARCHITECTS

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job no: 15-1156
date: 11-09-16
drawn by: DTM
checked by: DTM
proj. arch.: DTM
sheet

A2.1
of: 0



1 Overall Ground Floor Plan
SCALE: 3/32" = 1'-0"

Ground Floor Plan



exterior signage standards

Type A1 - Monument Ground Sign constructions / specifications

FACE PANEL:
Fabricated 3" deep .125" thk. #3003 aluminum construction. Face and sides to be painted to match PMS #418C Dark Taupe (satin finish). Mechanical fasteners for securing face to cabinet to be countersunk. Fasteners visible only on sides of sign. All fasteners to be zinc plated and painted to match face.

GRAPHICS:
Graphics are computer precision routed from sign face with 1/2" thk. (min.) push through acrylic - #7328 White. Center of "e" to have translucent green vinyl applied to face. Property name Typeface = Futura Book Demi

CABINET:
Fabricated aluminum construction painted PMS #7490C Green (satin finish).

ILLUMINATION:
Face panels to be internally illuminated with Bright White LED lighting system. Quantity and spacing as required to provide bright light without hot spots.

INSTALLATION:
Supports:
Tube Steel as required

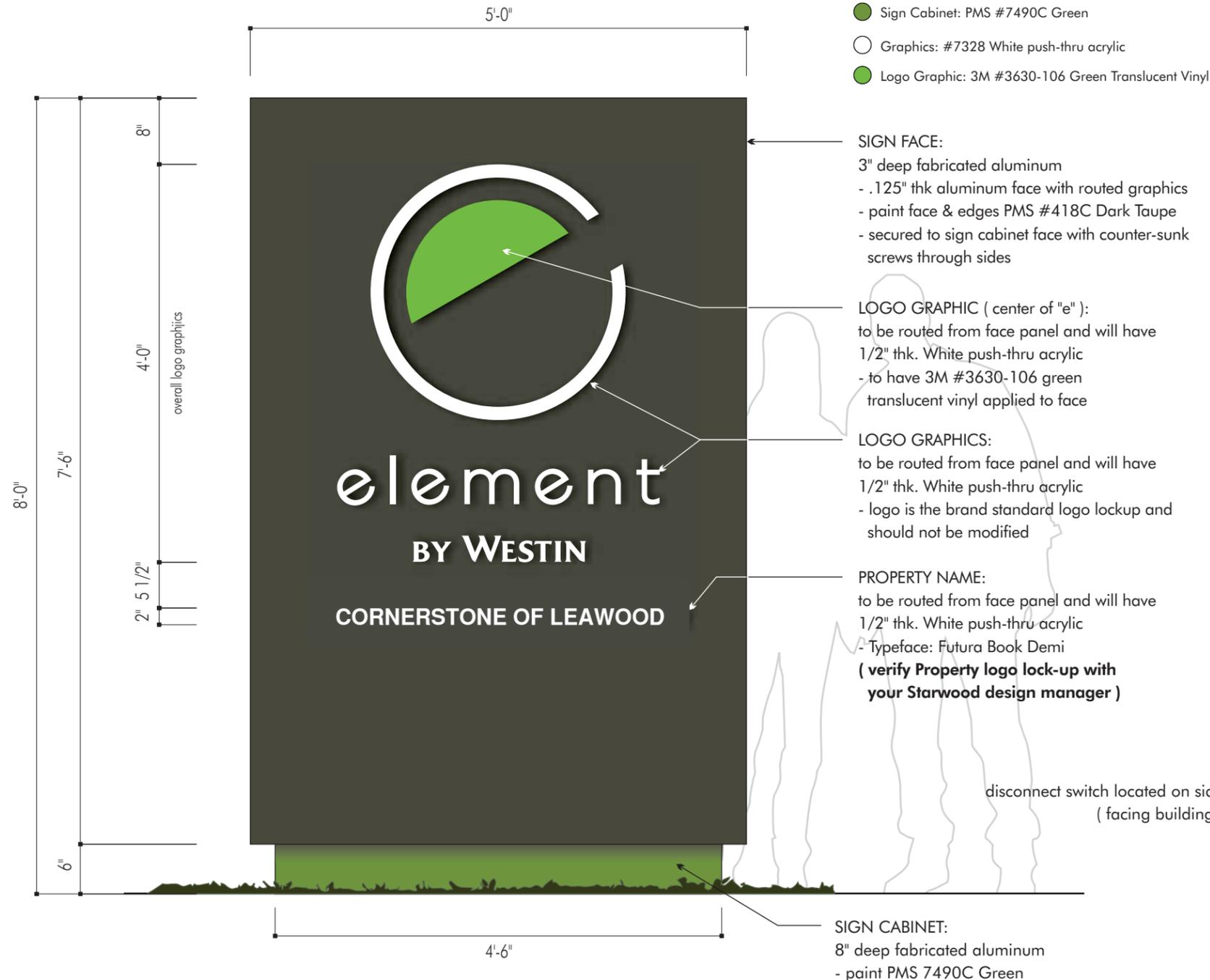
Foundation:
a) direct burial of tube steel reinforced with concrete matching local PSI requirements.
b) poured foundation reinforced with steel re-bar and plate attached tube steel supports.

All freestanding monument signs to be engineered by a structural engineer to match local code requirements and wind loads.

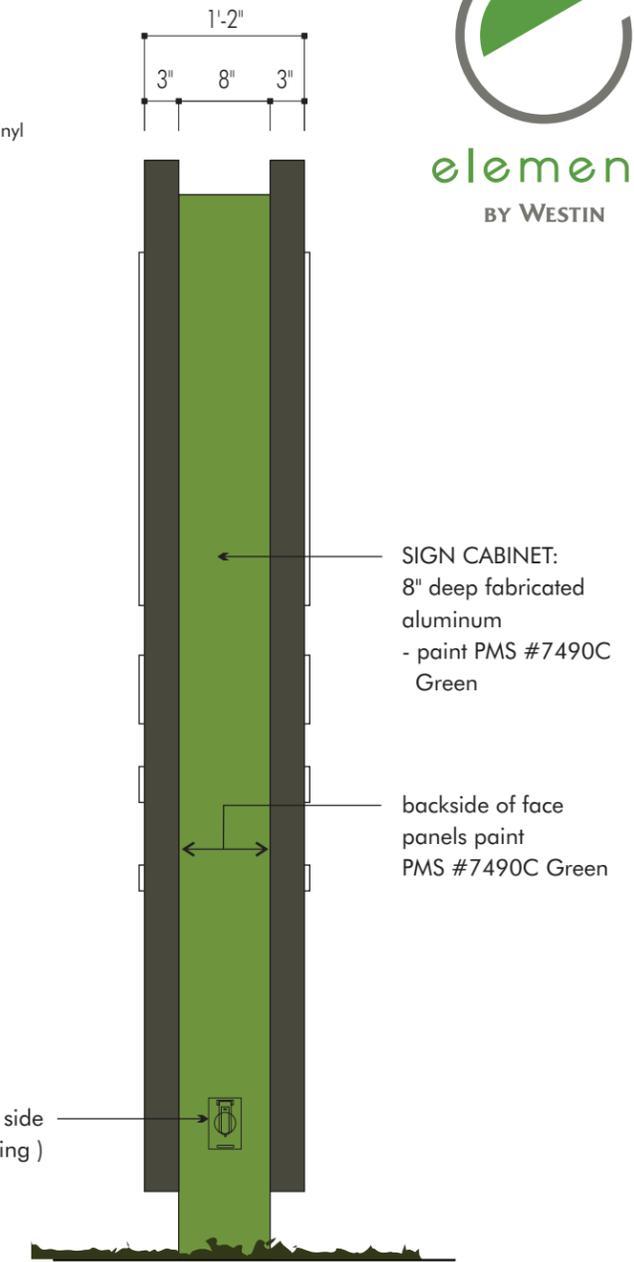
LED SPECIFICATIONS

- GE Tetra LED Lighting Systems
- LED color: White
- Wavelength / Color Temperature: 7100K
- Viewing Angle: 140° - 150°
- Lumens Per Foot: 82 - 195
- Refer to GE Tetra LED Lighting Systems Product Reference Chart for correct Product Line for Letter specifications
- www.gelighting.com

Logo graphic acquired from Starwood Asset Library:
www.starwoodassetlibrary.com



Sign Type **A1.1** Front Elevation SCALE: 3/4" = 1'-0"



Side View



Special Requirements

Note: Do not fabricate Element by Westin brand signage without prior brand approval! All Starwood approved vendors should create a brand approval signage submission and direct to the appropriate Starwood Architecture & Construction or Technical Services Office for their property's location. All signage submissions for approval must include sign samples, shop drawings, sign location plan and any unique commentary about property and site with supporting photos.

- All electrical signage must bear the required UL (Underwriters Laboratory, www.ul.com) label and permanent identification tag of approved signage vendor. All electrical primary and secondary wiring must match UL requirements and approved component listings as well as match the NEC (National Electrical Code) www.necdirect.org and all local electrical codes.
- Site specific sign structure including materials, fabrication method, mounting hardware & method of attachment, must be engineered to match local wind-load & code requirements. All structures, load calculations & methods of attachment must be sealed by a locally licensed structural engineer.

Size shown is typical and may need to be reduced to meet local codes. Additionally size may need to be increased when meeting specific visibility issues. In both cases reduce or enlarge proportionally maintaining the same proportion ratios where possible.



Memorandum

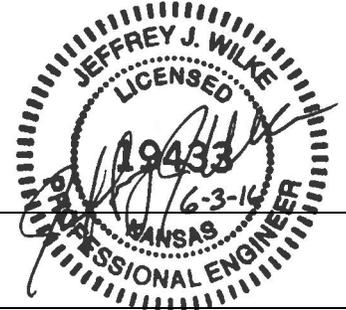
2400 Pershing Road
Suite 400
Kansas City, MO 64108
Tel 816 329 8600
Fax 816 329 8601

www.transystems.com

To: Mr. Judd Claussen, PE
Phelps Engineering, Inc.
1270 N. Winchester
Olathe, Kansas 66061

From: Jeff Wilke, PE, PTOE

Date: July 3, 2016



Subject: Element Hotel Trip Generation Assessment

In accordance with your request, TranSystems has compiled the following trip generation assessment for the proposed Element Hotel development to be located in the Cornerstone of Leawood shopping center, at the southeast corner of 135th Street and Nall Avenue in Leawood, Kansas. In general, the purpose of this memorandum is to estimate trip generation for the proposed hotel and compare it to the trip generation for the approved land uses at the site.

The preliminary plan for the Cornerstone of Leawood shopping center has previously been approved by the City. Several buildings from the approved plan have been constructed and are currently in use. Other buildings have not been constructed yet, including a building labeled as "Tenant 11" in the approved plan. The approved plan shows a three-story building with 37,805 square feet of retail space on the first floor and 58,500 square feet of office space on the second and third floors. The proposed hotel is to be located on the site of "Tenant 11, instead of the office and retail land uses.

Trip generation estimates were calculated for the "Tenant 11" building with the approved land uses, and for the proposed Element Hotel development. Estimates were calculated from the Institute of Transportation Engineer's Trip Generation, 9th Edition, and are shown below in *Table 1*.

**Table 1
Trip Generation**

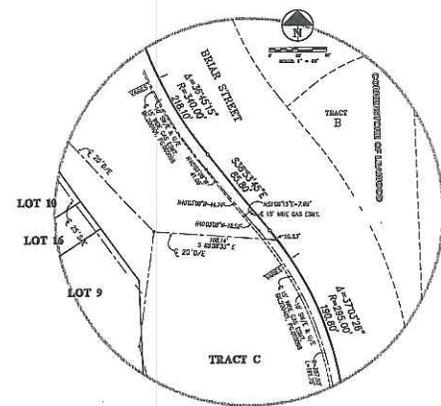
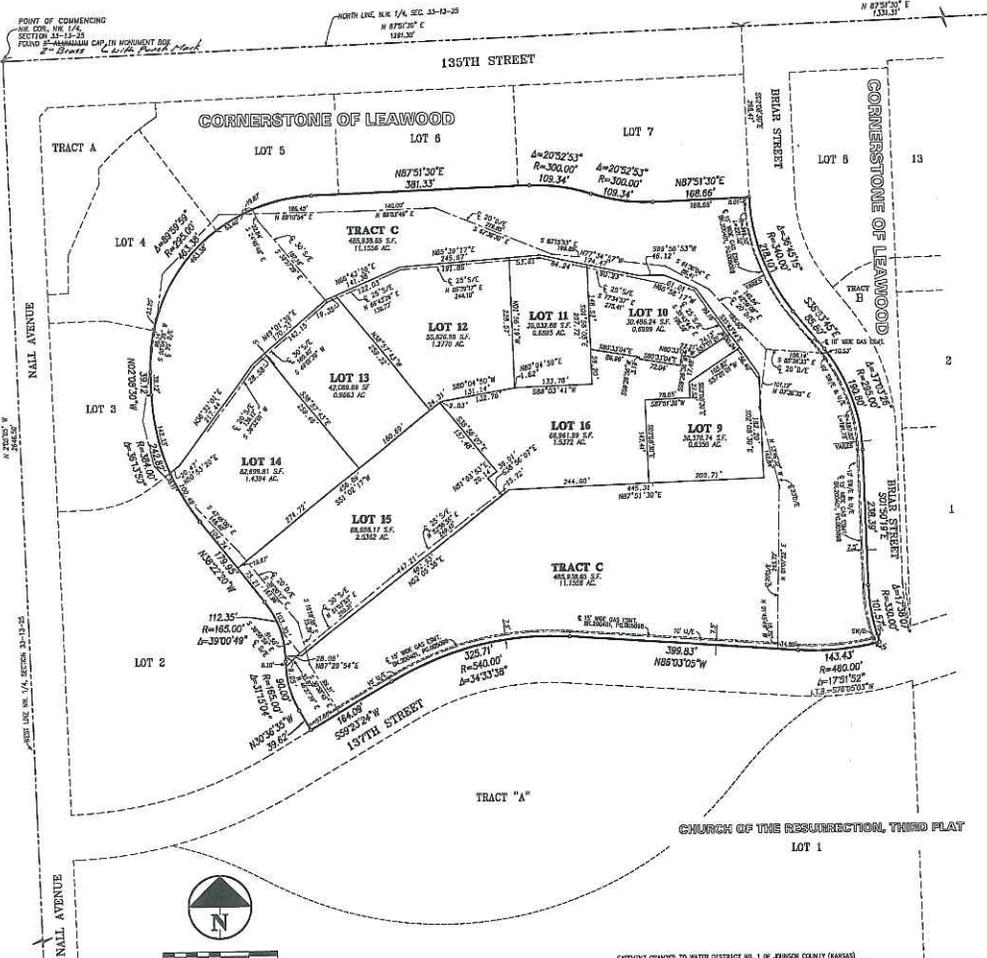
Land Use	Intensity	ITE Code	Average Weekday	A.M. Peak Hour			P.M. Peak Hour		
				Total	In	Out	Total	In	Out
Approved Development									
General Office Building	58,500 sf	710	646	92	81	11	88	15	73
Shopping Center	37,805 sf	820	1,615	37	23	14	141	68	73
Total Trips for Approved "Tenant 11" Building			2,261	129	104	25	229	83	146
Proposed Development									
Hotel	110 room	310	899	59	35	24	66	34	32
Total Trips for Hotel			899	59	35	24	66	34	32

As shown in the table, the proposed Element Hotel is projected to generate fewer trips than the approved land uses for the "Tenant 11" building.

FINAL PLAT OF CORNERSTONE OF LEAWOOD, SECOND PLAT

A REPLAT OF LOT 1, CORNERSTONE OF LEAWOOD
A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 13, RANGE 25,
IN THE CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS

Final Plat of Leawood, Kansas
with Plan Call of Parcel A
SEC. 33, TWP. 13, R. 25
SECTION 33-13-25
NORTH-QUARTER-QUARTER-SECTION
11-10-1987-2007



DESCRIPTION:
This is a replat of all of Lot 1, CORNERSTONE OF LEAWOOD, a platted subdivision of land in the Northwest Quarter of Section 33, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas and containing 23.6300 acres, more or less.

DEDICATION:
The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "CORNERSTONE OF LEAWOOD, SECOND PLAT".

RESERVATION:
The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all portions and parts of land indicated on this plat as streets, terraces, parks, roads, drives, lanes, easements and other not heretofore indicated.

CONSENT TO LEASE:
An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of sewer lines, water lines, gas, sanitary sewer lines, drainage facilities, ditches and canals, and similar subsurface facilities, upon, and under those areas outlined and designated on this plat as "Drainage Easement" or "D/E", is hereby granted to the City of Leawood, Kansas, and the use thereof shall be limited to that purpose. The drainage easements shall be kept free from any and all obstructions which would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid lines and specifically there shall not be built, erected or there over any permanent structure, nor shall there be any excavation to interfere with the agents and employees of Leawood, Kansas, from going upon the said easement. The excavation or fill shall be made of any kind to reduce or increase the earth coverage over the aforesaid sewer facilities without written approval of the Director of Public Works Department.

CONSENT TO LEASE:
An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance on use of sewer lines, water lines, gas, sanitary sewer lines, drainage facilities, ditches and canals, and similar subsurface facilities, upon, and under those areas outlined and designated on this plat as "Drainage Easement", or "D/E", is hereby granted to the City of Leawood, Kansas, and the use thereof shall be limited to that purpose.

CONSENT TO LEASE:
An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and public use of streets, upon, over, and under those areas outlined and designated on this plat as "Drainage Easement", or "D/E", is hereby granted to the City of Leawood, Kansas, and the use thereof shall be limited to that purpose.

CONSENT TO LEASE:
The undersigned proprietors of the above described land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Leawood, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments on such land as dedicated that become and remain in lien on the remainder of the land bearing and owing on such dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF,
the undersigned proprietors have hereunto subscribed their hands this 10th day of December, 2004.

By: *Robert M. Adams*
Robert M. Adams, Manager

STATE OF Kansas
COUNTY OF Johnson

On this 10th day of December 2004, before me appeared Robert M. Adams, to me personally known, who, being by me duly sworn did say that he is a Manager of COR Development, L.L.C., a Kansas limited liability company, and that said instrument was signed and delivered in full of said limited liability company and acknowledged to me that he executed the same as the true act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.
Notary Public: *Susan Y. Sweezy* My Appointment Expires: *April 1, 2007*

Print Name: *Susan Y. Sweezy*
SUSAN Y. SWEETZER
Notary Public - Notary Seal
STATE OF KANSAS
City County
My Commission Expires April 1, 2007

Approved by the Planning Commission of the City of Leawood, Johnson County, Kansas, this 25th day of May, 2004.
I Paul *Paul* Clerk
Approved by the Governing Body of the City of Leawood, Kansas, this 7th day of June, 2004.
Peggy Dunn, Mayor

REVIEWED
John A. Beckman 10/1/04
COUNTY CLERK DATE
Reviewed in accordance with KSA 58-5001 (b) 2002
Paul A. Beckman 1-24-05
COUNTY ENGINEER DATE



PLAT	808,955.36 SF	20.6200 AC
TRACT C	485,838.65 SF	11.1650 AC
LOT 1	30,375.74 SF	0.6931 AC
LOT 2	30,466.24 SF	0.6939 AC
LOT 3	30,537.69 SF	0.6952 AC
LOT 4	35,836.09 SF	0.8129 AC
LOT 5	42,069.09 SF	0.9522 AC
LOT 6	42,862.01 SF	0.9744 AC
LOT 7	49,069.37 SF	1.1232 AC
LOT 8	56,261.39 SF	1.2722 AC
TRACT A	696,105.35 SF	16.0300 AC

CONSENT GRANTED TO WATER DISTRICT NO. 1 OF JOHNSON COUNTY (KANSAS) BY THE INSTRUMENT FILED OCTOBER 28, 2004 AS DOCUMENT NO. 24003 IN BOOK 562 AT PAGE 33. OVER THE PREMISES IN QUESTION, AS MORE FULLY DESCRIBED THEREIN (TO BE LATER WITHDRAWN).

- LEGEND**
- DENOTES 1/2" REBAR W/12-1146 PLASTIC CAP SET IN CONCRETE
 - DENOTES MOUNTING POINTS AS DISCUSSED
 - DL DENOTES BUILDING LINES
 - U/L DENOTES UTILITY BASEMENT
 - S/E DENOTES SANITARY SEWER BASEMENT
 - D/E DENOTES DRAINAGE BASEMENT
 - L/L DENOTES LANDSCAPE BASEMENT
 - S/W DENOTES SIDEWALK BASEMENT

I, Douglas E. Ushak, hereby certify that I have made a true and correct copy of the above described plat and the 100' x 100' grid survey are correctly represented on this plat.
Douglas E. Ushak, Kansas R.L.S. # 1382

PEI PLANNING ENGINEERING INC.
1025 N. Winchell
CHICAGO, ILLINOIS 60610
(312) 349-7000
www.peiengineering.com

**CORNERSTONE OF LEAWOOD
SECOND PLAT
SEC. 33, TWP. 13, R. 25
CITY OF LEAWOOD
JOHNSON COUNTY, KANSAS**

Neighborhood Meeting Minutes

Project: Cornerstone

Date of Meeting: July 18, 2016

Location: The United Methodist Church of the Resurrection, Room B225

Meeting Called to Order: 6:05 p.m.

Attendance:

John Petersen, Polsinelli PC

Judd Claussen/Doug Ubben, Phelps Engineering

Approximately 9 people attended the meeting. Five of those people identified themselves as being Trustees of the Board for the Church of the Resurrection. Three of the individuals were from the Leawood Meadows subdivision and one individual was with Block and Company who owns a parcel of land within the Cornerstone development. Please see attached sign-in sheet.

Mr. Petersen began the meeting by introducing himself and the developer representatives. Mr. Petersen then briefly explained the planning approval process and provided the Planning Commission and City Council hearing dates.

Mr. Petersen walked through the site plan showing the proposed location of the hotel and explained that the hotel will be four stories in height with 110 rooms. Mr. Petersen also explained that the City requires a total of 122 parking spaces be provided as shown on the plan.

Q: What is the height of the hotel?

A: The majority of the building being between 47 and 49 feet in height with elements such as the elevator shafts and architectural features being at 55 feet in height.

Q: How tall if the new sanctuary for the Church compared to the hotel?

A: The hotel's finished floor is at 974 feet and will be approximately 57 feet tall for a total height of 1031 feet. We believe the main level of the new sanctuary is at 1005 feet and the bottom of the stain glass window is at 1040 feet – so the bottom of the window is 9' higher than the top of the hotel.

Q: How will the height of the hotel impact the view of the new sanctuary? The Church would like to see some line of sights.

A: If you will let us know the location(s) for the line of sights we will prepare those for the Church.

Q: What is the proposed height of the remaining undeveloped parcels within Cornerstone?

A: We believe the undeveloped parcels range from one-story to three-stories in height. However, we are waiting on the City to provide copies of approved plans. When we obtain that information we will forward it to you.

Q: Where will the new parking spaces be provided for the hotel? The Church has an easement agreement for the parking in this area.

A: The hotel will utilize the existing parking stalls located just south of the hotel, with the exception of approximately nine new parking spaces that will be constructed adjacent the hotel to provide handicap spaces and customer check-in spaces.

46739730

Q: What is the occupancy of the hotel and average nightly rate?

A: Generally speaking, most hotels in this area (Overland Park, Leawood, Lenexa) experience about a 60-65% occupancy rate with Sunday daytime and evenings being the low occupancy. We will check with our client on what they expect their average nightly rate to be but would guess it to be in the \$120 range.

Q: Who is Robinson Development?

A: Robinson Development is out of Colorado and is a franchisee for the Element Hotel. We will provide more information about Robinson via email.

Q: Where is the location of the entrance to the hotel and will there be landscaping and screening?

A: The location of the hotel was indicated on the site plan. Yes, we will comply with the City's regulations regarding landscape and screening.

Q: Where will deliveries occur?

A: This is not a full service hotel with restaurant, etc. so deliveries will be very limited.

Q: Do the adjacent restaurants support the hotel use or have they complained about the Church's use of their parking?

A: We understand that the Gaslight Grill has occasionally raised concerns about the Church's use of parking near the restaurant but they are very excited for the proposed hotel as it will bring more customers.

Q: What is the construction timeline, if approved?

A: Hopefully we will break ground in the Spring and be open for business by Summer/Fall of 2018.

Q: Was a traffic study done for this use?

A: The hotel is expected to generate less traffic than the previously office/retail use. A trip generation analysis was completed and provided to the City.

Meeting adjourned at: 6:45 p.m.

Minutes taken by: Amy Grant

NEIGHBORHOOD MEETING

Cornerstone Development / 135th & Nall

July 18, 2016

SIGN-IN SHEET

NAME	MAILING ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Logan Caffey	605 W. 47 th St Ste 200 KC MO 64112	816 912 7378	lcaffey@blockandco.com
Norman Pishny	18750 Antioch	913 685 8744	npishny@att.net
Mary Wakey	13916 Fontana	913-897-5247	
Steve J. Warr	9915 Broadmoor	913-642-7648	sjw2169@yahoo.com
Kris Campbell	14409 Outlook	913-814-9920	duke92@gmail.com
Tony + Jane Ross	4004 W. 137 th Terr Leawood	913-710-3192	tony_ross-leawood@kc.rr.com*



6201 College Boulevard, Suite 500, Overland Park, KS 66211-2435 • 913.451.8788

6201 College Boulevard, Suite 500
Overland Park, KS 66211
(913) 451-8788
Facsimile: (913) 451-6205
www.polsinelli.com

John D. Petersen
(913) 234-7405
jpetersen@polsinelli.com

July 8, 2016

REGULAR MAIL

Re: Cornerstone of Leawood, SEC of 135th Street and Nall Avenue/ Case No. 65-16 (Element Hotel)

Dear Property Owner:

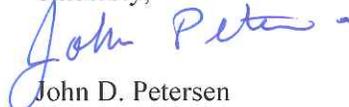
We have confirmed that you own property within 500 feet of the above-referenced property. We have filed applications with the City of Leawood for Revised Preliminary Site Plan for the entire Cornerstone Development and a Special Use Permit for a hotel. The purpose of the revised preliminary site plan and special use permit applications are to allow for the construction of a hotel building on a portion of the site. Plans submitted for this project can also be viewed at the City of Leawood Planning and Development Department at 4800 Town Center Drive, Leawood, Kansas.

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. Plans submitted for this project can also be viewed at the City of Leawood Planning and Development Department at 4800 Town Center Drive, Leawood, Kansas.

The Interact meeting will be held at 6:00 p.m. on Monday, July 18, 2016, in Building B, Room B225 at the United Methodist Church of the Resurrection building located at 13720 Roe Boulevard (see attached map for exact location of meeting).

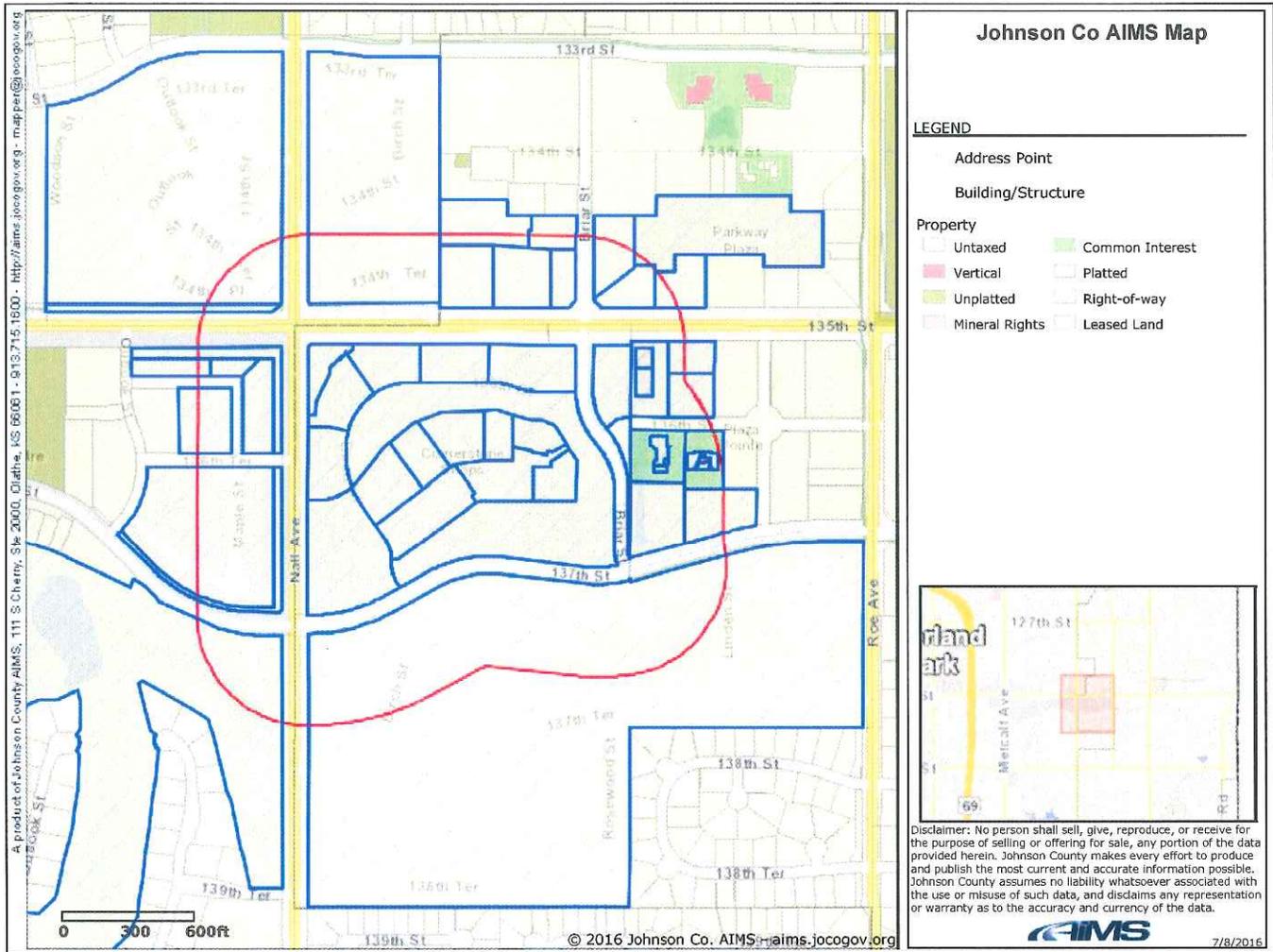
This case will have a public hearing before the Planning Commission on Tuesday, July 26, 2016, at 6:00 p.m. in the City Council Chambers of Leawood City Hall, 4800 Town Center Drive, Leawood, Kansas. The general public will have an opportunity to comment on the proposed development at this meeting.

Sincerely,


John D. Petersen

6201 College Boulevard, Suite 500
Overland Park, KS 66211
(913) 451-8788
Facsimile: (913) 451-6205
www.polsinelli.com





Property ID	Mail Line1	Mail Line2	Owner Name 1	Owner Name 2	Owner Line1	Owner Line2	Billing Name	Billing Name2	Billing Address Line1	Billing Address Line2
HP13900000 0036	5022 W 137TH ST		SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
HP15800000 0002	O NS NT		J&S OWNERSHIP GROUP, LLC		12028 GODDARD ST	OVERLAND PARK, KS 66213				
HP15800000 0003	O NS NT		R&S PROPERTY MANAGEMENT LLC		6703 W 131ST ST	LEAWOOD, KS 66209				
HP15800000 0004	O NS NT		RAYL INVESTMENTS LLC		5350 COLLEGE BLVD	OVERLAND PARK, KS 66211				
HP15900000 0002	4831 W 136TH ST		SHERMAN, ROBERT P, JR		4831 W 136TH ST APT 200	LEAWOOD, KS 66224				
HP15800000 0001	4901 W 136TH ST		RAYL INVESTMENTS LLC		5350 COLLEGE BLVD	OVERLAND PARK, KS 66211				
HP13900000 070A	O NS NT		SBN REO LLC		ONE CVS DR	WOONSOCKET, RI 02895	CVS CORPORATION	MAIL CODE 2315	ONE CVS DR	WOONSOCKET, RI 02895
HP13900000 070B	O NS NT		SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
HP13900000 070C	O NS NT		SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
HP151620000 070A	O NS NT		TKC PROPERTIES LLC	CARTER PROPERTIES LLC	4963 W 135TH ST	LEAWOOD, KS 66224				
NP30240000 070A	O NS NT		MC PRAIRIEFIRE, LLC		6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223	MERRILL COMPANIES, LLC	MERRILL, FRED L.	6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223
NP53260000 0004	O NS NT		NICKLAUS GOLF CLUB, L.P.	AT LIONS GATE	PO BOX 790830	SAN ANTONIO, TX 78279				
NP69100000 070J	O NS NT		MC PRAIRIEFIRE, LLC		6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223	MERRILL COMPANIES, LLC	MERRILL, FRED L.	6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223
HP19150000 0003	O NS NT		WESTON POINT APARTMENTS, LLC		1251 AVE OF THE AMERICAS APT 35A	NEW YORK, NY 10020-1180	SENTINEL REAL ESTATE CORP.	1251 AVE OF THE AMERICAS APT 35A	NEW YORK, NY 10020-1180	
HP15800000 0002	O NS NT		J&S OWNERSHIP GROUP, LLC		12028 GODDARD ST	OVERLAND PARK, KS 66213				
HP15800000 0002	O NS NT		J&S OWNERSHIP GROUP, LLC		12028 GODDARD ST	OVERLAND PARK, KS 66213				
HP15900000 0003	O NS NT		R&S PROPERTY MANAGEMENT LLC		6703 W 131ST ST	LEAWOOD, KS 66209				
HP15900000 0003	O NS NT		R&S PROPERTY MANAGEMENT LLC		6703 W 131ST ST	LEAWOOD, KS 66209				
HP15900000 0004	O NS NT		RAYL INVESTMENTS LLC		5350 COLLEGE BLVD	OVERLAND PARK, KS 66211				
HP15900000 0004	O NS NT		RAYL INVESTMENTS LLC		5350 COLLEGE BLVD	OVERLAND PARK, KS 66211				
NP90150000 0001	13300 OUTLOOK ST # 313	Overland Park, KS 66209	WESTON POINT APARTMENTS, LLC		1251 AVE OF THE AMERICAS APT 35A	NEW YORK, NY 10020-1180	SENTINEL REAL ESTATE CORP.		1251 AVE OF THE AMERICAS APT 35A	NEW YORK, NY 10020-1180
NP00700000 0001	13301 BIRCH ST # 711	Overland Park, KS 66209	WYNNEWOOD HALL APARTMENTS LLC		12721 METCALF AVE APT 200	OVERLAND PARK, KS 66213	PRICE BROTHERS MANAGEMENT COMPANY		12721 METCALF AVE APT 200	OVERLAND PARK, KS 66213
HP90630000 0021	13440 BRIAR ST	Leawood, KS 66209	PAIN CONSORTIUM OF GREATER COUNTRY CLUB BANK, N.A.	KANSAS CITY, L.L.C.	11600 MANOR RD	LEAWOOD, KS 66211				
HP90600000 0008	13451 BRIAR ST	Leawood, KS 66209	COUNTRY CLUB BANK, N.A.	LLC	1 WARD PKWY	KANSAS CITY, MO 64112	COUNTRY CLUB BANK FOGLE, ROSE	ATTN: JENNIFER FENTON	1 WARD PKWY	KANSAS CITY, MO 64112
HP90630000 0034	13460 BRIAR ST	Leawood, KS 66209	13460 BRIAR STREET INVESTMENT	FSB	9919 OCCIDENTAL RD	SEBASTOPOL, CA 95472			9919 OCCIDENTAL RD	SEBASTOPOL, CA 95472
HP90630000 0035	13480 BRIAR ST	Leawood, KS 66209	NORTH AMERICAN SAVINGS BANK,		12520 S 71 HWY	GRANDVIEW, MO 64030				
HP90630000 0035	13480 BRIAR ST	Leawood, KS 66209	MORTE, PAUL D. REVOCABLE TRUST		1317 VANTUYL DR	LAWRENCE, KS 66049			1317 VANTUYL DR	LAWRENCE, KS 66049
NP69100000 0008	13500 NALL AVE	Overland Park, KS 66223	MC PRAIRIEFIRE, LLC		6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223	MERRILL COMPANIES, LLC	MERRILL, FRED L.	6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223
HP13900000 0004	13501 NALL AVE	Leawood, KS 66224	PARK PAD LLC		600 BROADWAY BLVD	KANSAS CITY, MO 64105	ON80 DEVELOPMENT LLC		600 BROADWAY BLVD	KANSAS CITY, MO 64105
HP13900000 0003	13601 NALL AVE	Leawood, KS 66224	THIRD MILLENNIUM REAL ESTATE,	LLC	951 ICE CREAM DR	NORTH AURORA, IL 60542				
HP13900000 0002	13651 NALL AVE	Leawood, KS 66224	SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
HP90600000 0006	4800 W 135TH ST STE 100	Leawood, KS 66209	PARKWAY RETAIL BUILDING NO. 1,	LLC	10741 EL MONTE LN	OVERLAND PARK, KS 66211				
HP15700000 0005	4820 W 137TH ST	Leawood, KS 66224	SAS LAND COMPANY, LLC		4820 W 137TH ST	LEAWOOD, KS 66224				
HP15700000 0012	4821 W 135TH ST	Leawood, KS 66224	ZIPZ POINTE, LLC		PO BOX 25006	OVERLAND PARK, KS 66225				
HP15700000 0012A	4831 W 135TH ST	Leawood, KS 66224	Z-DEVELOPMENT, LLC		PO BOX 25006	OVERLAND PARK, KS 66225				
HP15900000 0002	4831 W 136TH ST		SHERMAN, ROBERT P, JR		4831 W 136TH ST APT 200	LEAWOOD, KS 66224				
HP15900000 0002	4831 W 136TH ST		SHERMAN, ROBERT P, JR		4831 W 136TH ST APT 200	LEAWOOD, KS 66224				
HP90620000 0011	4900 W 135TH ST	Leawood, KS 66224	PALO VERDE GROUP, LP		PO BOX 7228	OVERLAND PARK, KS 66207				
HP15800000 0001	4901 W 136TH ST		RAYL INVESTMENTS LLC		5350 COLLEGE BLVD	OVERLAND PARK, KS 66211				
HP15800000 0001	4901 W 136TH ST	Leawood, KS 66224	RAYL INVESTMENTS LLC		5350 COLLEGE BLVD	OVERLAND PARK, KS 66211				
HP15700000 0001	4940 W 137TH ST	Leawood, KS 66224	WEBB ROAD PARTNERS LLC		8300 E STEEPLCHASE ST	WICHITA, KS 67206				
HP90610000 0010	4950 W 135TH ST	Leawood, KS 66224	KALIKO, LLC		3423 W 138TH ST	LEAWOOD, KS 66224				
HP16200000 0U01	4951 W 135TH ST	Leawood, KS 66224	CARTER PROPERTIES LLC		4953 W 135TH ST	LEAWOOD, KS 66224				
HP16200000 0U02	4957 W 135TH ST	Leawood, KS 66224	TKC PROPERTIES LLC		4963 W 135TH ST	LEAWOOD, KS 66224				
HP13900000 0008	4971 W 135TH ST	Leawood, KS 66224	PERSEPOLIS LLC		1350 BEVERLY RD APT 115	MCLEAN, VA 22101				
HP90630000 0020	5000 W 135TH ST	Leawood, KS 66224	PAIN CONSORTIUM OF GREATER	KANSAS CITY, L.L.C.	11600 MANOR ST	LEAWOOD, KS 66211				
HP13900000 0007	5001 W 135TH ST	Leawood, KS 66224	AGREE LEAWOOD, LLC		1 CVS DR	WOONSOCKET, RI 02895	CVS CAREMARK #8237-01		1 CVS DR	WOONSOCKET, RI 02895
HP10620000 0001	5001 W 137TH ST	Leawood, KS 66224	CHURCH OF THE RESURRECTION -	UNITED METHODIST	13720 ROE AVE	LEAWOOD, KS 66224				
HP13900000 0009	5020 W 137TH ST	Leawood, KS 66224	SOGO PROPERTY LLC		13720 ROE AVE	LEAWOOD, KS 66224				
HP13900000 0010	5021 W 135TH ST	Leawood, KS 66224	5031 WEST 135TH STREET LIMITED	PARTNERSHIP	4525 18TH ST	SAN FRANCISCO, CA 94114				
HP13900000 0011	5041 W 135TH ST		SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
HP13900000 0006	5101 W 135TH ST	Leawood, KS 66224	TROOST 63 CORNERSTONE LLC		605 W 47TH ST APT 200	KANSAS CITY, MO 64112				
HP13900000 0012	5121 W 135TH ST	Leawood, KS 66224	SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
HP13900000 0015	5200 W 137TH ST	Leawood, KS 66224	SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
HP13900000 0005	5201 W 135TH ST	Leawood, KS 66224	PRAIRIE HOLDINGS, LLC		5201 W 135TH ST	LEAWOOD, KS 66224				
HP13900000 0013	5205 W 135TH ST	Leawood, KS 66224	DMI PROPERTIES, LLC		241 S 55TH ST	KANSAS CITY, KS 66106				
HP13900000 0014	5221 W 135TH ST	Leawood, KS 66224	SBN REO LLC		1700 LINCOLN ST APT 2150	DENVER, CO 80203				
NP69100000 0007	5501 W 135TH ST	Overland Park, KS 66223	MC PRAIRIEFIRE, LLC		6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223	MERRILL COMPANIES, LLC	MERRILL, FRED L.	6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223
NP30240000 0001	5601 W 136TH TER # 306	Overland Park, KS 66223	PRAIRIEFIRE APARTMENTS, LLC		8335 KEYSTONE CROSSING APT 220	INDIANAPOLIS, IN 46240				
NP69100000 0009	5602 W 136TH TER	Overland Park, KS 66223	MC PRAIRIEFIRE, LLC		6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223	MERRILL COMPANIES, LLC	MERRILL, FRED L.	6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223
NP69100000 0006	5661 W 135TH ST	Overland Park, KS 66223	MC PRAIRIEFIRE, LLC		6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223	MERRILL COMPANIES, LLC	MERRILL, FRED L.	6240 W 135TH ST APT 200	OVERLAND PARK, KS 66223

**City of Leawood
Planning Commission Meeting
November 22, 2016
Dinner Session – 5:30 p.m. - No Discussion of Items
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Belzer, Hoyt, Levitan, Pateidl, Elkins, Strauss, Ramsey and Block Absent: Coleman.

APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Block; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey and Block.

APPROVAL OF MINUTES: Approval of the minutes from the October 25, 2016 Planning Commission meeting.

A motion to approve the minutes from the October 25, 2016 Planning Commission meeting was made by Block; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey and Block

CONTINUED TO THE JANUARY 10, 2017 PLANNING COMMISSION MEETING:

CASE 65-16 – CORNERSTONE DEVELOPMENT – THE ELEMENT HOTEL – Request for approval of a Revised Preliminary Plan for the Cornerstone development and Special Use Permit for a hotel, located south of 135th Street and east of Nall Avenue.

PUBLIC HEARING

CASE 113-16 – VILLAGE OF LEAWOOD – Request for approval of a Rezoning from REC [Planned Recreation] to RP-2 [Planned Cluster Detached Residential District], Preliminary Plan, Final Plan and Final Plat, located north of 91st Street and east of High Drive. **PUBLIC HEARING**

CONSENT AGENDA:

CASE 114-16 – Bukaty Companies wall sign – Request for approval of a Final Sign Plan, located south of College Boulevard and east of Roe Avenue.

CASE 115-16 – CORNERSTONE – BRGR (RESTAURANT) – Request for approval of a Final Plan, located south of 135th Street and west of Briar.

A motion to approve the Consent Agenda was made by Ramsey; seconded by Block. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey and Block

NEW BUSINESS:

CASE 112-16 – HALLBROOK EAST VILLAGE – Request for approval of a Rezoning from AG [Agriculture] and RP-4 [Planned Cluster Residential – Previous Zoning Classification] to RP-2 [Planned Cluster Detached Residential District], Preliminary Plan and Preliminary Plat, located south of 112th Street and west of State Line Road. **PUBLIC HEARING**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: This is Case 112-16 – Hallbrook East Village – Request for approval of a Rezoning, Preliminary Plan and Preliminary Plat for Hallbrook East Village, located south of 112th Street and west of State Line Road for 33 single family homes on 8.62 acres with a density of 3.83 dwelling units per acre. At this time, adjacent to State Line Road and east of Hallbrook patio homes, there are 5 undeveloped parcels of land, 3 of which are proposed for Hallbrook East Village. Of the 3 lots, 2 are currently zoned RP-4 [Planned Cluster Residential] zoned in 1986. The third lot proposed to be developed is current zoned Agriculture. The RP-4 zoning classification of Planned Cluster Residential was designated under a previous zoning ordinance, and it is equivalent to the current RP-2 classification. Under the current ordinance, the RP-4 classification is Planned Apartment Residential. The applicant is proposing to rezone all 3 lots to RP-2, which is Planned Cluster Detached Residential district, which is a medium density zoning classification. This zoning classification will comply with the City of Leawood Comprehensive Plan for the designated land use.

The applicant is proposing 33 single family homes, accessed from a public street within the development, which is planned to connect at 114th Street and 116th Street on Overbrook Road. No direct vehicular access is proposed onto State Line Road. Many of the lots will have shared auto courts from that main road within the development. As many as 6 dwelling units will have access by an auto court. This development is proposed to be a maintenance-provided community where the homes association will maintain all common areas, driveways, auto courts and law and irrigation maintenance.

A bisecting development and existing high pressure gas line is present, which has been placed within an easement and runs east to west. This easement is between 45 and 66 feet in width, and due to this high-pressure gas line easement, structures are not allowed to be placed on the gas line or within the easement. The applicant has addressed this condition by creating a common area with a 5-ft. pedestrian path with seating amenities, and the path is planned to connect to Overbrook Road.

A perimeter fence has been proposed around the development, which is proposed to be 5 feet. In height and incorporate a black metal picket-style fence and stone columns. Brick walls with cast stone caps are proposed between Lots 5 and 6, 9 and 10 and 19 and 20. Those are proposed to be 5 feet in height. The applicant is requesting 5 deviations for this project:

1. A front yard setback of 22.5 feet from a public street
2. A rear yard setback from a public street of 22.5 feet, which impacts Lots 14, 15, 16, 17 and Lots 26-33
3. A side yard setback of 7.5 feet
4. An interior lot setback of zero for those lots adjacent to the high-pressure gas easement, which applies to Lots 11, 12, 17, 18, 19, 20, 25 and 26
5. An interior lot setback of 22.5 feet for those lots adjacent to the auto courts, which impacts Lots 3-7, 9-22, 25 and 26

Staff feels supportive of the deviations requested by the applicant since the applicant has provided sufficient open space for the development as required by Section 16-3-9(a)5 of the Leawood Development Ordinance, requiring common open space be provided on a 1:1 ratio for setback deviations granted. The applicant is proposing 2 stone entry columns, located within a landscape center island of each street connection onto Overbrook Road, which is planned to be 5 feet, 4 inches in height, 3 feet in width and include a plaque with the name of the development.

The applicant is proposing street trees along the public road and along Overbrook at 35 feet on center, which complies with the Leawood Development Ordinance. However, street trees have not been proposed along State Line Road, and staff has stipulated that at Final Plan, the applicant would be required to provide street trees at 35 feet on center as required by the ordinance along State Line.

The applicant held an Interact Meeting on November 9th, which was attended by several people. Some concerns expressed by those in attendance include traffic on Overbrook Road, the appearance of the development from both east of State Line Road and West of Overbrook and stormwater management. In addition, staff has met with some neighbors, who have expressed concern that it is difficult to see cross traffic along Overbrook from neighboring streets. Also, after packets were distributed on Friday, staff received a letter from the Hallbrook South Village Home Association, expressing traffic concerns along Overbrook. A copy of this letter was emailed to the Planning Commission last Friday, and it has been placed on the dais for your review tonight and will be incorporated into the public record. Staff recommends approval of Case 112-16 with the stipulations outlined in the Staff Report, and I'm happy to answer any questions you may have.

Chairman Elkins: Thank you. Any questions for staff?

Comm. Block: With the concerns about speeding from Overbrook, is there any reason why there couldn't be stop signs at 114th and 116th?

Mr. Ley: The City gets requests for stop signs throughout Leawood 2-3 times per month. We follow the manual on Uniform Traffic Control Devices for the installation of stop signs. There are certain criteria, including a volume of 2,000 vehicles or more per day and then the accident data. We took traffic counts and counted approximately 1,200 vehicles per day, and there have been no accidents in this intersection. It really doesn't warrant stop signs.

Comm. Block: I thought there were 2,000 number at peak times. Is that not the case?

Mr. Ley: A 24-hour period recorded 1,240 vehicles.

Chairman Elkins: Are there other questions for staff? I would invite the applicant to step forward.

Applicant Presentation:

Fred Logan, Attorney with Logan, Logan and Watson, appeared before the Planning Commission and made the following comments:

Mr. Logan: I will introduce members of the team who are here to answer any questions you may have. Before I do, I would like to set the stage on this project. In the 1960s, no one could have envisioned then that one of the finest residential communities in this region, maybe in the United States, would some day crop up there. That didn't have to happen that way. It happened because the Hall family was committed to a standard of excellence, to staying all the way through. They have done that. Continuity is important on this project, and that is reflected in the team members, most of whom have been involved since 1986. Representing the owner is Cory Biggs, the landscape architect Katie Martiovic. Next to here is the principle architect, Rick Jones, who has been on the project since day one. Next to him is Matt Adam of Matt Adam Development Co, Inc. This company is the direct successor to the development company that started this in 1986. Brett Haugland is here from Continental Consulting Engineering, which has been the engineering company on this project from the beginning.

Continuity is important, including continuity in standards. The same standards that you've seen at every phase of the Hallbrook projects, you see in the project before you. That is because the Hall family insists on a standard of excellence. The planning of this phase has gone on for more than a year. The plan before you is not the first iteration of the plan. We have worked very closely with Planning and Public Works staff to come up with a plan that meets our standards of excellence and the City's approval. We are pleased that the plan comes with a recommendation of approval. I want to note at the outset that we are in agreement with the 21 stipulations. We have tried to work with staff and others to understand concerns. That is what we will continue to do. Any concerns that have been raised, to the extent that we can do something about, we will do something. We have done that, and that's why I think you see staff's recommendation of approval. We will work with you, and we will work with staff as this project moves forward. Whatever we need to do, we're ready to do.

The project as noted is 33 villas. It's about as low intensity of a use as will be proposed on this piece of property. Somebody described it as a lot of empty nesters. That is probably a fair statement. The quality of the villa is very much consistent with the quality you have seen throughout the Hallbrook project. It has been purposely planned with a considerable amount of green space and open space. I think you see that reflected in the plan as well. I know we will have opportunity to address concerns that are raised during the Public Hearing. As I say, the team is here to answer any questions you may have. I'll stop and see if you have any questions at this time, and we will step back up once the Public Hearing is concluded.

Chairman Elkins: Thank you. Any questions for the applicant? Have the contents of the Homeowners Association's letter been shared with you?

Mr. Logan: They have not; however, we had an Interact Meeting that lasted for a good hour. We heard the concerns of the residents with respect to traffic. We have worked closely with Public Works. If we were requested by the city to do something, we would do it. However, traffic is an issue that is typically handled through Public Works and not us as the applicant. We have made it very clear that we will be cooperative, and we will be good neighbors.

Chairman Elkins: To what extent do you share those concerns, if at all?

Mr. Logan: With all due respect to those who are stating those concerns that I believe are well-intentioned, we look at it as professionals. We realize this is a very low intensity use. It is a relatively low density. We do not think there will be any traffic concerns purely from a professional perspective. We do not have any concerns about the present state of traffic there. Most importantly, we have tremendous confidence in your staff. We believe if the staff identifies traffic concerns and we are impacted, we will do whatever we are required to do.

Chairman Elkins: One of the concerns expressed in the letter, as I recall, is the traffic during the construction phase. Can you address that concern?

Mr. Logan: The issue did come up. As a result of the issue, we made inquiry of the staff, who advised us that there would not be an entry or exit off State Line during construction. It will come off Overbrook. There will be some regulation, I would assume, of how our construction traffic enters and exits. Again, we're going to cooperate with whatever we are asked to do in that regard.

Chairman Elkins: Thank you.

Comm. Strauss: Can you tell me what the elevation difference is between the properties along State Line and the sidewalk on State Line?

Brett Haugland, Continental Consulting Engineers, 9000 State Line Road, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Haugland: The question is the elevation difference between State Line Road and the sidewalk. It is 3-4 feet. There is a slope to the west on the new development that will rise 8-10 feet. It is there now.

Comm. Strauss: I didn't know if it was a big elevation difference. There is a sidewalk connection to Overbrook and Cambridge Road. Did you consider a sidewalk connection to State Line Road?

Mr. Haugland: We did not because there will be a fence around the perimeter. The sidewalk that connects to Overbrook will be within that green space where the gas line is referenced.

Comm. Strauss: Will there be access to Overbrook through a gate?

Mr. Haugland: Yes.

Comm. Strauss: I have another question regarding the lots that abut State Line and the wall height.

Mr. Logan: The columns are 5 feet, 4 inches, and I think the fence is about 5 feet.

Comm. Strauss: There is a wall between the units.

Rick Jones, NSPJ Architects, appeared before the Planning Commission and made the following comments:

Mr. Jones: The wall you are questioning is the brick wall between the garages along the units on State Line. It is a 5-ft. brick wall.

Comm. Strauss: What is the purpose of that wall?

Mr. Jones: It is to create a courtyard feel. It will – I'm not sure that this is a major concern on the Leawood side, but it will block headlights in the courtyard from shining out on State Line Road.

Comm. Strauss: Are there sidewalks along Cambridge Road?

Mr. Jones: Yes.

Chairman Elkins: Are there additional questions for the applicant? Thank you. Because this is requesting Rezoning, the case requires a Public Hearing. The individuals' comments will be limited to 4 minutes. There will be a light system that blinks with 30 seconds remaining. We would appreciate your courtesy with respect to this limit. If possible, to the extent that concerns are raised from more than one speaker, we try to avoid duplication if at all possible.

Public Hearing

Leonard Slaughter, 2119 W. 116th Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Slaughter: I've lived here for 12 years. As we pull out of the gate to the south and turn north, there is a big curve. You cannot see the traffic coming. My concern is if we don't get a stop sign, there will be an accident. They did a test on the street. The average speed is 35 MPH coming around that curve. With people coming from 116th on the east

side and us coming out of the west side and traffic coming both ways, it would seem that we would need a stop sign. We are concerned there will be an accident. If there is an accident, God forbid, or someone is hurt or killed, is the City of Leawood responsible if we have a petition asking for the stop sign? Thank you.

Chairman Elkins: Thank you for your comments.

Joe Smuckler, 2100 W. 114th Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Smuckler: We were very disappointed to hear this evening that the traffic flow department came to the conclusion that a stop sign wasn't necessary. We understand the statistics and elements used to come to those conclusions. Secondly, to Mr. Slaughter's point, at 5:25 this afternoon as I was driving into my home, the Police Department of Leawood was citing another speeder. I would like a check made as to how many speeding offenses are taking place on Overbrook. At our request, we had asked for some more surveillance, and I think it would be noteworthy to know how many tickets have been given for traffic violations in a 25 MPH zone. Lastly, we were disappointed to hear that there would be no construction access from State Line. I understand there are rules and regulations. We are looking at construction equipment for 3 years on the first 2 homes going west off Overbrook. They will experience heavy equipment, dust and dirt for a 3-year period of time because there is no other access, as we have learned tonight. It's a very disappointing element to hear. That's an extended period of time, understanding what a buildout of a construction site is. Thank you for your time.

Chairman Elkins: Thank you. We appreciate your comments.

Angela Brown, 11416 High Drive, Leawood, appeared before the Planning Commission and made the following comments:

Ms. Brown: I'm the President of The Villas. My concern is traffic. Now, with the new Hallbrook office building, we will have more traffic. When we come out of our gate going east, the gates open and we have very little space to put our car. We have to inch out in order to see what's coming from the north and from the south. Do any of you live in that area? Have any of you been there at any traffic time? Does anybody know what this looks like? Take a turn over there and see what it looks like. We have a very small spot. We have to come forward. Now, we have to look for people that are running in front of our car because they don't stop. They run from the south and from the north, and they just run. They just don't stop. It's up to us to look at that. Then we have your development wanting to come this way. They're going to go south and north. We're going to go south and north. Then what about the traffic that's continuing from the north and from the south that doesn't have anything to do with our Villas? Just think about all that traffic trying to get into one spot. Then if somebody is going to pull in like we are into our Villas, we have to wait for the gate to open. There are people there that don't know how to open the gate, and we're all lined up, including the people across the street, the people coming from the south and going north, and we're waiting to turn left. This is

a nightmare ready to happen. Somebody has to get over there and really look at this before anybody makes a decision on what this is going to look like. Believe me, none of us are happy. Ours is bad, but the people from the south have a street that turns in a way that over the hill is not visible. This is really a bad design. We cannot have people coming in across from us. We have to move the development's easement or whatever they're going to use to come in and out. We just cannot do that, and 33 people can certainly come out of one opening. We have 22 houses, and the people to the south of us have 44. They all use the same gate. Why do they get two and we get none? We get screwed in this. I really would appreciate if everybody here takes a good look at what this looks like. And now we'll have all the construction from the building, and we'll have this construction on the streets across from us. Excuse me; not acceptable.

Chairman Elkins: Thank you, Ms. Brown.

Chris Thompson, 11513 High Drive, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Thompson: I have no objection to the Rezoning. My only concern may not even be a concern. I don't know what studies have been done in terms of the demand for this development. My concern is on the buildout and maintaining the price points. Obviously, when a project like this starts, we would hope that people wouldn't invest this kind of money if they didn't feel it was going to be a successful venture for everyone. Maybe someone can answer the question of what studies have been done that this project can support the demand for 33 homes there. I'm not looking for proprietary studies. I have concerns about price point and maintaining the price point that is proposed. I also have concerns with respect to the buildout time. I heard 3 years tonight. Other times, I've heard 3-5 years. That's a relevant and important issue for a lot of the homeowners in those Villas.

Chairman Elkins: Thank you.

Steve Linard, 2105 W. 115th Street, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Linard: It appears that the criteria for stop signs in our jurisdiction is predicated on traffic flow. Am I not correct on that? Is that what I've heard tonight?

Chairman Elkins: I think that's what we've heard.

Mr. Linard: If we have a minimum number of cars going by and crossing and it met a certain number, we would then be eligible for your approval for stop signs in that area. Is that correct?

Chairman Elkins: I'm not exactly sure, sir. We'll have staff address that when the hearing is closed. We'll keep that as a question to ask staff.

Mr. Linard: Absent the stop signs and the adequate number of cars needed to initiate construction of stop signs, is there a minimum number of injuries that would trigger the stop signs?

Comm. Ramsey: No.

Chairman Elkins: I think not, but we will defer to staff.

Mr. Linard: Call that somewhat rhetorical. I think that is the real issue we have here, isn't it? Are we objecting to a few hundred bucks for a stop sign and willing to gamble the safety of the residents, people that are not residents crossing through, children, walkers, joggers? It seems innocuous when you look at it, but when you live there, it is the reality of that intersection and the intersection of 114th Street, which is equally as frustrating for the residents of North Villas. Mrs. Brown just made an excellent point about the location of the egress and entry points for this new development. Perhaps further study would be warranted to determine why 33 units need two locations to enter and egress, and the South Villas, with over 40 homes, need only 1 and the North Villas need only 1. I think we really ought to consider this because I am confident that every person up here right now doesn't want anybody to get hurt. I don't have to know you personally to know and believe that each and every one of you has a genuine interest in keeping everyone else safe in this area. I'd love you to think about it, and I thank you so much for your time.

Chairman Elkins: Thank you.

Marsha Carbank, 2100 W. 114th Street, Leawood, appeared before the Planning Commission and made the following comments:

Mrs. Carbank: We would be directly across from the north entrance to this development. While I know that the quality of this development will be compatible with the rest of Hallbrook, echoing what everyone else has said, the traffic is really almost unbearable. We live on the corner, and especially on evening and weekends, it is a drag strip. You can get the records from the City of Leawood Police Department to see how many traffic violations there are continuously. I have two other concerns. This development and a potential proposed development for the other parcel to the north would be mostly empty nesters. These are not young drivers who are a little more careful than those of us who are at a certain stage of life, and it's a huge concern about people entering and exiting the development with the two entrances. In addition, if there is another dense multi-family development to the north, we're going to add possibly another 50 or more cars. Then we have to deal with the business development with the office park. If there is more development in the office park, we have more traffic on Overbrook. While I know these can't be private streets, something needs to be done, whether it's stop signs, speed bumps or signs from those coming from the office development to the north that the streets are for residents only. People are taking shortcuts from the office park to 119th because they don't want to get stopped with stoplights on State Line. It's a huge concern, and it has been for a long time. I have lived in this house since 1994, and I have seen continuous

development and continuous traffic issues. Frankly, we're all scared about the amount of traffic and the possible injuries, whether they're, God forbid, fatal or any other type of injuries. I don't have any problem with the quality of the development, but it is a safety issue. We would appreciate your attention to this. Thank you.

Chairman Elkins: Thank you.

Terry Vandertuck, 2140 West 114th Terrace, Leawood, appeared before the Planning Commission and made the following comments:

Mr. Vandertuck: It seems to me that, relative to the entrance and exit from the new development onto Overbrook, the problem related to being directly across from the two entrances that are already there would be very easily solved by putting their entrance and exit halfway between the two, thereby having a third entrance and exit that would not cause traffic problems for anybody. It would cause the island across Overbrook to be cut through, but that shouldn't be any problem. Also, the South Villas have 42 feeding into one entrance. The new development would have 33 houses feeding into one entrance. It seems to me that the whole situation is very easily solved without anybody having a problem and without the potential of a lot of dangerous situations.

Chairman Elkins: Thank you. Other comments for the public record?

As no one else was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Levitan. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey and Block.

Chairman Elkins: Mr. Logan, if you could respond to the comments, we would be grateful.

Mr. Logan: Thank you. Let me begin with a response to Mr. Thompson's question about demand. Several years ago, our team undertook a marketing study and determined there was tremendous demand for this type of housing. We have every confidence, based on the marketing study, that this plan is not only very sound, but there is going to be a huge demand for it. That is something which we feel extremely comfortable. I'm sure that you would agree with me that the people who are behind this project wouldn't undertake this project on anything approaching a speculative basis. They are very confident that this quality project is going to be greatly in demand. We stand by our belief that it would be entirely built out within 3 years. That's what we believe based on our experience, based on our marketing people, who believe it will be in very high demand. We think our price points are appropriate, and we appreciate the opportunity to address that issue.

The other comments revolve around traffic. I want to be sure that you know that we are very respectful of these comments, even though, for the most part, this is not in our purview. It is not for us to say that we will have an entry or exit off State Line. I believe the reason the staff took the position that it did is that the speeds are much higher on State Line Road, and therefore, there is a certain danger about having construction vehicles entering and exiting off State Line Road. Having said that, there are ways to

regulate how that happens on Overbrook. Again, we will work with staff as we have all along in making sure it is done in the best possible way. Other issues include entries and exits. We have done this in accordance with the best planning and engineering standards. We have done this in a way that the professionals say is the safest way to do this. We can't build on the gas line easement, so there wouldn't be an entry or exit there. We believe it's a safer design to have it the way we have it here. We think there's a little bit of an "apples and oranges" comparison between the existing Villas and this point. Those are gated communities; this is not. We are convinced the planning and engineering of these entries and exits have been done with the best safety principles possible. I think staff has done an excellent job looking at the traffic issue. In the future, we will be good partners and good neighbors, as we always have been, and we will cooperate as anything develops regarding that.

Chairman Elkins: Questions for Mr. Logan?

Comm. Block: In your history with this development, was there ever any indication to anyone that this area would never be developed?

Mr. Logan: No, this was always in the Comprehensive Plan. This is consistent with the Comprehensive Plan and is consistent, going back to 1986.

Comm. Block: Is it the same with the commercial area to the north?

Mr. Logan: That is correct, sir.

Comm. Block: Thank you.

Chairman Elkins: Are there any other questions for Mr. Logan? Thank you. That brings us to discussion and questions for staff.

Comm. Hoyt: I read through the report from David Ley that talked about traffic and the traffic studies. Under Section 2 towards the end of that, it talks about the City's traffic calming policy to address the speed of vehicles. Signatures are required from adjacent property owners to study this area. Have signatures been submitted from the adjacent property owners? Is that study either in progress or going to take place?

Mr. Ley: They haven't submitted yet. We just met with the HOA last week on this to discuss it. We gave them the Traffic Calming policy and told them it would require 75% of the signatures. It was adopted by the Governing Body in 2003. It goes through the Public Works Committee, and we look at all different types of options to slow the traffic and hopefully reduce the speed by at least 5 MPH as a goal. There are a bunch of different options. Stop signs are not included, but the roadway can get narrowed. Speed tables can be utilized. This intersection came to our attention about two weeks ago. We met with the HOA. The biggest issue with 116th Street is a lot of landscaping in the site triangle. They can only see about 100 feet. They have been notified by code enforcement to trim some trees so they can increase that site distance and see vehicles approaching the

intersection. There is an issue with speed. I notified police, and they are out there, giving tickets to try to get people to start obeying the speed limit. That is the first step. We are going to put signs out there to indicate the intersection is ahead, and we are looking at putting out some No Parking signs because people park within that site triangle too, which makes it a bit more difficult to see the traffic. We have been working on it over the past couple weeks and will continue to work on it to see what we can do.

Comm. Hoyt: More extensive study would then theoretically occur when you would receive a 75% signature base.

Mr. Ley: That is correct, and currently, it is owned by North Villas HOA, South Villas HOA and the developer on the east. We would just need all three signatures, and we could proceed forward with the study and go from there. We would hire a traffic engineer to look at what all the options are.

Comm. Pateidl: This problem didn't just develop two weeks ago. Has this matter ever been brought to the Public Works department? Has it ever gone before Governing Body as a complaint? Has the city learned about this issue prior to the event this evening?

Mr. Ley: We learned about it when we received the phone calls two weeks ago. Police may have been notified and I wouldn't know, but as far as Public Works, when they had the meeting with the new development is when they contacted us concerned about the access points and the safety at their intersections.

Chairman Elkins: I'm sorry, sir; we've closed the Public Hearing, so at this point, it is a discussion with the staff and the commission.

Comm. Strauss: I had a question about how much undeveloped land is to the north for Hallbrook. I'm thinking about it as far as additional traffic generation that could use Overbrook.

Mr. Klein: There are two parcels to the north of this development, and there is also undeveloped area to the north regarding the Hallbrook office portion of the development. Hallbrook I and II office buildings have been constructed. There is another site located farther north that is a future site. That piece of property is approximately 8 acres. I can't recall what the parcels to the north measure.

Comm. Strauss: Any professional estimate of how many new employees could be in the Hallbrook area when this is fully built out?

Mr. Klein: It really depends on the type of business that goes into the office buildings. Hallbrook Office II is 115,453 square feet, and I believe Hallbrook I is around 90,000 square feet.

Chairman Elkins: I have a question for Mr. Ley. Obviously, there has been a lot of discussion in the Public Hearing about the potential for stop signs or a stop sign. Can you

educate us and perhaps the public as to what the standards are? I think one of the gentlemen asked how it is determined whether a stop sign is appropriate. Can you comment at a high level about how that process works?

Mr. Ley: The counts are 2,000 vehicles entering the intersection as the minimum required before considering a stop sign.

Chairman Elkins: Over what period of time?

Mr. Ley: It is over a 24-hour period. The other issue is accidents. Unfortunately, that is the way it is run. It is 5 or more accidents over a 3-year period. We ran that data, and there have been no accidents at 116th Street.

Chairman Elkins: As far as you know, there have not been any accidents?

Mr. Ley: Not at 116th Street. I hadn't received any information about 114th Street being a concern from the adjacent property owners. I just heard from the south HOA.

Chairman Elkins: What do we know about the actual number of vehicles passing through?

Mr. Ley: Currently, it is 1,200-1,300.

Chairman Elkins: How current is that number?

Mr. Ley: When we received the complaint two weeks ago, we put the counts out last week. The speed is 35 MPH with 85% right now. We are working on trying to educate people with the Police out there and also some advanced signage.

Chairman Elkins: The speed limit is 25 MPH, so it is averaging 10 MPH over the speed limit based on the information you have.

Mr. Ley: That is right, and then in order to do traffic calming, there is a formula to use that considers accidents, sidewalks, speed and number of cars. They do qualify with what we've already learned. If they want to proceed forward, it could get referred to the Public Works Committee by City Council. They're talking about 35 lots accessing one intersection. There are two intersections, so the traffic is going to be split up with 17 on average at each intersection. Overbrook has two long cul-de-sacs that feed into the 4-legged intersection, similar to these, that have 45 homes. It is a pretty similar situation to other intersections in Hallbrook.

Chairman Elkins: Thank you. Mr. Klein, clearly, the public has a concern about traffic and the safety there. Mr. Logan made reference to the fact that this is really a city issue as opposed to a developer issue. Could you educate us, from a procedure standpoint, how these traffic issues that apparently existed before this development was proposed and then

the additional traffic will be generated by building and development relates to the planning process and the case that's before us tonight?

Mr. Klein: When an application comes in, the density of the project is reviewed as well as zoning and surrounding uses. As part of that, a number of departments are involved: Planning, Public Works, Fire Department. Public Works looks primarily at traffic and drainage. With regard to traffic control devices, that is primarily handled based on warrants, as Mr. Ley suggested. It can be reevaluated if there is a need.

Chairman Elkins: The question I'm really driving towards is this: is doing something about the traffic on Overbrook something that is within our jurisdiction as a commission in reviewing this application?

Mr. Klein: I think it primarily involves the Public Works department determining if the traffic meets the warrants.

Chairman Elkins: Then you are saying there is not a connection between the applicant's application and addressing this concern. Clearly it is a concern that needs to be addressed.

Mr. Klein: Correct, and I don't want to give the impression that it is not evaluated. It definitely is. The installation of traffic control devices on public streets is a result of the evaluation by Public Works, as opposed to the Planning Commission asking the applicant to add a certain traffic control device.

Chairman Elkins: Thank you.

Comm. Levitan: It sounds to me, for all intents and purposes, it is really in the hands of the residents to get the signatures, and we really need to separate this issue from the application tonight and proceed upon the application based on what we can evaluate. I would encourage the residents to look at the speed tables at 85th and State Line. Those may have made a marked difference on speeds on that street, and if we can't do stop signs, maybe that could be considered.

Mr. Ley: We did a recent study, and it reduced speed by over 5 MPH, and it reduced the volume by approximately 10%.

Comm. Levitan: I would encourage residents to move that way, and then I think we can move on with this application.

Comm. Pateidl: Mr. Ley, are there any provisions for exceptions to the qualifications you call for with the 2,000 vehicles?

Mr. Ley: Manual of Uniform Traffic Control Devices [MUTCD] is what is in the city code, and we are mandated to follow that. When requests come in for a stop sign, we send them to the Police Department, and they will determine whether or not the stop sign is warranted, and then they discuss it with Public Works. The manual is adopted by City

Code. I believe the only ones who could overrule that would be City Council. We have to follow certain standards so we don't end up with them everywhere. With the smaller volume, I hear what they're saying. There is a consistent volume on the side street, but it is relatively minor compared to the through volume. If people continually pull up to the stop sign and don't see cars, they may start running through the stop signs. If you put one up that's not warranted and there is an accident, it is a liability to the city. The City Attorney has instructed us not to put up stop signs or traffic signals unless they meet the code requirements.

Comm. Pateidl: Could you expand on the explanation of what a Traffic Calming study is?

Mr. Ley: It's a policy we have that has different methods to try to calm traffic. The road could be narrowed. Speed tables raise the road up 4 inches over 6 feet, and it has a 15-ft. flat top. Typically, these devices are designed for speed limits of 25 MPH. Other options are roundabouts. We saw a lot of requests in the early 2000s for installing speed humps and things like that. That's why Governing Body directed Public Works to develop this policy. It's a pretty similar policy to what Overland Park, Shawnee and Lenexa all have.

Chairman Elkins: Thank you. Additional questions? Let's move on to discussion of the application before us. Are there comments?

Comm. Strauss: One thing I wanted to clarify is the 35 MPH on that street is recorded as the 85th percentile. That doesn't mean it's the average speed. There is only 15% of the traffic higher than 35 MPH.

Chairman Elkins: Would the implication be that it is higher than 35 MPH?

Comm. Strauss: No, the average speed is lower. I went out right before the meeting, and I went through all the intersections. I feel like if we can get the speed down to where it's supposed to be, then there is adequate time to see cars coming. I agree that I could see some landscaping in the median, and it could be a problem with the lower-profile cars. I feel like the problem is the speeding on Overbrook. I would hope that gets addressed with traffic calming. I commend Mr. Ley for following the Manual of Uniform Traffic Control Devices. It is used all over the country. I want the commission to know that the numbers are there for safety reasons. If you put up stop signs on Overbrook when they're not warranted, there could be a significant increase in rear-end collisions where people weren't expecting a stop sign. I know there are ways to bring the speed down, so I think that's the right direction to address that issue.

Chairman Elkins: Other comments? If there are no further comments, it would be appropriate to move to a motion.

A motion to recommend approval of CASE 112-16 – HALLBROOK EAST VILLAGE – Request for approval of a Rezoning from AG [Agriculture] and RP-4 [Planned Cluster Residential – Previous Zoning Classification] to RP-2 [Planned

Cluster Detached Residential District], Preliminary Plan and Preliminary Plat, located south of 112th Street and west of State Line Road – with 21 Stipulations – was made by Pateidl; seconded by Levitan. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey and Block.

Chairman Elkins: Thanks to the public for showing your interest, and I think that the city has heard your concerns and will continue to move toward addressing the traffic concerns on Overbrook Drive.

CASE 116-16 – TOMAHAWK CREEK OFFICE PARK – KANSAS CITY ORTHOPAEDIC INSTITUTE EXPANSION – Request for approval of a Special Use Permit for a Hospital, Revised Preliminary Plan and Revised Final Plan, located south of College Boulevard and west of Tomahawk Creek Parkway. **PUBLIC HEARING.**

Staff Presentation:

City Planner Michelle Kriks made the following presentation:

Ms. Kriks: Before I proceed with my presentation this evening, I wanted to call your attention to the updated Staff Report that was emailed early today and also placed on your dais for review.

Chairman Elkins: That, I presume, will become part of the public record of tonight's hearing.

Ms. Kriks: That is correct. This is Case 116-16 – Request for a Special Use Permit for a Hospital, Revised Preliminary Plan and Revised Final Plan for Kansas City Orthopaedic Institute, located south of College Boulevard and west of Tomahawk Creek Parkway. The applicant is requesting approval of a 22,208 sq. ft. addition onto the south side of an existing 56,637 sq. ft. medical building located within Tomahawk Creek Office Park. The final gross square footage of the building at completion is proposed to be 78,845 square feet for a Floor Area Ratio of 0.31. The new addition to KCOI is proposed to be at the south end of the existing building, which is about 108 feet from the west property line. The architecture and materials for the new addition are proposed to match the materials of the existing facility. The addition is proposed to be 36 feet, 4 inches in height and will be constructed of red brick with a dark red brick and taupe brick accent. Other architectural elements on the addition include tan cast stone, green aluminum metal panels, green vision glass and green spandrel glass, all of which are present on the existing building. The applicant is proposing to move an existing curved canopy from the present location on the south elevation to the east elevation on the addition. On the roof, acoustical metal panels in a dark gold color, which will be approximately 9 feet in height, are to screen utilities on the roof. At the southwest corner of the new addition, the applicant is proposing an enclosure for a trash compactor and a recycling container, which will be set back from the west property line 75 feet. The trash compactor is proposed to replace an existing trash enclosure, which is currently not attached to the building and is located adjacent to that west property line. 12-ft. brick walls will enclose a trash compactor, while the enclosure for recycling will be 8 feet in height. Both

enclosures will also have tan metal gates. An existing generator is present on the west side of the building; however, no changes are proposed to this generator with this application. On the south elevation, a new elevator shaft is proposed to be constructed behind an existing stairwell at the southwest corner of the building. The existing stairwell is 40 feet from the west property line, which is a legal, nonconforming condition under the current LDO. The elevator shaft is proposed to be attached to the stairwell on the east side of that structure, and it will be 62 feet, 3.5 inches from the west property line. The elevator shaft is not proposed to extend beyond the existing stairwell and will not increase the legal nonconformity of the building. Other items proposed by the applicant include a concrete patio at the southeast corner with seating and tables, inverted U-style bike racks at each entrance, electric vehicle charging stations at the northwest corner of the parking lot, three speed tables on the east side of the parking lot for traffic calming, demarcated pedestrian crossings, a retaining wall not to exceed 30 inches in height adjacent to the west side of the parking lot and a new entry vestibule with light green vision glass and spandrel glass at the north entrance.

The existing parking lot south of the current facility is to be demolished and relocated for this expansion. A new lot will be constructed south, west and east of the new addition for a total of 315 parking spaces proposed for the facility overall, which is a parking ratio of 4.0 parking spaces per 1,000 square feet of the gross building area. The applicant held an Interact Meeting on November 7th, which was attended by several neighbors. A concern expressed ongoing acoustical issues regarding the existing chiller, MRI condenser and other rooftop utility units. In addition, staff met with a neighbor who resides in the subdivision directly west of KCOI. That resident raised concerns about the noise generated by the rooftop utilities. Furthermore, staff received a call from an adjacent property owner with concerns over the number of parking spaces proposed by the applicant. Staff recommends approval of Case 116-16 with the Revised Staff Report, and I'd be happy to answer any questions.

Chairman Elkins: Thank you. Questions for staff?

Comm. Block: Is Stipulation No. 4 to cover the concern about the noise? Do they have to do a noise or sound study of some sort?

Ms. Kriks: Yes. This stipulation was presented in the previous case from 2014. The applicant, upon completion, was to pay for the city to be able to provide an independent sound study to ensure that the performance standards for sound were being attained at property line.

Comm. Block: That deals with the HVAC?

Ms. Kriks: That is correct.

Comm. Strauss: When you got a call from a resident about parking, was it for too much parking or not enough parking?

Ms. Kriks: They were concerned there was not enough parking, I believe.

Chairman Elkins: Additional questions? Ms. Kriks, I note on Stipulation No. 4, the limitation on noise is nothing unusual and is within the scope of the ordinance.

Ms. Kriks: That is correct.

Chairman Elkins: Is that noise just HVAC, or how does the generator play into that?

Mr. Klein: The section quoted has two parts. One is with regard to everything except for emergency generators that were approved after a certain date. This particular generator falls under that. Everything has to be no more than 60 db at the property line. With regard to the emergency generators, they are allowed to increase to .65 or .7.

Chairman Elkins: In that instance, is it the combined noise from the generator and the HVAC that is limited by the maximum that included a 7?

Mr. Klein: Yes, and it refers to the amount of sound that can be emitted from the generator itself.

Chairman Elkins: As opposed to at the property line?

Mr. Klein: Yes, what can be generated from the generator can be a little higher at 70 db at the property line.

Chairman Elkins: That is not additive?

Mr. Klein: I believe that is correct. It is what is actually generated from the generator.

Chairman Elkins: It wouldn't be 130 db that is allowed; it would be 70 db for the combined generator and HVAC.

Mr. Klein: Correct.

Chairman Elkins: Thank you. Ms. Kriks, one other question I have is about the differences between the stipulations presented on the dais and the ones we received last week?

Ms. Kriks: The original Stipulation No. 10 stated that all power lines, utility lines must be underground. Staff believed this was redundant with Stipulation No. 9. The old Stipulation Nos. 24 and 25 are redundant as well. On Stipulation No. 7, we had a duplicate word.

Chairman Elkins: Any other changes?

Ms. Kriks: No.

Chairman Elkins: Any other questions for staff?

Comm. Pateidl: Regarding the noise level issues, the simple question is if the emergency generator is a rooftop unit.

Ms. Kriks: The generator is ground-mounted behind the building on the west side.

Comm. Pateidl: I was thinking Stipulation Nos. 4 and 5 would be in conflict if it was rooftop.

Chairman Elkins: Any other questions for staff? Then I would invite the applicant to step forward.

Applicant Presentation:

John Petersen, Polsinelli Law Firm, 6201 College Blvd., Suite 200, appeared before the Planning Commission and made the following comments:

Mr. Petersen: Noted members of the team that will be available for questions or comments this evening: Dr. Charles Rhoades, CEO of KCOI; Kevin Purvis as our architect and Roger Barrett with SK Design.

(Referring to a digital presentation): The rendering of the KCOI facility is from the southeast. The Site Plan shows the existing facility and the proposed addition. The design, in terms of size, location, building mass and placement on the site is really an implementation of what was approved as part of this facility coming to life in the City of Leawood, going back to 1998 when the original building was approved and almost exactly the plan that was brought before the Planning Commission in 2014 and approved by the Governing Body. We are here to present an application for the revised plans and SUP that reflect minor adjustments to the plan approved in 2014.

The proposed building is situated in line with the eastern façade of the existing building, creating some more distance from the non-commercial uses to the west. I'm pleased to report that I have had a chance to review the stipulations, and I accept each stipulation. I would like to touch on a handful of those stipulations to merely highlight the components of the project that may be of most interest to the commission and the public at large. The first is No. 1, which underlines what I previously said. The expansion is 22,200 square feet for a total facility of 78,845 square feet on 5.84 acres, resulting in a Floor Area Ratio of .31. That is almost exactly what the 2014 plan reflected in terms of expansion space.

I would like to reference the issue of noise and making sure we are in total compliance with the LDO. It is very clear that there will be no noise generated for the commercial activity of this facility in excess of 60 db at the property line. This is equivalent of a normal conversational voice. We acknowledge this and understand the importance and the level of interest with surrounding property owners. To ensure there is clear recognition that it is not just us saying this, we acknowledge staff's verification process of the noise level by an independent party. Dr. Rhoades and the other owners of KCOI have been in continuous contact with their neighbors because they have a true desire to operate their facility not only for the benefit of the community at large but also

to be good neighbors. As recently as a few days ago, representatives of the residential community to our west have indicated to Dr. Rhoades and his colleagues that they would like them to do better. They would like them to make an effort to try to bring the maximum noise level to 55 db. Dr. Rhoades has committed to make the effort and has charged the engineers designing the sound abatement component to do what they can.

Stipulation No. 7 goes to the issue of how we're treating the glass and the windows on the west side of the buildings, particularly because the expansion space is what's under consideration tonight as part of these revised plans. There have been discussions over the years with our neighbors to the west to make sure that we have taken measures both in terms of the new and existing space to prevent glare, to the extent possible and to reduce opportunity for people in the medical facility to see activity on the residential property. In 2014, efforts were made to retrofit the existing building in terms of its west side windows, where film material brought the glare down and reduced visual opportunity. The new addition will be using integral glass to accomplish the same. From an aesthetic impact standpoint, all glazing will look uniform and appear as one structure.

Stipulation No. 9 refers to burying of power lines and the potential creation of a Transportation Development District. All power lines will be buried. That is an LDO requirement. This stipulation speaks to the existing transmission lines that are currently in the right-of-way on the south side of College Boulevard. We understand the concept of not opposing a Transportation Development District [TDD]. We accept this stipulation with a minor condition. We would like to see any future plans regarding the area.

Stipulation No. 19 addresses the Landscaping Plan, which both in terms of landscaping around the new addition as well as the expanded parking lot, meets the LDO requirements. There had been a request to possibly tweak the plan to present more evergreens as opposed to deciduous trees along the western side of the parking lot. The stipulation calls for written approval for any deviation. We will probably bring in a revised plan to meet the requests of the neighbors and put more evergreen trees along the western side. In terms of quantity, we plan to make a good transition. The code requires 31 trees. We are proposing 54 trees. Once we start trading out a few deciduous for the evergreens, we're comfortable with it.

We are pleased to say that this is just minor modifications to the 2014 plan that was approved. In terms of the size, nature and impacts, we really stand firm with the original approval in 1998. I'd be happy to answer any questions, as would any member of the development team.

Chairman Elkins: Thank you. Are there questions for Mr. Petersen? I will ask a question, then. It's really just a point of education you might provide to me and the commission. I'm curious about the stipulation related to the Transportation Development District. It's not immediately obvious to me how a TDD and underground power cables relate to each other. Can you help me understand that better?

Mr. Petersen: Transportation Development District is a statutory-created opportunity to create the physical boundaries of a district, and then there are two sources of funds that can be generated within that district to pay for certain costs. Sometimes, they're used to do something very similar to Capital Improvement District [CID]. TDD usually is utilized instead of a CID if it involves transportation or right-of-way. It's very similar to

what we did with the shopping center. There are two sources of potential revenue to address identified costs. The TDD uses an add-on sales tax. It's not relevant here because we don't have any retail sales anywhere in the area that would be impacted by these overhead lines. The second is an assessment back against the properties within the district that look just like a property tax. It can be up to a period of over 22 years. Typically, this boundary is created. It is required to have 55% of the property owners within that designated boundary agree to the establishment of the district. Once that is approved by the city and the costs are identified, the development would be assessed based on some pro rate square footage. They would pay those off over a period of time.

Chairman Elkins: Stipulation No. 9 is using the term underground as an action.

Mr. Petersen: In the business, it's kind of used that way.

Comm. Block: I'd like to go back to that one. I know you tried to not completely agree to that stipulation by saying you want to understand. I guess you either agree to it or you don't because it sounds like you're saying if it's going to be a property tax, you're going to want to know if it's going to impact you or not. I'm guessing by including this that it could be.

Mr. Petersen: We are not opposing the concept that there is a TDD, that costs will be identified, that a portion of the costs will be attributed back to the owners. I would just like to say that there is no district even contemplated and no assessment methodology. I don't think it's unreasonable to agree to pay for part of it as it moves forward; we would just like a chance to see the exact costs and requirements.

Chairman Elkins: The reservation is to the details and not the concept itself.

Mr. Petersen: Yes.

Chairman Elkins: Additional questions or comments? This case requires a Public Hearing.

Public Hearing

Martin Trayvors, 11113 Alhambra, appeared before the Planning Commission and made the following comments:

Mr. Trayvors: We live immediately west of the property the hospital is on. I really appreciate the process you're going through. I think this is a really well thought-out process with the Interact Meeting and then this meeting. Thank you. I was really encouraged by the statements that the attorney made about best efforts the hospital will do to reduce the sound level below 60 db. What I would like to ask you to do is put some teeth into that, that allows us as a community, to interact with their design process. I don't know how you implement that in the approval process that you're going to go through, but I think for us as neighbors, the improvement from 60 to something lower than that is something we would like to encourage to happen. We'd like to have some

understanding of whether it's a relatively small cost or significant cost to the hospital in order to accomplish that. As you go through your evaluation process, we'd like to make sure that commitment stands up. We appreciate the way the hospital interacted with us in the Interact Meeting and their commitment to be a good neighbor. If you could make that a commitment as part of the review process you go through, we would greatly appreciate that. Thank you for listening. That's our primary concern from my perspective.

Chairman Elkins: Thank you. We appreciate your comments.

Curt Coppin, appeared before the Planning Commission and made the following comments:

Mr. Coppin: First of all, I would like to thank Dr. Rhoades and the gentleman who held the meeting that night. I thought it was a very informative meeting. I do think they have good intent; it just hasn't been stated yet. More importantly, I want to stress what sound is all about. You've heard a lot of numbers being passed around. I'm an ear, nose and throat surgeon. I deal with hearing issues day in and day out. I do hearing testing, hearing aids. You don't want to just say that a sound goes from 60 to 65 db. That's a significant increase in sound intensity. The gentleman to my right indicated that one component of that building generates 70 db of sound. 80 db and beyond of continuous sound causes permanent hearing loss. To me, to tout that the building stays at 70 db, I almost fell over. I thought it was 60 db that we were trying to get to. The gentleman said normal conversational sound is 50-60 db. You don't want to be hearing that at 3:00 in the morning. It's this continuous sound we would like to have abated. I think 55 db sound intensity is easy to do. It's fairly straightforward. I think you'll hear more testimony tonight how it could be done. I would tell you that going from 60 to even 65 is a law of rhythmic increase, so if we go from 60 to 70, that's a tenfold increase in sound intensity. A 5 db increase is a significant increase in sound intensity. We would like to be doing south of 60 and not north of 60. That's why in our mind, 55 db is a desirably and doable thing, and we would appreciate that. I do think Dr. Rhoades has that in mind. We would like to stay with that. Thank you for your attention.

Chairman Elkins: Thank you, sir. And just as a matter of clarification, I think what staff was intending to communicate that our ordinance allows the sound to go to 70 db. It was not the intent of staff or, I believe, the applicant to state that it is 70 db. It just sets the boundary for the emergency generator.

Mr. Coppin: I understand that. My point, again, is going from 60 db to 70 db is a tenfold increase in sound at whatever time frame it is there. It is still a substantial increase in sound. We want to stay south of 60 db and not north of 60 db. Again, I think it can be easily done. I think another one of our neighbors is going to present that information. If we could have your vote or your confidence that we could get to 55 db and stay there, we would all be very happy with that.

Chairman Elkins: Understood, thank you.

Robert Mayer, 11118 Alhambra, appeared before the Planning Commission and made the following comments:

Mr. Mayer: I'm the President of the HOA that has these complaints. A lot of the things I was going to speak about have already been said. I don't want to plow ground again other than to say that this has been a good process. I believe this has been a very good way of us vetting some of our concerns that have gone on. The Interact Meeting worked well. I think a lot of issues came up. It allowed us to crystallize those items into a series of ideas where we felt we could have some improvement. We did present that to KCOI, and they were gracious enough to respond. In most cases, I feel that everything has been addressed. The only item that has not that is an issue is the noise abatement. The comment was made that normal conversation is 60 db. Imagine you're on a flight overseas for 7-8 hours and you had that one sitting next to you talking and talking and talking. That is the difference between normal conversation versus constant sound. That is why we have looked to see if we can somehow push it below. It sounds like KCOI is interested in doing it if the technology is there. We'd like to work with them because we have some ideas and engineering studies that perhaps would help. The other thing that I would mention that isn't a shot at the City of Leawood but just a notice that other noise levels in neighboring cities is 55 db. We don't think we're being unreasonable just because we're trying to get less than 60 db. We're just trying to get what most of the metropolitan area is living with. We're not trying to ask for the world, but I do appreciate the opportunity to bring these issues up in front of everyone.

Janet Agron, 11105 Alhambra, appeared before the Planning Commission and made the following comments:

Ms. Agron: I was a member of the Leawood Planning Commission for six years before you came around. I was in the '80s and '90s. I tried to start a Chamber of Commerce, and everyone said I needed to start a Chamber of No Commerce because it wouldn't get passed in Leawood. It turned out you all have done a great job of growing beautifully. I don't want to repeat because I understand your night is long. The main issue I really wanted to say was people kept talking about the tone of voice or the lawnmower running. There's a loud sound. If someone is mowing the yard and they park their lawnmower under your bedroom window and it stays on all night and the next day, it is a lot. During the day, there is more ambient noise and traffic and birds. At night, it is like having a lawnmower underneath our bedroom window all night long, seven days a week. We understand what the ordinance is. We know that your ordinance says 60 db. We know you won't reduce the ordinance to 55 db, but what we're asking is that with the parapet walls or some kind of good sound attenuation around the ground units as well as the rooftop units, it helps make the decibel level less. Thank you very much.

Alan Agron, 11105 Alhambra, appeared before the Planning Commission and made the following comments:

Mr. Agron: We have submitted numerous drawings and engineering studies to KCOI in terms of how to attack and reduce the decibels that are currently being produced by the

equipment. As a small case in point is a hood was put on the condensing unit on the ground. The problem was because the height of the emergency generator is so high, all the sound gets bounced off the new generator enclosure, so it's actually a little bit worse with the hood on it than without. We also have a problem on the roof where there was absolutely no attenuation whatsoever on any of the rooftop units. As you can appreciate, they are very close to the residential. In fact, it's probably unique in the community where you have a building that close to residential. There is no acoustical in these walls at all. That is why we keep dwelling on what is going to be done and trying to get some relief. We very much want to work with KCOI. Our engineers would love to work with their engineers. They talk the same language. They understand what these decibels mean. We even came up with what could be done to address the problem currently with what they have. Within the existing rooftop units, I'm confused over two issues. On the existing building facing us on the west, is there going to be a parapet wall on the edge of the building? If it is, what are going to be the specifics because our engineers came up with several recommendations that could definitely get the decibels down to 55. Then around the existing air conditioning units, do we have some kind of barrier walls around them to deal with the noise? Right now, we have nothing. We would love to work with KCOI. We have given them all this data, all the drawings. Whatever else we can do to make it happen, we want to do it. We want to work with them. We spent thousands and thousands and thousands of dollars coming up with all this. We just want the ability to sleep at night. That's what we would like. We very much appreciate your time. I would like an answer if we could get it tonight from somebody on the existing units and what could be done about that and on the parapets. Thank you for your time.

Chairman Elkins: Thank you.

As no one else was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Ramsey. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey and Block.

Chairman Elkins: Mr. Petersen, do you care to respond?

Mr. Petersen: Thank you for the opportunity. (*Refers to digital presentation*) I'm going to qualify my comments or at least condition them in that I'm going to answer questions specifically and go back to our requirements of what we are willing to do. I want to, in no way, want to diminish what I think you've seen here as a good give and take between the owners of the building and the neighbors. There's a good faith effort to address these issues and get along. The specific question was posed in terms of the existing RTU units on the existing building. Five of those are in place today. As part of the expansion, there will be a one on the ground and two on the roof. Obviously, these will have screening both from a visual impact standpoint as well as provisions for noise abatement as part of those. As we speak, these units have screening and sound attenuation efforts. That was part of an actual plan brought through in February of this year. As our plans that are on file with the city as part of this plan reflect, we will put additional sound abatement screening around the other existing units on top of the existing building. Yes, those efforts will be part of the overall construction and development. Going back to 2014, we

studied it, and even without some of these additional features that would be put on, we were operating at 60 db and less. In many applications where sound is an issue, once ambient noise is factored in, it must be considered. We know we must meet 60 db. We're comfortable and confident that we can bring some measures that will do the best we can do within reasonable expectations to bring it below that. We have identified a common goal to get to that 55 db. In terms of having it be a transparent system where we submit our data, we're more than happy to share that information with our neighbors, take that advice and see if we can work together to hit that goal. I want to distinguish some commentary with regard to the generator at 70 db. Actually, the ordinance is 70 db at a distance of 25 feet, not at the property line. Our property line is farther than that. It's a bit more stringent because it's not at the property line, and we have additional buffer area. We have heard the concerns. We have a stipulation that requires us to meet code. This is as close to argumentative that Dr. Rhoades will allow me to be this evening, but I just want to state for the record that 60 db is in the code for a reason. It has been determined that the requirement is consistent in many of the cities I do this work in. That number was picked because it has been determined universally that it is an appropriate number. Having said that, we'll meet it and do everything we can. We'll stand for additional questions and respectfully request your recommendation for approval.

Chairman Elkins: Thank you. Questions for Mr. Petersen? Thank you. That moves us to discussion.

Comm. Pateidl: For the record, we all ought to recognize that this was the least argumentative that Mr. Petersen has been in the history of the Planning Commission. Second that with the fact that KCOI has agreed to all 33 stipulations within this application and going beyond that to work with the neighbors and acknowledging the neighbors' input to the process. KCOI is certainly telling us that they're willing and able to meet the terms and conditions of our ordinance. On that basis, I would certainly recommend moving this on toward approval. Additionally, I really want to thank KCOI for being understanding that being a good neighbor means more than just living by the letter of the law. We would encourage you to maintain that. Having been a patient, I kind of liked it. Thank you.

Comm. Strauss: The way I interpreted what one of the residents said is they would like some language in the stipulation saying the applicant is going to work with the residents to try to achieve a 55 db level. Certainly, I understand that is not the ordinance and they don't have to, but what I heard is they would like to see something in the stipulations saying they were going to try. When we make a recommendation, I would like to see that added.

Mr. Coleman: It's on the record that they have agreed to work with neighbors, but there is no purpose in putting it in there because it's not enforceable. The city can't enforce a private agreement.

Comm. Strauss: I wasn't recommending it to be enforced. A resident was asking that it be noted.

Mr. Coleman: It is noted in the record, but I don't think it's really a good idea to try to put that into one of the stipulations.

Comm. Strauss: I guess I would also make a spelling check on No. 4. It should be "noise" and not "nose."

Comm. Levitan: I think the noise issue has teeth on the city's side because of the ability of the city to withhold the Certificate of Occupancy. I'm comfortable with that. The city has to be comfortable with the noise issue to issue the Certificate of Occupancy. With respect to the TDD, just out of curiosity, is a TDD being discussed along the Leawood portion of College, or is that in conjunction with Overland Park? It's the first I've heard of it.

Mr. Klein: I think Leawood is interested in seeing those undergrounded at some point. In order to go down that road, whenever we have an application that's adjacent to College Boulevard with the power lines, we have been having this stipulation in there. So far, most of the applicants have been willing to sign that. In the event that we get enough people, maybe we can actually get those dropped, which a lot of people would like to see.

Chairman Elkins: Other comments or questions? That moves us to a motion.

A motion to recommend approval of CASE 116-16 – TOMAHAWK CREEK OFFICE PARK – KANSAS CITY ORTHOPAEDIC INSTITUTE EXPANSION – Request for approval of a Special Use Permit for a Hospital, Revised Preliminary Plan and Revised Final Plan, located south of College Boulevard and west of Tomahawk Creek Parkway – with 33 Stipulations – was made by Block; seconded by Levitan. Motion carried with a unanimous vote of 7-0. For: Belzer, Hoyt, Levitan, Pateidl, Strauss, Ramsey and Block.

MEETING ADJOURNED