

## OVERLAND PARK CITY COUNCIL MEETING

June 2, 2025

Mayor Curt Skoog called the Overland Park City Council meeting to order at 7:30 p.m. The following members were present, constituting a quorum:

Mrs. Holly Grummert, Council President; Mr. Jim Kite; Mr. Logan Heley; Mrs. Melissa Cheatham; Mr. Jeff Cox; Mr. Scott Mosher; Mr. Sam Passer; Mr. Gregg Riess; Ms. Inas Younis; Mr. Chris Newlin; Mr. Richard Borlaza; and Mr. Drew Mitrisin.

Also present were: Mrs. Lori Curtis Luther, City Manager; Mr. Michael Koss, City Attorney; Mrs. Kristy Stallings, Deputy City Manager; Mrs. Kate Gunja, Assistant City Manager; Mr. Jack Messer, Assistant City Manager; Mr. Steve Horner, Senior Assistant City Attorney; Mrs. Lorraine Basalo, Director, Public Works; Ms. Doreen Jokerst, Police Chief; Mr. Alan Long, Fire Chief; Mrs. Leslie Karr, Director of Planning and Development Services; Mr. Brian Monberg, Manager, Current Planning; Mr. Tony Meyers, Manager of Engineering Services; Ms. Meg Ralph, Director of Strategic Communications; Mr. Kyle Van Meter, IT Support Specialist; and Ms. Kathleen Behrens, Recording Secretary. There were approximately 35 audience members.

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### **PLEDGE OF ALLEGIANCE**

Mayor Curt Skoog led the audience in the Pledge of Allegiance.

### **OPEN PUBLIC COMMENT PERIOD**

Mayor Skoog opened the public comment period, stating eight speakers were signed up to speak. The speakers will make their comments at the public hearing for Rezoning No. 2024-00015 later on in the agenda.

With no further comments, Mayor Skoog closed the public comment period.

### **MAYOR CURT SKOOG**

PROCLAMATION – Proclaiming June 6, 2025, as National Gun Violence Awareness Day in Overland Park.

Mayor Skoog presented a proclamation proclaiming June 6, 2025, as National Gun Violence Day in Overland Park. As of today, 125 people in the United States are killed by gun violence and more than 260 are shot and wounded. Kansas has the 22nd highest rate of gun deaths in the nation, with 437 gun deaths every year, at a rate of 16.2 deaths per 100,000 people. Protecting public safety is one of the highest responsibilities of city government. To further a serious conversation about gun violence in America, a national coalition of organizations has designated the first Friday in June as National Gun Violence Awareness Day. He encouraged all residents to support efforts to prevent the tragic effects of gun violence.

Ms. Melanie Nordell Morris, stated she and her daughter represent two generations of advocates and members of Johnson County “Moms Demand Action for Gun Sense in

America.” She explained that when high school student, Hadiya Pendleton, was shot and killed in 2013, her friends turned their grief into action and wore orange to raise awareness about gun violence prevention. This June marks the 11th year they will come together to wear orange and take action. Orange is the color designated by hunters for safety, which says “Stop, see me, I am human, I have value; don’t shoot.” Orange symbolizes the value of each person’s life. Every day in the United States 125 people are killed by gun violence, and wearing orange is dedicated to honoring the many voices of those they have lost to senseless gun violence.

National Gun Violence Awareness Day is an annual event that takes place on the first Friday of every June. This year’s event will be held Saturday, June 8, 2025, at 9:00 a.m., at Harmon Park in Prairie Village. They will also be uniting with Missouri moms as well, showing their solidarity as they work to prevent gun violence across state lines.

**NEW APPOINTMENT TO THE CIVIL SERVICE COMMISSION:**

Amanda Vega-Mavec - Term 1-01-2025 to 1-01-2028

Mayor Skoog presented the new appointment of Amanda Vega-Mavec to the Civil Service Commission.

Council President Holly Grummert moved to approve the new appointment of Amanda Vega-Mavec to the Civil Service Commission for the term of 1-01-2025 to 1-01-2028. Mr. Logan Heley seconded the motion, which carried by a vote of 12 to 0.

**COUNCIL PRESIDENT HOLLY GRUMMERT**

Council President Holly Grummert announced that applications for the Property Tax Rebate Program opened June 1, 2025, and the City held the first of many support sessions for this program this morning. The program offers a rebate of up to 75 percent of City property taxes in order to help those in need to continue to afford to live in their homes. Eligibility for the program requires an individual to be an Overland Park resident, live in and own their home, be current on existing property taxes, and meet the very low-income limits as designated by the Department of Housing and Urban Development (HUD). Staff from the City’s administrative partner for this program, Community Capital Federal, will be available during several support sessions to assist with the application process. Applications are due by July 15, 2025. Mrs. Grummert noted they held a great construction debris drop-off event this past weekend and is wrapping up several of their spring events to divert waste from the landfills. Staff and volunteers were at Overland Park Elementary School this past Friday and Saturday to receive construction debris from residents. Collected material will be recycled and reused to extend a possible use. Residents who still have construction debris to drop off can donate those items to Habitat Restore.

**CITY MANAGER LORI CURTIS LUTHER**

City Manager Lori Curtis Luther noted the 69 Express project team will be at the Downtown Overland Park Car Show on June 12th and June 13th, and at the Matt Ross Community Center on June 21st. The team is working to help the community learn about express lanes that will open later this year, and they will be sharing plans

for the final construction work and information about how to use those express lanes and obtain a K-Tag.

Mrs. Luther stated last week Overland Park ranked as the second-best city to raise a family in 2025. The City compared more than 180 U.S. cities based on 45 key indicators for families, including family fun, education, childcare opportunities, along with health and safety and cost of living. Researchers specifically pointed out that Overland Park has one of the country's lowest unemployment rates, one of the highest median family incomes, and is a safe place for children to grow up and thrive

**CONSENT AGENDA:**

**PUBLIC WORKS - Committee Report:**

BID TABULATION – Capital Electric Line Builders, for 103rd Street and King Pedestrian Hybrid Beacon (PHB) Reconstruction, in the amount of \$252,133.

BID TABULATION – Pyramid Contractors, Inc., for College Bridge over Indian Creek, in the amount of \$6,487,848.90.

AGREEMENT – Olsson, Inc., to provide engineering and architectural services for the Pflumm Bridge over Coffee Creek project, in the amount of \$689,806.50.

**FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT - Committee Report:**

APPROVE VENDOR SELECTION AND AGREEMENT – Yellow Dog Networks, Inc., for the purchase of Rugged Network Switches for the Traffic Management System, in the amount of \$329,175.

**FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT - Staff Report:**

EXPENDITURE ORDINANCE NO. 5A – Outlining the expenditures from the General Operating Fund and the Capital Projects Fund for May 9 through May 22, 2025.

Mayor Skoog presented the Consent Agenda for approval and asked if any items needed to be removed for separate discussion.

Council President Grummert moved to approve the Consent Agenda as outlined. Mr. Heley seconded the motion, which carried by a roll-call vote of 12 to 0.

**REGULAR AGENDA**

**COMMUNITY DEVELOPMENT – Committee Report:**

Logan Heley, Chair

Mr. Heley announced that they have several adaptive splash dates at the Tomahawk Ridge Community Center pool this year with the first one taking place on June 7th, with several more in June and one in July. He noted this was a great place for people with disabilities and their families to enjoy Tomahawk Ridge Aquatic Center during a special event time from 9:00 a.m. to 11:00 a.m. on the selected dates. He noted the City's website outlines all the details for the events.

**COMMUNITY DEVELOPMENT – PLANNING AND DEVELOPMENT SERVICES – Staff**

**Report:**

No report.

**COMMUNITY DEVELOPMENT – PARKS AND RECREATION SERVICES – Staff**

**Report:**

No report.

**PUBLIC SAFETY – Committee Report:**

Melissa Cheatham, Chair

No report.

**PUBLIC SAFETY – POLICE DEPARTMENT – Staff Report:**

No report.

**PUBLIC SAFETY – FIRE DEPARTMENT – Staff Report:**

No report.

**PUBLIC WORKS – Committee Report:**

Jim Kite, Chair

No report.

**PUBLIC WORKS – Staff Report:**

No report.

**FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT – Committee**

**Report:**

Holly Grummert, Chair

CHARTER ORDINANCE NO. 105 – Exempting the City of Overland Park from K.S.A. 64-101, which relates to the qualifications and method of designating official City newspapers; providing substitute and additional provisions on the same subject.

Mr. Chris Newlin presented Charter Ordinance No. 105, stating a change to this ordinance was discussed at the FAED Committee a couple of weeks ago and was approved unanimously. Charter Ordinance No. 105 will allow changes to how a City newspaper becomes an official City newspaper and help get the use of the Johnson County Post for publication of legal notices started in that process.

Mr. Newlin moved to approve Charter Ordinance No. 105, exempting the City of Overland Park from K.S.A. 64-101, which relates to the qualifications and method of designating official City newspapers; providing substitute and additional provisions on the same subject. Council President Grummert seconded the motion, which carried by a roll-call vote of 13 to 0, including the vote of the Mayor.

RESOLUTION NO. 5047 – Designating official City newspapers for the publication of the legal notices, advertisements of publications of any kind, which may be required by law to be published.

Mr. Newlin presented Resolution No. 5047, which designates official City newspapers for publication and adding the Johnson County Post to be one of the City's newspapers for publishing. Resolution No. 5047 was unanimously recommended to the City Council for adoption at the May 21st Finance, Administration and Economic Development (FAED) Committee meeting.

Mr. Newlin moved to approve Resolution No. 5047 as outlined. Mr. Sam Passer seconded the motion, which carried by a vote of 12 to 0.

**FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT – Staff Report:**

No report.

**ECONOMIC DEVELOPMENT PUBLIC-PRIVATE PARTNERSHIP PROJECTS – REGULAR AGENDA:**

RESOLUTION NO. 5046 – Providing for notice of a public hearing concerning the establishment of a Tax Increment Financing Redevelopment District generally located at the northeast corner of Lamar and 115th Street (Overland Park Plaza II TIF Project).

Mr. Newlin presented Resolution No. 5046, which will provide for a hearing concerning the establishment of a Tax Increment Financing Redevelopment (TIF) District generally located in the southeast corner of Lamar and 115th Street. Resolution No. 5046 was discussed and moved to public hearing at the May 21st FAED Committee meeting.

Assistant City Manager Jack Messer explained that an extensive conversation occurred at the May FAED Committee meeting regarding Resolution No. 5046. This involves Overland Park Plaza II and Black and Veatch's proposal for redevelopment. The redevelopment proposal is to build a new world headquarters for Black and Veatch. This request will develop their overall site to various development parcels on the site that includes their headquarters in the center and a dedicated public park. The idea is supported by structured parking and is integrated with the surrounding area. The idea is a culmination of a lot of planning they have done in that area, and the proposal fits in Black and Veatch's plan to develop their next world headquarters at that location as part of the overall plan.

Black and Veatch is requesting a Tax Increment Financing (TIF) District, Community Improvement District (CID) and Economic Development Revenue Bonds (EDRB) for purposes of sales tax exemption. Resolution No. 5046 relates to the TIF process, which is a multi-step process, first of which the district must be established; however, it is not a commitment to anything. This process takes place through a public hearing, and the proposed resolution would set the date in which all of the different discussions will occur. From that point, staff would begin negotiating a development agreement, and discussions about the CID and EDRB applications would occur. Next steps would then also produce financial and feasibility studies and development of the project plans. Tonight, they are only approving the first step in the process. After the FAED Committee discussed the proposal, they unanimously recommended approval to

the City Council and setting the date for public hearing on July 7, 2025. Various applications and plans for CID, EDRB and TIF are included in that information, and staff will begin working on a redevelopment agreement.

Mayor Skoog confirmed the City Council would not be approving a district, and the only action to be taken at this time is to schedule a public hearing. Mr. Messer agreed, stating no approvals are being requested at this time.

Mrs. Melissa Cheatham referred to the scheduled public hearing date of July 7, 2025, and asked if only the public hearing would take place or if action on any items would also take place. Mr. Messer stated the decision to take any action would be up to the City Council, but staff will be prepared with information on setting the TIF District should the Council wish to take any action at that time. Setting the TIF District after the public hearing is held next is the step of the process. Mrs. Cheatham asked if the various applications and redevelopment agreement would be presented for consideration at a later date. Mr. Messer agreed. Mrs. Cheatham asked if multiple agreements would be involved. Mr. Messer agreed, along with multiple discussions taking place. Mrs. Cheatham supported moving the project forward and to have a public hearing. Although she thought the project was exciting, the FAED Committee discussion reflected the desire to see a number of refinements to the package that was presented by the developer. She was hoping to see a commitment to sustainability looking to lower the increment from the 100 percent as requested, as well as the financing for the proposed park. She also wanted to have more detailed discussions about apportionment of the increment and ensuring it is treated fairly across the district.

Mayor Skoog explained that they are only completing the first step, and if the City Council chooses to create a TIF District, the next step is a project plan within the district. He pointed out that there will be many opportunities to have discussions about the specifics of the project.

Mr. Newlin moved to approve Resolution No. 5046 as presented. Council President Grummert seconded the motion, which carried by a roll-call vote of 12 to 0.

## **RECOMMENDATIONS FROM THE PLANNING COMMISSION**

### **PLANNING COMMISSION - Consent Agenda**

SPECIAL EVENT PERMIT NO. SEP2025-00139 – 8101 Marty – A special event permit is requested from June 7, 2025, through May 2, 2025, to allow a car show on the first Saturday of each month. Application made by Bradley Hunter.

SPECIAL EVENT PERMIT NO. SEP2025-00224 – 10400 Mastin. A special event permit is requested from June 14 through October 4, 2025, to allow various special events for 2025. Application made by Shannon Dees.

SPECIAL EVENT PERMIT NO. SUP2025-00225 – 8961 Metcalf. A special event permit is requested from June 3 through November 30, 2025, to allow a temporary banner. Application made by Angela Gray, representing Launch Development.

REVISED PRELIMINARY PLAN NO. PDP2024-00050 – Metcalf Village – Vicinity of the southeast corner of 159th Street and Metcalf. Application made by M159 RE, LLC. The Planning Commission approved this item on May 12, 2025, by a vote of 11 to 0. (Related Case No. REZ2007-00023)

REVISED PRELIMINARY PLAN NO. PDP2025-00007 - Revised Setbacks for Primary Residence and Outbuilding – 10175 West 159th Street. Application made by Starr Homes. The Planning Commission approved this item on May 12, 2025, by a vote of 11 to 0. (Related Case No. REZ2017-00104)

REVISED PRELIMINARY PLAN NO. PDP2025-00008 – Club Car Wash – 8400 West 151st Street. Application made by 8400 OP, LLC. The Planning Commission approved this item on May 12, 2025, by a vote of 11 to 0. (Related Case No. SUP2017-00109)

SPECIAL USE PERMIT NO. SUP2024-00001 – 16350 Kenneth Road. A special use permit is requested for a 10-year period of time to allow a commercial vineyard. This property is currently zoned RUR-J, Rural District, Johnson County. Application made by Aubrey Farms, LLC. The Planning Commission approved this item on May 12, 2025, for a 10-year period of time, by a vote of 11 to 0. Ordinance No. Z-4367

SPECIAL USE PERMIT NO. SUP2025-00007 – 10600 Roe. A special use permit is requested for an indefinite period of time to allow renewal of a tunnel car wash. This property is currently zoned CP-2, Panned General Business District. Application made by Roe Partners, LLC. The Planning Commission approved this item on May 12, 2025, for an indefinite period of time, by a vote of 11 to 0. Ordinance No. Z-4368

SPECIAL USE PERMIT NO. SUP2025-00008 – 8452 West 165th Street. A special use permit is requested for a 10-year period of time to allow a personal fitness use in an office district. This property is currently zoned CP-O, Planned Office Building District. Application made by La La Holding, LLC. The Planning Commission approved this item on May 12, 2025, for a 10-year period of time by a vote of 11 to 0. Ordinance No. Z-4369

REZONING NO. REZ2025-00001 – Vicinity of the southwest corner of 177th Street and Pflumm. Rezoning is requested from RP-1A, Planned Small-Lot Single-Family Residential District, to RP-4, Planned Cluster Housing District, to allow a multi-family residential development. Application made by Investcorp Development, LLC. The Planning Commission approved this item on May 12, 2025, by a vote of 11 to 0. Ordinance No. Z-4366

Mayor Skoog presented the Planning Commission Consent Agenda for consideration and approval and asked if any items needed to be removed for separate discussion.

Council President Grummert requested the removal of Item No. 14, Revised Preliminary Plan No. 2024-00050 for separate discussion, due to its relation to Item No. 22, Rezoning No. REZ2024-00015, on the Regular Planning Commission Agenda.

Council President Grummert moved to approve the Planning Commission Consent Agenda, excluding Item No. 14, Revised Preliminary Plan No. 2024-00050. Mr. Heley seconded the motion, which carried by a roll-call vote of 12 to 0.

Mayor Skoog announced that Item No. 14 will be discussed after the related Item No. 22, Rezoning No. 2024-00015.

### **PLANNING COMMISSION – REGULAR AGENDA**

SPECIAL USE PERMIT NO. SUP2024-00027 – 6300 Lamar. A special use permit is requested for a 12-year period of time to allow an off-street parking lot. This property is currently zoned CP-O, Planned Office Building District. Application made by Southwind Management, Inc. The Planning Commission denied this item on April 7, 2025, by a vote of 7 to 2. Ordinance No. Z-4362 (Continued from the May 5, 2025, City Council meeting.)

Current Planning Manager Brian Monberg presented Special Use Permit No. SUP2024-00027, stating this application has been withdrawn by the applicant and no action is required by the City Council. This proposal was for a special use permit regarding a use of the parking lot on the site, and the applicant has proposed a revision to their plans to no longer require that use or require a special use permit.

Mayor Skoog clarified that Southwind Management is still choosing to put their headquarters on the site at 6300 Lamar, but there is a question of where they would park their larger trucks.

REZONING NO. REZ2024-00015 – Vicinity of the southeast corner of 159th Street and Metcalf. Rezoning is requested from CP-1, Planned Restricted Business District, and CP-2, Planned General Business District, to MXD, Mixed Use District, to allow a mixed-use development. Application made by M159 RE, LLC. The Planning Commission approved this item on April 7, 2025, by a vote of 7 to 4. Ordinance No. Z-4361 (A valid protest petition has been submitted.) (Continued from the May 5, 2025, City Council meeting.)

Mr. Monberg presented Rezoning No. REZ2024-00015, which is a request to rezone to MXD, Mixed Use District, from the current CP-1, Planned Restricted Business District, and CP-2, Planned General Business District. A valid protest petition has been submitted on this request, which staff will address at the end of the presentation. The application is located in the vicinity of the southeast corner of 159th Street and Metcalf, and includes a boundary of 200 feet within the City of Overland Park limits as well as 1,000 feet within unincorporated Johnson County, which is primarily single-family residential. Adjacent uses include commercial along Metcalf and some light industrial uses to the west of Metcalf.

Mr. Monberg presented a map of Framework OP and the future development character framework, which is currently identified as a commercial hub consistent with some of the other commercial uses along Metcalf. There is a compact neighborhood designation for the multi-family residential and residential immediately to the south, and innovation flex hub for those areas west of Metcalf and single-family to the east and northeast. The intersection on the site includes a Walmart on the northwest corner of Metcalf and 159th Street, other commercial including an Aldi's on the north, single-family residential, Johnson County single-family residential, and a mix of light



industrial and housing that was part of a previous preliminary development plan associated with this project. This property was initially rezoned in 2007, and there has been a number of planned efforts to develop this site. The previously approved preliminary development plan is the approved plan for the site, including a large retail building that was proposed as a Lowe's at that time with a variety of commercial buildings that fronted Metcalf at 159th Street, as well as some surface parking. This is the current plan of record for the site.

In 2018 and 2019, a rezoning proposal was requested consisting of primarily residential, which included a 100-unit, two-story assisted living facility on the corner of Metcalf and 159th Street tied to an independent living, five-story, 200-unit building, and a variety of approximately 202 townhomes that encompassed the rest of the property on the site. This rezoning was approved by the City Council, but the ordinance was never published at the owner's request and the rezoning expired. Subsequently, in 2023, there was a rezoning request that included 11 buildings, as well as commercial along 159th Street and Metcalf and a significant amount of residential. This proposal included 881 apartments and 25, three-story townhomes located in two buildings. This plan also identified approximately 30,000 square feet of commercial, 1,000 parking spaces, civic amenity open-space park area to the east, a buffer to the single-family residential to the east, as well as an amenity area to the south of the plan. Similar to the previous rezoning, this was approved by the City Council and the ordinance was never published at the owner's request, which has expired and is not active.

In summary, there was a 2007 rezoning, a preliminary development plan in 2016, which is the current plan of record, and subsequently two rezonings that were approved with a mix of residential, commercial, and retail that have since expired.

Mr. Monberg referenced the current application, Rezoning No. REZ2024-00015, and presented a concept rendering of a view from 159th Street and Metcalf that identifies the mixed-use development proposal with a water feature on the corner and two prominent mixed-use buildings adjacent to the civic plaza. The proposed plan shows a series of buildings, includes a set of two-story brownstone buildings/units to the east, totaling 52 units that provide some buffer to the single-family residential to the east. There are also two-story brownstones to the south. The northwest area includes five-story mixed-use buildings, a prominent civic area, a kiosk and available space for restaurants, as well as an access street with angled parking that runs through another civic area in about the middle of the property. He indicated a set of four-story apartment buildings that are approximately 356 units. The overall proposed plan is for 873 apartments, 62 brownstone homes with approximately 23,000 square feet of commercial and approximately 1,605 parking spaces. This plan is proposed for MXD and no deviations are requested as part of the plan. He indicated on the plan map the relationship to the single-family lots to the east and north. He presented another plan view of the proposal that identifies some of the landscaping features. An initial landscape plan has been reviewed by staff and was found consistent with the development ordinance, including street trees along 159th Street and Metcalf and a series of civic and open spaces throughout the property. This provides an elevation of the five-story mixed-use apartment building. Staff conducted an initial review and found it conforms with the Uniform Development Ordinance (UDO) and Design Standards. Further review of this plan will occur during the final development plan stage. Further elevations include the restaurant kiosk buildings that will be adjacent to the corner of 159th Street and Metcalf, and a typical elevation of the four-story

apartment building and the two-story brownstone buildings that will be along the east and south of the property.

Mr. Monberg introduced some of the key considerations as part of the staff analysis. First, in terms of the traffic analysis, staff finds this proposal is located at the intersection of two prominent thoroughfares at Metcalf and 159th Street, which have been improved in that area to accommodate development. The traffic analysis provided an update from the previous plans, and the traffic generation as part of this proposal has slightly decreased in part due to the mix of commercial on the site relative to the housing. The P.M. peak analysis showed a small increase of approximately 71 trips in that timeframe.

Street improvements proposed for the plan show an existing intersection and drive on the southern end of the property that will be part of the overall plan. Two right-in and right-out accesses are included in approximately the middle of the development and more toward the northern end on Metcalf. Staff finds improvements meet traffic and spacing standards along Metcalf and provide access to the site. In terms of 159th Street, it includes a right-in/right-out access toward the west of the site, as well as a future full access drive that would include a future westbound left turn and signal when found warranted on 159th Street. The improvements along 159th Street have generally been a part of the rezoning process since it was rezoned in 2007, and that was incorporated into the design and development of 159th Street when that was improved.

Mr. Monberg referred to the parking, noting there were 1,605 parking spaces proposed, which meets the requirement and threshold of the UDO. This is more parking than what has been provided in previous plans. Some of that parking has to do with a little over 600 units that will be within a garage, as well as approximately 170 units that will be tuck-in area located on the ground floor of the apartment buildings and meets the requirements.

In terms of stormwater and other utility infrastructure, Mr. Monberg noted the facilities for the site have been previously installed on the property, and there is a large detention basin that will serve as detention for this property and the property to the south. There is also a Johnson County Wastewater pump station on the site. The drainage and technical needs for stormwater and detention are consistent with the previous plans that were part of the rezoning, and the existing basin will be used for detention. The applicant provided a revised stormwater plan, and there has been continued discussion around drainage. Staff feels the infrastructure in place retains a significant amount of water, and likely more water would be detained if it was an undeveloped green field. There is an extended release rate that slows water filtration coming off the detention pond. In addition, the detention basin was reviewed and certified at the end of 2024, and a stipulation is placed on the rezoning to ensure the detention basin is reviewed, and is up to date and meets certifications before certificate of occupancy or permit issuance.

Mr. Monberg referred to staff's review of Framework OP and the relationship to the Comprehensive Plan. The subject property is located in a commercial hub, which is consistent with many of the properties along Metcalf in the area. Staff found the uses on the project conform to the permitted uses both preferred and supportive for a commercial hub that include commercial retail, housing and the open space. This project also meets most of the Framework OP building blocks and the goals and

polices. There was discussion regarding the Planning Commission's review, which is part of the building blocks that the preferred or recommended height was four stories within this commercial hub. Staff is reviewing that information and recognizing they are continuing to be in that space between Framework OP being adopted and the UDO update project being finalized and confirmed. The building height meets the proposed mixed-use zoning designation, and Framework OP provides guidance on transitions between mixed use developments and/in residential areas. The proposed project meets the majority of the concepts for transitions between mixed-use development in a neighborhood. That includes things like the form of the building, and what architecture and buffers are used. There are also greenway linkages identified along 159th Street and Metcalf, and that greenway linkage completes 159th Street as a thoroughfare. Staff found the proposal in conformance with the Comprehensive Plan and Framework OP.

Mr. Monberg presented a more general location of the site and related to the Framework OP character area map, noting consistency with much of the area along Metcalf and adjacent to U.S. 69 Highway. Staff finds this proposal consistent with what is shown north and south, in contrast with further east and west that are reserved for more traditional neighborhood and suburban neighborhood development.

Mr. Monberg referred to the landscaping and landscape on the buffer along the east side of the property. Some of the elements identified by the applicant includes a public square with a gazebo and water feature on the corner of 159<sup>th</sup> Street and Metcalf, which is adjacent to a public square with trees and seating. Some other areas identified include green lawns, pedestrian paths and water features. The Site Plan Review Committee reviewed the plan, as well as the landscape plan and civic spaces. Some members of the Planning Commission requested a consideration of more civic space and landscape. Other feedback from the Site Plan Review Committee favored the distribution of the smaller green spaces throughout the property that could accommodate a variety of different uses. The Site Plan Review Committee voted 3 to 0 in favor of the civic and landscape plan.

Mr. Monberg referred to the water features identified along the access in the civic area and some other distributive water features and green space. Future plans around the landscape will be further defined as part of the final development plan. Staff reviewed the eastern boundary of the site and its relationship to the single-family properties. The rendering the applicant provided shows distances between existing single-family, the property line, and the initial two-story brownstones, as well as the proposed site line that would come from the single-family development. The distance between the boundary and brownstones is slightly over 100 feet. There is a berm, several rows landscaping followed by a private access drive and some additional landscaping. As part of the Planning Commission review and discussion, they added a stipulation to add a five-foot fence along the property line to provide a greater barrier both physically including visually. The property setback from the property line to the existing single-family building is significant at approximately 320 feet between each building. The UDO provides general guidance around the transition points from residential to single-family. The UDO guidance includes oriented buildings perpendicular to the property line to allow for the view corridor of less building face from the single-family and less backyard interaction, as well as allow for U-sheds, such as the green space shown on the site plan. The guidance also says buildings should be set back approximately 50 feet from the property line. The initial brownstones are a little over 100 feet. Framework OP also provides guidance on form, use, architecture and natural

transitions. Staff finds the proposal conforms to that guidance within Framework OP, which includes form transitions that recommend different building forms and some variation to provide visual appeal. The brownstones are varied in terms of scale and massing, as well as provide a transition to the larger multi-family. Framework OP also identifies a use transition and specifically calls out the use of townhomes or similar buildings like the brownstones as a transition between larger mixed-use buildings and single-family. Framework OP also recommends a natural buffer that does not delineate an explicit size of that natural buffer, but can vary from a narrow strip to a larger wooded or native area.

Mr. Monberg referred to the relationship between the property line and the proposed mixed-use building. The separation is slightly over 100 feet between the property line and the brownstones, and further is about 400 feet from the apartments, and about 300 feet between the property line and the actual single-family building. Overall, there will be a little over 800 feet of separation from the existing single-family residents and apartments. There are two cross sections, which include the southern area where the brownstones will be located, which is about 433 feet from the property line to the four-story apartment building.

Mr. Monberg provided an area-height comparison and intensity of uses as part of the rezoning application. There is a comparison between the previous rezoning application that included the mix of commercial, retail and multi-family and a generous landscape buffer to the east of the property. The overall dwelling density is comparable on the two proposals with the current rezoning application, but slightly higher at 25 dwelling units per acre. Rezoning No. REZ2023-00007 had their multi-family buildings maxed at four stories with three-story brownstones on the eastern side adjacent to the drive. The larger buildings on this proposal are five stories with two-story brownstones. The overall housing unit is comparable, and the current rezoning is approximately 29 more units, which is mainly due to the increase in the number of brownstones at 62. The current proposal also has less overall commercial retail at 12,000 square feet less. More parking includes a substantial amount of parking within garages.

Mr. Monberg stated he would provide some additional context to the City's code and some comparable projects throughout the City. He provided a table that includes the maximum density and height recommended in the multi-family zoning districts relative to the rezone for the mixed-use proposal. The five stories proposed as part of Rezoning No. REZ2024-00015 are more consistent with RP-6 zoning, but the 25 units per acre are substantially less than the maximum of 43.6 units per acre available. Staff reviewed the application relative to some other properties broadly adjacent to the subject site, as well as multi-family developments throughout the City. The first example includes the southern half of the overall property, which is now called the Boulders and planned as Metcalf Village. Three-story multi-family buildings are now constructed with 270 units. He also referred to a comparison of the relationship of single-family to the multi-family at Bluhawk. The site also provides a snapshot of other multi-family developments throughout the City, including some along the Metcalf corridor. There is a range of unit counts and heights, as well as density of units per acre ranging from four to seven stories. While these numbers provide some objective quantification of the relationship of this application to similar projects throughout the City, one of the significant considerations staff has had in this review is the design and a focus to ensure the design of the buildings are also high quality.

Mr. Monberg provided a view of the property as a comparison to obtain a general sense of the massing relative to some other adjacent recent developments. To the west of the site is U.S. 69 with residences at Bluhawk, which are four-story multi-family adjacent to single-family and to Advent Health South. Similar to transition and setback, he provided a sense of massing and comparable examples in the vicinity of a multi-family building, which is like the one proposed adjacent to single-family. One other example of the setbacks and massing is a recently approved project for Thompson Thrift at 97th Street and Metcalf, which is 303 units located on almost 10 acres of property. He noted some similar cross sections staff looked at for the proposal with setbacks. The first one runs from east to west and shows some of the available parking, but the distance between Thompson Thrift multi-family apartment building and the single-family residential is approximately 240 feet. The area from north to south has about 100 feet between the single-family residential and the Thompson Thrift building.

Mr. Monberg provided some renderings produced by the applicant, which includes the rendering for the two-story brownstones as part of the plan. One visual simulation provided shows what a resident would see looking west with completed landscaping, and only the top of the mixed-use building can be seen. Another rendering shows the promise made to provide civic space at the corner of 159th Street and Metcalf.

The Planning Commission considered this request at their public hearing on April 7, 2025, and voted 7 to 4 to recommend approval of the proposal including stipulations a through t. Stipulation t was later added to provide fencing. The Planning Commissioners who voted against the proposal had considerations including the consistency with Framework OP and the four-story versus the five-story proposed for the mixed-use buildings, as well as the relationship of the buffer on the eastern boundary related to the single-family, which led to the inclusion of the stipulation for the fencing. Subsequent to the Planning Commission recommendation, a valid protest petition was filed, which provides the protest area, and the protest was approximately 52 percent of the acreage adjacent to the subject site, including the 200-foot buffer within City limits and a 1,000 square-foot buffer outside of City limits within Johnson County.

Mr. Monberg explained the options for City Council action, noting they could adopt a recommendation of approval of the Planning Commission's recommendation. Given the protest petition, 10 votes for approval will be required. The Council can choose to override the Planning Commission's recommendation and deny the request, but would require 9 votes for that override. The Council can also continue the request or remand back to the Planning Commission with a simple majority vote.

Mayor Skoog referred to the photos shown of the adjacent project to the south/east, and understood one of the concerns of neighbors is the buffer. He asked for further clarification of the setback along that same property line farther to the south. Mr. Monberg stated as part of that proposal, the buffer provided a narrow landscape buffer and was also buffered with a mix of duplex and single-family homes. However, he did not have the exact dimensions of the landscape buffer between the duplexes and single-family and the homes to the east.

Mr. Jim Kite referred to MXD zoning versus Rural zoning, stating he received many questions about whether the proposed zoning is outside the norm to put mixed-use development next to RE zoning. He asked if there were any other places where these types of zonings would occur next to each other. Staff's analysis showed a review of

the variety of multi-family, and in some cases, mixed-use districts adjacent to single-family. He felt that type of zoning scenario occurs throughout the City, and there is single-family adjacent to some mixed-use districts, as well as single-family adjacent to many of the multi-family developments, including City Place that has adjacent single-family. Regarding the question specific to RE zoning, Residential Estates, that is not a prevalent zoning designation within the City. When staff reviewed that scenario, they found approximately 14 parcels that have that designation, and they are not located adjacent to thoroughfares or an intersection of thoroughfares like what are available within the proposed project area adjacent to Metcalf. Mr. Kite asked if it was out of compliance to do that. Mr. Monberg stated the proposed project conforms to the UDO and Mixed-Use Design Standards, as well as the guidance from Framework OP for transitions between mixed-use development and single-family neighborhoods.

Mr. Kite asked about traffic and the analysis for the proposed plan versus the two previous plans that were never published. He asked if the traffic was similar or if it would be worse as has been asserted. Manager of Engineering Services Tony Meyers stated there would be a slight reduction in traffic, but there is an anomaly in the p.m. peak hour at 71 trips, which is about 10 percent. Mr. Kite asked if the subject site was developed with commercial whether more traffic would be generated than multi-family residential. Mr. Meyer agreed, stating the original plan from 2007 was for Lowe's had nearly doubled the amount of traffic. Mr. Kite understood the site was zoned for commercial even though the future development plan or Framework OP sees the proposal as a viable use for the site. He asked if they were helping the zoning catch up with the long-term plan, and the zoning does not speak to what they saw in a commercial hub regarding the opportunities from Framework OP. If there is any type of variation between the two, it is due to the fact the commercial zoning is older. Mr. Monberg stated staff reviewed the plan relative to the commercial hub designation within Framework OP and they found conformance. He felt some of the considerations they have is proposed for a mixed-use district opposed to a commercial hub. As part of that analysis it acknowledged there has been several commercial proposals since 2007 that have not led to a development to proceed with financing and construction. Staff felt there was a higher intensity of residential in this plan relative to a commercial hub, but it conforms with Framework OP. Mr. Kite asked why the other two previous approved plans were not published, as they are similar to the current proposal. Director of Planning and Development Service Leslie Karr explained that it was at the request of the property owner, and he may be able to address that issue, but there was a request made and the City made an accommodation to give them some time to see if the property sale would be completed. When that sale did not happen, those zonings expired without being published.

Mr. Kite asked if there were any stormwater issues or problems in the adjacent single-family homes on the east side today. Mr. Meyers stated the proposed development has included a large detention basin, which is designed to mitigate the large storm-event type flows. They are also provided stormwater treatment through an extended wet detention that meters the water out over a couple of days. Although they have addressed their stormwater discharge from the site, the downstream system and the neighbor to the east should not see a change from what it is today. There are swales between the houses, and that will not change. They should not be impacted by the proposed development; however, if there was a drainage issue there today, it would be the same as it was. Mr. Kite stated through observation of the site, he did not see any inlets in the neighborhood and asked if there was a stormwater system in that subdivision. Mr. Meyers stated there were only crossroad pipes, which is a minimal

system. Mr. Kite understood the brownstones were intended to be a transition, and there have been questions about the appropriate transition. Some of the prior plans relied more on a berm, and he understood the current developer decided to rely on smaller structures as the transition. Mr. Monberg felt it was more of a combination of the landscape along the property line with the berm, and there is a drive access that flanks the eastern portion, and the two-story brownstones that serve as the transition. There has been a lot of discussion about the orientation. The UDO guidance has been general about orienting those buildings perpendicular to provide for site lines that can run through to see the green spaces, as well as having the back and parking spaces associated with the units to be facing each other opposed to facing the single-family. Mr. Kite stated he had been told under the previous plan the berm was taller, but the current plan shows the berm four feet tall. He asked how tall the berm was under the 2023 plan. Mr. Monberg was not sure on the exact height of the berm in the 2023 plan, but that height was more generous in terms of height and length.

Mr. Jeff Cox referred to the road improvement on 159th Street and understood a right-turn-only lane would be added and asked if that would be added as part of the proposed project. Mr. Monberg stated a turn lane is not being proposed, but there would be a right-turn drive into the property, as well as a full drive on the eastern part. Staff reviewed this as part of the submitted traffic analysis and along 159th Street, and the analysis determined that a turn lane on either of those thoroughfares was not warranted given the volumes, but that could be revisited when the full access driveway would be constructed at full build out on 159th Street. Mr. Cox asked about adding a traffic light and right or left turn at the entrance road at Riggs. Mr. Monberg stated the road is located slightly west of Riggs. He indicated the area on the map, stating the road would provide a full access intersection. Mr. Cox understood there currently is no right-hand turn heading west on 159th Street west of Riggs to go into the commercial area. Mr. Monberg agreed. Mr. Cox referred to the amount of traffic and the mention of the p.m. peak traffic would be higher in the current scenario compared to the last scenario, and that the overall traffic for the commercial option would be more than the proposed project. However, he felt if they had some sort of retail establishment, the traffic would be more consistent all day; whereas, if there are people coming and going from the apartments, there would be trips in the morning and at night. He felt the residential would add more peak pressure than a commercial facility. Mr. Meyers stated in the overall street network, the a.m./p.m. peak periods range from 7:30 a.m. to 8:00 a.m. and in the evening at about 4:30 p.m. to 5:30 p.m. Individual uses vary slightly from that, but the retail will have a higher traffic peak for the same square footage. He felt it would be a little different through the course of the day for a commercial site, and overall there would be a higher traffic peak for the commercial use. Mr. Cox felt there was some confusion about who the applicant is and not weighing the rights of the citizens to a developer, but weighing the rights of the citizens to the landowner. He felt these were the two interests being compared, not a developer's right to develop, but a landowner's right to develop or sell. Mrs. Luther stated that was the correct understanding.

Mr. Newlin confirmed whether there would be no deviations on the submitted proposed plan. Mr. Monberg agreed, noting staff found the plan conforms to the Mixed-Use zoning district. Mr. Newlin referred to the stormwater and understood there was concern from the residents on this issue, as the development moves forward and what is being seen today. He asked for clarification of an extended release. Mr. Meyers stated there is two ways detention can function. First is the traditional detention pond, which has been done for decades, but those only cut off the peak flow

on big storm events such as 5-year to 100-year storm events, and they match the runoff for those events. There is an increase in the small daily type storm events. The extended detention handles everyday storms and are designed for a one-or-two-inch rain and meters that water over about one to two days instead of a few hours, which is what they do on a flood control detention basin. The extended release is considered an additional layer of control as far as reduction in storm water. Mr. Newlin asked if that detention option had already been installed and does not need to be redone. Mr. Meyers agreed.

Mr. Newlin referred to transitions and asked if they should be looking at transitions on all four sides and how everything transitions together. Mr. Monberg agreed, stating staff always considers adjacent properties that surround the proposal and is part of their review. Mr. Newlin stated he had talked with some of the residents and wanted to know if there was a plan at some point on the buffer to have the brownstones turn 90 degrees and have some bigger buffer areas. Mr. Monberg stated staff provides guidance when an applicant presents a plan to provide direction. Based on the current proposal, staff was looking at the UDO for guidance, but typically a process will go through pre-application where the applicant meets with staff to review the proposed plan before they file it. He understood that process has been consistent from the initial pre-application discussion through what is submitted that the brownstones would be oriented perpendicular to the single-family, which he felt was consistent with the previous rezoning. Since the property is located high on the corner than it is in the middle, Mr. Newlin asked if any discussion was held about bringing the taller buildings in slightly so they are more even, because of the height difference or if there was something else that would be oriented with the land. Mr. Monberg stated staff has taken note of the grade and tries to look at the site and leverage what a site has available. The staff review, in acknowledging the orientation is that there is some balance with some of the direction to get building frontage along the thoroughfares for 159th Street and Metcalf. He felt the more prominent buildings shown on the site plan are more oriented in that direction. In addition, he felt there are commercial components to those buildings, and often the commercial sites want to be visible from the thoroughfares. There is a balance to strike between the uses of those buildings in relationship internal to the site, as well as what would be facing the thoroughfares. He felt the applicant could provide more detail on that issue.

Mr. Drew Mitrisin asked why the previous plans were never constructed. Mr. Monberg felt there could be several factors that could include financing or other private development considerations that typically do not come before Planning staff regarding a land use approval. Mr. Mitrisin noted there was mention of food trucks in the plan, and asked if they would require a special use permit. Mr. Monberg stated there have been some initial discussions around programming, but that has not yet formalized as part of the initial plan. Staff will review the food truck concept as necessary, which could range from a special use permit or special event permit depending on duration, frequency and location. Staff would evaluate that information once they receive such a proposal. Staff heard about a desire to program the parking area to the northwest location of the property as much as possible, and they support that desire. Mr. Mitrisin understood they were not approving food trucks or special events on the site at this point. Mr. Monberg agreed. Mr. Mitrisin asked about staff's evaluation of having more density on the corner and closer to the thoroughfares versus deeper in the middle of the site. He felt the desire would be to have more density closer to the thoroughfares. Mr. Monberg stated staff is reviewing this component according to the Mixed-Use Design Standards, but generally as a practice, they try to seek building



frontage along the thoroughfares. Mr. Mitrisin asked if the multi-family and single-family in Bluhawk was one project or separate. Mrs. Karr stated the multi-family portion was part of the overall project, and Bluhawk was one project from 159th Street all the way to 167th Street as one zoning and then individual phases. There were two multi-family components as part of Bluhawk. One is the portion already built, and there is an additional unbuilt piece that will be slightly northwest of the hospital. Mr. Mitrisin asked if single-family housing was approved when they approved the multi-family portion. Mrs. Karr stated the entire development was approved at one time, but there have been some modifications over time as it is built out, but those were the basic components as part of that project.

Mr. Mitrisin asked if a mixed-use zoning district had any height limits. Mr. Monberg stated there were no height limits within mixed-use zoning districts, but they vary based on certain attributes about how they are defined within a subzone as part of the site. In the current development, the maximum height within a mixed-use zoning district could go up to ten stories. Mr. Mitrisin asked about the difference between mixed use and a commercial hub and if that was something staff was working on with the UDO process. Mr. Monberg agreed. Mrs. Karr added that what was seen with Framework OP was a recognition that places ought to be more diverse, and there is more flexibility built into those character types than what their zoning districts allow. Zoning districts are strongly attached to their specific use; whereas, Framework OP allows some different uses to mix and create a richer sense of place. Currently, the tool they have to allow that would be the mixed-use district. There is some conflict with what they already have and what Framework OP suggests. Mr. Mitrisin asked for clarification of a height limit for commercial. Mrs. Karr noted both commercial and office districts have no height limit. Mr. Mitrisin asked if someone requested to build a commercial building on the proposed site, could they build it as tall as they want because it has been zoned commercial. Mrs. Karr agreed, but noted there were some setback limitations required. Mr. Mitrisin asked if the tallest buildings in the commercial hub were considered vertical mixed use. Mrs. Karr stated the taller buildings have retail on the first floor and are considered a vertical mixed use. Mr. Mitrisin confirmed that vertical mixed use is allowed in a commercial hub that can only be four stories, which would require three stories of residential. Mrs. Karr stated there was guidance provided in Framework OP, which is a policy recommendation, and the zoning districts do not align with that. As staff goes through the UDO update, they will be identifying those tension points, and there could be situations where they go back to Framework OP and decide to rethink something like the height limit. Mr. Mitrisin referred to the Planning Commission's comments on the proposal and asked if the hesitation surrounded the height, because of the commercial hub designation. Mr. Monberg stated for the Planning Commissioners who voted against the proposal, that was a consideration raised as well as the relationship to the buffer on the east side of the property.

Ms. Inas Younis understood having sufficient screening was a major point. The staff report indicated the berm and landscaping should screen any lights from shining to the east, because the development to the east does not have street lights. However, she felt the landscape plan was ambiguous. She asked if there was a way they can ensure sufficient shrubbery and trees are provided, and that the landscaping will screen cars entering that face east. Mr. Monberg stated the initial plan is more formalized with specific guidance on intensity, location and all the things that would be presented as a formal lighting plan. Staff feels this would need to meet the UDO standard for a lighting plan, which are specified within the development ordinance

such as how lighting needs to be done and how it is contained within the site versus what is available and seen on site. The applicant has proposed the lighting plan would conform to the UDO, and staff would review and finalize that as part of the final development plan.

Mr. Gregg Riess referred to the homes on Riggs, noting there were some trees in the backyards of those homes. There is also a mound in the area, the fence and brownstones. He asked about the traffic that would be coming out of the brownstones and where the headlights will be hitting. He felt the drives to the brownstones were a little lower than the elevation on Riggs. Mr. Monberg felt circulation was being considered as that area develops, and recognizing a north/south access drive along the eastern side of the brownstones in addition to the access where they will be turning into, such as their garages. Mr. Riess referred to the buffered homes by the Boulders, and noted those duplexes match up to the homes on Riggs that are backyard to backyard. He felt the current design turned them 90 degrees, creating some type of relief so the backyards are not back to back and asked if that was the intent. Mr. Monberg understood that was the type of benefit and guidance the UDO provides, and he felt it was part of the intent to allow for additional privacy, as well as privacy of the windows on homes facing each other. He referred to the mention earlier of a transition space noting there was a site plan of the overall site that includes the Boulders area, duplexes and single-family. He felt the landscape difference between the single-family duplexes are comparable to the landscaped buffer that is provided as part of the application.

Mr. Mosher asked if there were any plans for the two vacant spots on Metcalf to the south. Mr. Monberg stated those areas have been approved as part of the development plan for the southern portion, and there are commercial buildings that were identified and approved but have not yet proceeded toward construction at this time. Mr. Mosher asked about the site lines from the homes to the Boulders and whether the buildings could be seen from that area. Mr. Monberg stated he had not seen a view from that specific area, had not visited that site area nor was there any indication of what that view is from there. Mr. Mosher asked how tall and wide the berm was in the area. Mrs. Karr stated the measurement from Google Maps indicates the berm to be 40 feet from the tree line to the backs of the houses within the Boulders development. Mr. Mosher asked if there would be streetlights on poles or over the berm where the residents could see lights from there and whether that was part of the plan. Ms. Monberg stated the applicant could provide more information to those details of the plan. That part of the transition acknowledges the brownstones are residential, and the context of the lighting would be more of a residential nature and likely lit in a different fashion with the previously approved preliminary development plan with a large commercial building. He also pointed out that most of the surface parking where there would be lighting is internal to the buildings. There is some separation between the view of the single-family, and the idea is they would not in any way face a lighted surface parking lot, which he felt was part of the intention of how the building orientations were done on the site and have the buildings visible with internal surface parking. Mr. Mosher understood the brownstones were flat, two-story buildings, and they could not be seen through the trees, berm and proper landscaping. However, the rendering of the five-story buildings in front shows the top of those buildings. Mr. Monberg noted those would be the tops of the more prominent mixed-use buildings. Mr. Mosher referred to the traffic light in for the turn-in on 159th Street, and asked whose responsibility that would be. Mr. Monberg noted as part of the application, the applicant proposed to pay for that intersection and signal

improvement. Mr. Mosher understood parking lot lights are addressed in the UDO, and asked if the City would take care of that component. He felt the serenity of the nearby homeowners was the main concern so they can sit on their decks without a view of the apartments and lights going into their houses. He asked if the berm was tall enough to prevent those things from happening. Mr. Monberg was not entirely sure the berm would provide a full buffer from the lighting, but the applicant provided an initial approach for lighting standards they will speak to and will be reviewed by staff. Staff will look at a combination of factors, which would include the berm, landscaping, orientation of the building, direction and intensity of that lighting. These things would be considered to ensure there is no excessive lighting that would go behind the site. Mr. Mosher asked if there was a requirement for the fence to be solid along the top of the berm. Mr. Monberg noted that the Planning Commission identified a five-foot aluminum fence, and there is an opportunity to refine what that will look like.

Mrs. Melissa Cheatham referred to the staff memo, page No. 13, where there is a project comparison between the current project and Framework OP policy database. She understood each aspect of Framework OP and compared it. One of the six were not applicable, which was the quality of life, and three were determined not to be consistent land use, economic wellbeing and environment, and two were consistent, which were housing and mobility. She asked how staff conducted that analysis and a further explanation of why the quality of life aspect was not applicable. Mr. Monberg stated staff is working to identify a way to analyze the specifics of a development application to the policy. One thing they look at is balance and everything holistically. Some of the considerations remain to be defined as part of the project, and they were not comfortable giving agreement to it if there was not a categorical determination. For example, regarding the economic wellbeing, there is no defined set of tenants for the commercial uses at this time so it is difficult for staff to evaluate that in a way that meets the requirement. Regarding quality of life, there is a set of policy elements provided around that goal. Staff determined it was difficult to identify that component as part of a preliminary development plan.

Mrs. Cheatham asked about land use, which was determined not to be consistent with Framework OP. Mr. Monberg stated one of the standards surrounding the consistency or non-consistent considerations is for staff to be in a position to definitively say an aspect of the project meets the Framework OP policy. If it could not meet all those standards, the default answer was that it was not consistent. There are some balances staff had to determine for land use and whether the site fully meets the pedestrian scale they are seeking for a plan of this size. Staff also raised the question of the level of civic amenities for the site. Staff determined there could be more civic amenities available as part of that process. Staff also acknowledged housing is a significant need across the board, and the project provides that housing, infill housing and greenway linkages. As they continue to evolve the Framework OP analysis against specific development applications like the proposed project, there may be a way to better categorize the consistency of the policy database according to a standard that might provide more holistic degrees rather than a yes or no determination. Mrs. Cheatham felt based on that information, they should possibly reconsider the answer if these are nuanced in multi-pronged considerations.

Mrs. Cheatham asked for clarification about the concerns for pedestrian-scale design based on whether someone lives in the brownstone building and wants to go to the food truck, and how they would get there if they live in any of those nearby buildings

and want to gain access to the greenway linkages for a hike or bike ride. Mr. Monberg stated the primary connections and circulation to the subject site are through the thoroughfares. Staff evaluated the greenway linkages and acknowledged they are located on the thoroughfares, and they provide those pedestrian connections along the thoroughfare and allow the greenway linkages. However, as part of the policy guidance within Framework OP, it seeks greater connectivity for similar sites into local neighborhoods. In the current case, given the orientation of the built environment around the single-family, it was determined it was not feasible to provide those local connections between the east and west. They exist to a larger extent going south and as part of the full buildout of the plan. There will be connections that will run north and south to the Boulders. The circulation, given its location to the thoroughfares and fixed single-family, provides for a less pedestrian connection than they would be able to seek in other locations, or if it was adjacent to an undeveloped or subdivision area. Mrs. Cheatham confirmed the analysis was less about the pedestrian experience inside the proposed development and more about how the development connects with the surrounding parcels. Mr. Monberg felt that was a fair characterization. Mrs. Cheatham asked about the pedestrian connection internal to the site. Mr. Monberg stated in staff's discussion with the applicant, they recognize the sidewalk connections adjacent and around the buildings. Staff appreciated the prominence of the angular access that connected those two civic points that would run along the commercial area and finds that as one of the strengths of the application and the availability of some of the wider pedestrian areas adjacent to where the larger scale buildings are located.

Mrs. Holly Grummert asked about the size of the subject site. Mr. Monberg stated the site totaled 36 acres. Mrs. Grummert asked about the walkability on the site. She understood there were some sidewalks, but asked if there were clear pathways around the apartments for walking around the site. Mr. Monberg stated there are pedestrian connections through and around the buildings. The drives are narrow in terms of the circulation and are intentionally set up in scale to be low speeds. Staff will work with the applicant through the final development plan, and there will be more detailed pedestrian circulation developed, as well as Americans with Disabilities Act (ADA) access routes that will be better defined. Mrs. Grummert asked about the amount of green space on the site for the residents and as it applies to the wellbeing of the residents of the proposed apartments/townhomes. Mr. Monberg stated that was one of the active discussions with the applicant, which has gone well. When the project was initially proposed, staff requested and tried to seek out more of the public civic space. That was also discussed at the Site Plan Review Committee. One of the considerations was there was no formal guidance on quantity or percentage within the UDO in terms of an allocation of civic space or landscape space. Staff requested the applicant to try to maximize that to the greatest extent possible in terms of meeting City code and what is required from a landscape plan or required public space. Mrs. Grummert felt there was more green space included on prior plans for the site and felt there was more parking on the site than green space in the last iteration of the plan. Mr. Monberg stated staff will also be working with the applicant to better illustrate that component. He also felt there was a balance like with some of the previous plans that highlighted some areas, such as the area around the pump station that is not formally part of the development area, but is a green space. Mrs. Grummert asked about the number of places MXD zoning sits next to single-family residential. Mr. Monberg stated generally most of the MXD Districts have some component of adjacent single-family, which can be seen; for example, Prairiefire and some other areas. MXD is a general zoning area and is something that is still evolving and becoming more prominent within the City. Part of the outcome of Framework OP is to

try to find the regional and local activity districts throughout the City on a larger scale. He felt there were components of single-family in most, if not all, of the MXD Districts within the City.

Mrs. Karr felt it was important to look at the plan itself, because looking at the MXD District as a whole, it is about creating a core and transitioning out with density, which is demonstrated by the proposed plan. There are higher intensity uses at the intersection, and then it transitions to two-story townhomes that are adjacent to the single-family. The applicant is providing that transition within the plans.

Mrs. Grummert asked if there were any sight lines from the residents across 159th Street, as far as what they will see from their homes. Mr. Monberg stated most of the single-family is adjacent to or facing the two-story brownstones, and half to two-thirds of the larger building abuts the commercial property. Mrs. Grummert asked if there was a plan for planting trees in that area. Mr. Monberg stated street trees will be provided along 159th Street. Mrs. Grummert asked what the commercial threshold was for the plan to be Mixed Use development. Mrs. Karr stated there is no specific requirement, but there are some codes that require a certain percentage of mixes. There can be more residential than commercial, which is what is seen on the plan, but there are commercial components that allow the plan to qualify for mixed use. The multi-family with commercial on the first floor could not be done in a residential district or commercial district, as mixed use is required to do that. In a housing district that has commercial, Mrs. Grummert asked if there were any rules that require a certain percentage of the densest building to have commercial in it. Mrs. Karr stated the residential districts would not allow the commercial, and mixed use would be required to have commercial in the same building as residential. Mrs. Grummert confirmed no percentage of the development needs to be commercial. Mrs. Karr agreed. Mrs. Grummert confirmed they had 20,000 square feet of commercial identified. Mrs. Karr stated the applicant may have some users in mind for the commercial, but they do not know the specific tenants at this time.

Mr. Curt Petersen, Polsinelli, PC, 900 West 48th Place, Kansas City, Missouri, appeared on behalf of the developer, M159 RE, LLC. He introduced the development team. He felt the project conforms to the spirit and most points of Framework OP, and was studied by the Site Plan Review Committee, more specifically the transition to the east and the buffer along the east property line, which was supported. This project requires no deviations or waivers. He supported the proposed stipulations a thru t. He referred to the level of the developer's engagement with residents and the amount of changes that were made from listening to the constituents. The first neighborhood meeting was held January 22, 2025. The development team made a number of changes before taking that plan to the Planning Commission, which was in early April. On May 7, 2025, there was a meeting at Mr. Jim Swallow's house, who backs to the east property line in Blue Valley Riding. Much of that meeting was focused on stormwater issues. There was a second large neighborhood meeting held on May 19, 2025, and the property owner had numerous emails, calls, onsite meetings with residents. He felt the developer listened to the feedback from the residents and made the appropriate changes.

Mr. Petersen referred to the proposed fence along the eastern line, stating the Planning Commission agreed with installing a decorative metal aluminum fence on the site, such as what the Boulders neighborhood has on the property line to the south. After the project went through the Planning Commission and neighborhood meetings were held, a gap was discovered in the areas where the Boulders metal fence begins. The

residents felt people could cut across from west to east on the site. The developer contacted the property owner who owns the gap area and asked if he could install a metal fence to continue the existing fence line and cover the gap area through the entire way. The developer worked with that property owner, and they have committed to close that gap.

Another concern was the number of apartment units, as some residents wanted less units. After reviewing the plan again, the developer agreed to eliminate 54 multi-family units bringing those units across the site to a lower number than what was approved for the site two years ago. A traffic concern was brought up and residents felt the development would create too much traffic. The developer worked with staff and conducted a study. Staff determined after the study there was not much difference in traffic from two years ago to what is now proposed. However, the main point is the fact commercial creates the most traffic, and they strategically looked at the site to make reductions. One of the quick-service restaurants was eliminated, because it would create a lot of traffic. A 3,000 square-foot restaurant building was also eliminated, and the commercial was reduced by 8,000 square feet. One of the restaurants that was eliminated will become open space for the public, which also reduced traffic numbers down and more closely matches what was approved two years ago. Staff finds with the proposed improvements; the street system can handle the traffic that will be in that area without any issues

Mr. Petersen referred to the transition to the east, noting the concern was the proximity of the brownstones to the Blue Valley Riding subdivision. After the first large neighborhood meeting, the developer decided to eliminate all the farthest capstone units on the end of the buildings, which reduced the units by six. The developer also added a 60-foot wide berm, approximately 4 feet tall with three layers of landscaping. The developer is committing to install landscaping, including trees before moving forward with any other part of the development so it will begin growing as construction begins. He agreed with staff that how the berm gets landscaped is a final plan issue, but they can put as much as possible on the berm, as it is designed as three layers. The developer has agreed to include heavy evergreen trees, some deciduous trees and shrubs to create a lot of density. The next concern from the residents was to have more open space, pedestrian activity and walking paths so that people will choose to walk through their neighborhood. Some wanted more opportunities for people to walk on the site. He noted that Mrs. Cheatham and Mrs. Grummert brought up the question of how someone living in the brownstones would get to a food truck or restaurant in that area. The developer created a design with paths so anyone could get anywhere on the site. There was also concern about open spaces, and the developer has preliminary ideas of how open space Nos. one thru four will be programmed, but that is a final development plan issue. Two butterfly gardens will be added near the eastern property line, which are good for the environment and nice to be around. They will also commit to providing a preserved natural habitat, and leave the entire area located east of the pumping station natural.

Mr. Petersen stated the fence will be the first installation on the site followed by the berm, landscaping, and then setbacks will be addressed. If they were to take the entire area backing up to Blue Valley Riding, which is approximately two acres, they could create it as buffer area. He referred to the native landscaping and finding ways to incorporate that into the plan. In the last week, their design team has spent time with the staff to understand how to create that, but it is something that will be addressed at the final development plan. He noted that height was also a big concern,

more specifically the two mixed-use five-story buildings at the major intersection of 159th Street and Metcalf. The proposed change to those buildings would be reduced to four-story buildings. Based on all the neighborhood meetings they had, this was the one issue that repeatedly came up. The developer is committing to that building reduction. Another issue concerns stormwater, which was also an issue mentioned two years ago with the previous project. Based on the number of houses in that area, there are flooding issues in Blue Valley Riding. The proposed project does not make that situation worse, but their detention pond helps the downstream issues. The developer had gotten the detention pond recertified by a professional engineer to ensure it is working appropriately. Although the site has existing problems, the developer reached out to the County to find out what he could do, but learned that the detention pond was the best thing to help stormwater issues.

Mr. Petersen felt the main question about the request was whether the project provide a responsible and well-planned transition from the single-family properties. He pointed out the components include the installation of a five-foot decorative metal fence along the property line, 60-foot wide and 4-foot high berm with substantial evergreens, other trees and landscaping, and two-story flat roof brownstones that are the same height of the single-family homes. Going through some common open space going west is where the mixed-use buildings are located. He felt that was an appropriate transition and how they are done, but leaves the question of whether it was implemented it correctly. The concern of seeing headlights arose, but there is an existing fire lane that most people will not typically use given the circulation of the parking for the brownstones. Since it is a downgrade and has a berm with landscaping, there will be no headlight issue. Regarding setbacks in an MXD District, the side or rear lawn could be at a zero to 10-foot setback, but they have between 90-feet and 105 feet setback, which is from the property line of the Blue Valley Riding homes over to the project improvements. There is a 40-foot setback at the Boulders residential units, and the proposed project has twice that amount of a setback. Some residents have said the solution has to be a 20-foot berm. The previous Lowe's plan had a 20-foot berm. Both previous plans did not work out and were not viable. He felt the question should be whether the proposal is an effective and appropriate transition. He referred to a concern brought up by Mr. Newlin as to whether staff has thought about moving the two mixed-use buildings off the hard corner, which rises up to the street, and more to the middle of the site, which has also been pointed out by a number of neighbors. That grade change would move those buildings about 10 feet, and at 510 feet away, it will not be seen. However, the developer designed the buildings to be heavy on the hard intersection as a prominent point on two major thoroughfares in Overland Park. He did not feel the proposed plan's transition was the same as the previously approved plan.

Mayor Skoog asked staff how they would handle a decrease in height in the plan. Mr. Monberg stated he was currently trying to evaluate that change, and determined it would be a reduction in scale and intensity on the site. Given there is a couple of options, one is based on a discussion with legal staff, and they determined it could be stipulated to acknowledge that the five-story mixed-use buildings would be limited to four stories in height and add that to the approval of the proposed project, as well as cross-reference that stipulation on the plan that will be part of the next agenda item. Staff has not had a chance to review that plan change, and may have questions regarding whether there will be any other changes around parking, garage layout, or anything else. If there were significant changes, there could be an option to submit a revised preliminary development plan concurrently with the final development plan

where staff could review that and take it before the Planning Commission. Mayor Skoog asked that staff prepare some language for the Council to consider to add to a motion while the Council goes through their questioning process. Mr. Monberg agreed.

Mr. Kite asked about the east elevation on the brownstones and what will be facing the berm. He understood from the presentation that the buildings would turn 90 degrees, and the bedroom window at the end of the brownstones that they have encountered in other developments. Mr. Monberg stated when he showed the elevations, he did not see an east elevation for the brownstones. Mr. Kite asked if the walls on the east end of the brownstones were blank or have windows. Mr. Monberg stated pending further definition from the architect, he understood the brownstones would provide four-sided architecture and have windows on that side.

Mr. Petersen stated when he consulted with the chief architect, Henry Klover, he said there will not be any windows on the end of the brownstones. Mr. Kite stated they have run into the problem before and instead of a long row of brownstones, residents were concerned about people looking into the back of their homes.

Mr. Passer referred to the Boulders development and asked if the fence delineated the property line that would go to the neighbors behind that, and if there was 40 feet behind that area. Mr. Petersen agreed.

Ms. Younis referred to the civic space and the conversation about civic programming. She asked if that space was open to the public as a potential rental space.

Mr. Petersen stated they had not discussed the idea of a rental aspect, but they had discussed how all that space is open to the public. Ms. Younis referred to traffic and she was concerned about the two schools in the area, consisting of an elementary school and a high school with heavy traffic, and the timing of the pickup line period. She understood the traffic study suggested that area will be less congested than previous plans, but she asked if those schools were taken into consideration as part of that study and if anyone had talked to the school staff about how the project will create impacts in that area. Mr. Petersen stated the dialogue at the last neighborhood meeting was that as traffic comes off Riggs, that can be problematic when there are drop-off lines in the morning hours. There was right-in and right-out at three different spots, but there are also options. Mr. Meyers stated the school traffic occurs at a peak time for pick-up and drop-off times, but does not generally coincide with the am/pm peak traffic, as those peak times are different from each other and do not coincide.

Mr. Newlin asked if the proposed project was scheduled for 990 units, but was reduced to 935 units now. Mr. Petersen agreed. Mr. Monberg stated the apartments were reduced to 873 apartments and 62 brownstones. Mr. Newlin asked when the commercial square footage was eliminated from the plan. Mr. Petersen stated that change was made after the first large neighborhood meeting, which eliminated about 8,000 square feet, which equated to about a 5,000-foot restaurant in the southwest corner. Mr. Newlin asked how the reduction of the fifth story on the buildings would affect the number of units or garage. He wanted to know what specifically was being done to lower the height. Mr. Petersen stated the exact parking count will work out and be proportionate. In terms of unit count, it will not be entirely proportionate, because a few more one-bedroom units can be done over two-bedroom units. There will be more of a unit reduction, but they do not have an exact number at this time, but it will be less. Mr. Newlin asked if there were mostly one-bedroom and two-



bedroom units in the taller building, and is not meant for families, but for retirees or young professionals obtaining the first apartment. Mr. Petersen agreed.

Mr. Mosher asked if the reduction in units would occur in both buildings.

Mr. Petersen agreed. Mr. Mosher asked if there would be any tall lot lights or anything similar within the development. Mr. Petersen stated he discussed the light fixtures with the head architect and determined all the lighting was low, had cutoffs and meets City requirements. Mr. Mosher asked about the sidewalk diagram and understood it was not entire sidewalks shown. Mr. Petersen stated the intent of that diagram is to show the actual walking surfaces, including the sidewalks. Mr. Mosher asked if certain areas will be highlighted or painted to indicate walking areas. Mr. Petersen stated the curb has a cut that can be walked through and there is a painted indication, but these details will be provided in the final development plan.

Mr. Mosher asked if the developer would be responsible for the installation of the traffic light. Mr. Petersen stated the developer would cover that installation if the traffic light is warranted. Mr. Mosher asked if that installation would take place sooner or later, because once they begin building and adding about 1,600 people to the site, he felt that installation would have to take place sooner. Mr. Meyers stated several traffic signal warrants have to be met before the City would consider a signal installation on the site, and that would likely occur later, because they need the detail to make that determination. For example, in the Bluhawk development, there are a couple of signals at 159th Street that were put in, and one of them just got installed, because the intersection has just now generated enough traffic. That signal will be installed in about a year, and that development has been going on for quite a while. In order to warrant a traffic signal, a number of criteria has to be met, such as delays in a 4-hour or 8-hour period of time. They also look for several warrants before they consider a traffic signal. Mr. Mosher stated in meeting with the residents, one of the problems they brought up with the design is the tall buildings in the middle, which meant it was lower in grade than the ones at the top. He understood that issue with the proposed plan that it would be handled by reducing one story from the building. However, he wanted to know if the serenity of the neighborhood would be maintained by addressing it with the landscaping, and if that would have to be added as a stipulation to the plan. Mr. Monberg stated the Council has discretion to provide an updated stipulation, including that information, but staff will be looking for those components with the landscape plan. As part of any action taken tonight, they could provide more detail. He understood the applicant would be providing a number of layers of landscaping on the berm, and part of developing a stipulation could incorporate the change identified to include that information. Mr. Petersen stated the developer would support that request if a stipulation were to incorporate that additional information. Mr. Mosher understood by lowering the height of the front facing buildings, the landscaping would help with sight lines.

Mayor Skoog opened the public hearing to take public comment on the proposed project.

Ms. Lynn Schaefer, 6400 West 158th Place, stated she was not opposed to development of the parcel of land they are discussing. The Willow Bend neighborhood she lives in sits north of 159th Street directly across from the proposed development. The main reason for the Willow Bend's concern of the proposed development was the height of the proposed buildings. She appreciated the change that was made to reduce the five-story building to four stories. She felt they will still see quite a bit at four stories, but was glad to hear of the change. She pointed out that Overland Park

is known for its great quality of life for the residents. She felt the immensity of the development and traffic it will create considerably lessen their neighborhoods' quality of life.

Ms. Theresa Swallow, 15912 Riggs, Blue Valley Riding, stated she lived in one of the one-acre lots that is RE zoned. She thanked the Mayor and City Council for their commitment to ensuring that existing neighbor concerns are heard and considered. She also pointed out she was not opposed to appropriate development in their area that enhances their community and does not detract from their current quality of life. She understood there is a need for housing in Overland Park, and they have lived next to the vacant lot for over 30 years and were looking forward to the previously approved plan. The previous plan had a significant green space buffer, a fence and a 20-foot berm with landscaping on top. However, there was more commercial property and green space within that area that would benefit all of the surrounding community. In contrast, while they liked the developer was local, she felt the current proposal does not give the existing neighbors the same consideration as the previous plan, which was expressed during the Planning Commission meeting where over one-third of the Commissioners voted against it. She quoted a Commissioner stating, "I don't see as much actual green non-impervious space. All I see is concrete and asphalt on this plan." A second quote was, "The berm, as well for me, is a problem. These are large historic lots," talking about Blue Valley Riding. "I appreciate those are of value and as much as it pains me to say this, I do believe this current plan is a detriment to the neighborhood that surrounds it to the east and to the value of those properties." She stated one final quote was, "I respect the applicant. It's just not hitting the mark. As opposed, if you look at the last plan that we had, it's beautiful. We got actual walkable area where you could live and play at the same time while supporting the character of the one-acre lots to the east." She did not feel the residents were asking for much and felt they were 90 percent there. They are not asking the development be scrapped, but they want the project to be a success for the good of the community and also profitable for the developer. They only want neighborly consideration and work with the developer so they do not lose that quality of life. She felt a berm would provide more green space and a better transition between the RE size lots and the multi-family housing, as well as allow greater absorption of rain, reduce the impact of runoff from the property and help mitigate noise, dirt, trash and the appearance from the beginning of the construction project. She asked that the Council be mindful of the existing neighbors in making their decision and they would like to continue working with the developer to make this a great plan that benefits all.

Mr. Peter Pierson, 6608 West 163rd Terrace, stated his wife's family has lived in Blue Valley Riding since 1978. He felt the reality of the development is the disruption to their neighborhoods. He pointed out that construction was occurring on the retail paths adjacent the Meadows neighborhood, and he was told a service station and convenience store would be going into that area, which he felt would contribute to the noise and lighting situation, as well as the traffic. Due to the noise that comes from the earthmoving equipment in the landfill, they have to shut their windows. He also pointed out the disruption of lighting coming from the Boulders, which he felt was poorly designed. He noted that development team promised to take care of the lighting issue, but that has yet to happen. He felt with the current request, they have a chance to do something good with the last remaining piece of land. He felt they now have a developer who seems to be invested in making a long-term commitment in a quality development. He liked the idea the developer will be managing the development so they do not have to deal with a third party. He also liked they

removed the one retail pad, and that area will remain local, unique, and high quality. He also liked the fact they were looking at reducing and remedying their water drainage issues in the neighborhood. He pointed out the ornamental ponds on the site will capture runoff water as well. The only caveat he had about the plan was to reduce the development by one level, and not to move it any further south. He felt a level reduction would benefit everyone.

Mr. Jim Swallow, 15912 Riggs, Stillwell, resident of Blue Valley Riding, stated he shares a property line with the proposed development. He understood there was no RE zoned development adjacent to MXD zoned development in Overland Park. He also could not find any evidence of any buildings over three stories anywhere close to RE zoning in Overland Park. He felt the proposal is a very unusual circumstance. The developer had made a generous offer, but he wanted to see the final plan. He did not understand how any judgement can be made on the plan without a final plan. He requested the proposal be delayed until a concrete plan is in place and then have a dialogue to ask and answer some additional questions that are important to the residents. One thing that is important to the residents that has not been answered is the berm placement. He did not feel a four-foot berm would provide any protection or differentiation between the residential properties and the development. He felt with some changes to the proposal, a better result could be realized for future residents of the development, neighborhood and Overland Park.

Mr. Richard Skaggs, 16104 Riggs, Stillwell, a 33-year resident of the Blue Valley subdivision, stated his home borders the current detention pond that is intended to serve the entire 80-acre area that includes the existing Boulder apartments, surrounding townhomes, several retail pad sites under development and a proposed 37-acre development site. He referred to the current minimal green space in the plan the impact has on the stormwater management. He understood flood control detention is required for the site due to the structure flooding that occurs in the Blue Valley subdivision downstream. Covering the 37-acre property with concrete, asphalt and roofs will impact the existing detention pond as currently constructed. The undeveloped field, as it currently stands, is mitigated with the runoff from Metcalf. The 30 acres west of Metcalf also spill into this field. Adding green space to the plan will offer more rain water absorption and serves to meet the shortfalls noted in the April 7, 2025, Planning Commission report where it is stated the plan as currently designed fails to be consistent with the policy database in the areas of land use and environment. The application does not emphasize natural or native features including amenities, landscaping or preserving the natural environment. It states the application does not emphasize sustainable practices natural areas creates a more enjoyable, functional and natural environment. The site also does not emphasize pedestrian-scale design or encourage complete neighborhoods due to minimal public amenities. A more extensive green space buffer area between the large-lot homes and the proposed 935-unit development will serve to help address the issue of stormwater runoff, the adequacy of the existing detention pond and the Planning Commission's concerns for the lack of adequate green space and create a more enjoyable functional, natural environment. He requested the rezoning plan not be approved as they continue to work with the developer to create a development that meets the needs and desires of the proposed owner, the City, and adjacent properties.

Mr. Matt Redhair, 16407 Riggs, a Blue Valley resident, stated he was representing some neighbors who could not attend the meeting. He appreciated the recommendation of requiring and extending the fence on the site over to the detention

pond to make it one consistent piece. He understood there have been many meetings with the developer about the plan, but felt more were needed. He referred to a picture of the Boulders Complex and neighboring properties, and he felt there were lessons learned from that development project. He understood there was a five-to-seven-year development for the proposed project, which will create a lot of noise for that length of time taking away quietness in their neighborhood. Beyond that timeframe, there will still be 1,600 parking spaces with a lot of traffic going in and out. Although they want the area to be busy and interesting for the neighborhood and surrounding people to come to; however, he wished they could have had conversations earlier after the first school meeting and the reduction of commercial space. He would rather see more traffic and draw people in the surrounding areas to the area for enjoyment opposed to removing them to reduce traffic. If the traffic increases 5 percent with usable commercial space, many would agree with that opposed to a 5 percent reduction. He felt the communication could continue to be beneficial if they had more time.

Mr. Jack Epps, 7500 College Boulevard, stated he was a partner in the ownership group, stating their partnership has owned the land for 25 years, and there is a long history with a lot of challenges. They have gone through the development process many times to try to come up with a quality development. He felt the request was the best proposal the land has had. This was the fourth time they have gone through the zoning and planning process, and each of the three prior attempts the developers walked away, because the projects became unworkable based on the concessions demanded that made the approved plans financially impossible to build. He felt they now have a great local developer who not only has a track record of quality projects, but one who owns and maintains them in the communities that he builds. This equates to higher standards, better long-term upkeep and accountability. The developer lives about five minutes from the proposed site, and he does not have any ownership interest in the ground even though he is the applicant for the request. A few weeks ago, when there was a clogged storm culvert on a nearby property, he cleared out the culvert. He felt the developer was trying hard to conduct the proposed development the right way. He felt a number of meaningful and measurable concessions have been made, which exceeds what is required by law. He also understood the developer has made a special effort to meet with the neighbors several times. The proposal comes forth with recommendations of approval from Planning staff and the Planning Commission. He asked if the well-buffered, locally built and maintained project does not get approved, he questioned what is next. The entire property is zoned commercial and they could end up with another mixed-use project that potentially would not include a local developer and concessions the current developer has made. He supported the plan and felt the transition was proper.

Mayor Skoog asked if there was language available for an approval of the plan or if it made better sense to continue the plan for staff to create language for the Council to consider. Mr. Monberg stated staff has a proposal for an additional stipulation to address the comments just received. The proposal is to acknowledge that as part of the final development plan, staff would review and receive a preliminary plan defining the reduction of building height. The proposed language identifies that the applicant shall submit a revised preliminary plan showing a reduction of building height from five-to-six stories to four-to-five stories and any related plan changes. This direction would be considered the first element. The next elements for Council consideration regard the definition of the berm and surrounding details. Staff's proposal is that the eastern berm will include a fence extended south to meet the property to the south, provide three layers of landscaping and be developed as part of the initial site

development. Landscape in the berm will be planted prior to the issuance of the building permit. Mayor Skoog understood the landscape on the berm will be planted prior to issuance of the building permit, which requires that be done before the developer begins moving dirt, or if the site preparation would be done, landscaping, and then obtain the building permit. Mr. Monberg agreed. Mayor Skoog noted that the assumption is that there would be a change in height, but asked if staff deemed the related plan changes significant. Mr. Monberg stated the plan could potentially go back to Council for reconsideration if the plans were determined significant changes, which would open up a revised preliminary development plan that would include a public hearing.

Mrs. Cheatham was glad to see harmony among the audience members with the proposed changes. She asked if the changes would revise the parking. Mr. Monberg stated initial indications are there would be a proportionate reduction in parking and is something staff would evaluate and review. Typically, when staff reviews a plan, reductions alone may not trigger a substantial change, because it has more to do with where they would see an increase in elements. Although they may see a change in parking, the impact to the preliminary plan may be minimal. Mrs. Cheatham asked if the concern voiced by the Planning Commission and Council about the limited green space would create an opportunity to use some of the area currently devoted to surface for that green space due to the change. Mr. Monberg stated he would defer to the applicant in terms of how they would want to approach the parking ratios relative to the garage and surface parking. Mrs. Cheatham did not feel this was a good way to make a decision as the proposed change is substantial. While the change appears to be positive for the neighbors, she felt there may be many ripple effects. She was concerned about making a big change like the one proposed. She wanted to hear from the applicant about the possibility of swapping parking for green space. Mr. Monberg noted one of staff's considerations regarding this component in terms of the structure of the stipulation is to acknowledge that it is not only requiring the changes, but staff will have a mechanism to review the preliminary plan and evaluate it holistically. There is precedent for doing so in the revised preliminary plan that could be done concurrently with the final plan.

Mr. Petersen understood Mrs. Cheatham's concern and agreed with staff's proposal, which keeps all the controls with the Council, but there is a lot of time and energy involved in projects of this size. He would appreciate conducting the revised preliminary plan and final plans concurrently, as was suggested by staff instead of continuing the proposal.

Mr. Newlin moved to approve the Planning Commission's recommendation to approve Rezoning No. REZ2024-00015, located in the vicinity of the southeast corner of 159th Street and Metcalf, to allow a mixed-use development, including stipulations a through u. Mr. Mitrison seconded the motion.

Mr. Newlin noted that the proposed development is located in his Ward, and he has talked to the residents and the developer. However, he was unable to attend the neighborhood meetings, but did not understand what the reduction in units were relative to what is being approved tonight. He felt the proposed reduction in units from 990 to 935 shows the developer was listening to the residents. He liked the previous plan that was presented, but it did not come to fruition. When a project does not ultimately get built, he felt the need to consider the problems for a project would not be to continue it if the new plan is better. Although everyone will not be happy

with the plan, he felt it was something to move the project forward and get the corner developed. He also liked the fact the developer was local. The developer's other developments in the City are successful, and he liked how they have agreed to the stipulations by reducing the buildings to four stories on the corner, which is a compromise that made him feel the zoning is correct for the site. He wished there was an additional restaurant, because he felt it was important for the area. He was satisfied with the stormwater explanations. When he looks at the transitions across the entire corner, the Walmart that has existed for a long time, the Boulders to the south and single-family to the east, he felt they will have something that is unusual with the proposed project. Although there has been some desire through comments about adding single-family homes to the area, he did not feel that was the place for how that neighborhood is going to develop on a busy intersection, and it will have more commercial. He felt the right compromises were made, and they are making the right decision to move the project forward.

Mr. Cox attended two neighborhood meetings in the beginning with the prior project for the site, but felt he heard similar comments between the prior project and current proposal regarding the issues residents presented. He attended one neighborhood meeting regarding the current project and met with a group of residents from three or four neighborhoods in a private meeting, as well as with the developer two times, and with Mr. Petersen. He attempted to have discussions with everyone involved over the history of the site to get a sense of what the right thing to do would be. He felt the developer was a good operator and will build a good project. He also agreed the long-term planning for the site could be commercial or mixed-use and would be appropriate. He felt the issues contemplated weighing the rights of the landowner against the rights of the neighbors is subjective. The plan also has to meet the 15 Golden Criteria.

Mr. Cox felt although neighbors' voices matter, they do not talk enough about the rights of the landowner. The landowner does not have a right to rezone their property, but a right to rezoning if failing to do so unfairly costs them something that creates an undue hardship on them to not allow them a rezoning opportunity. He felt leaving the site zoned commercial is a minor hardship on the landowner and that something commercial can go into the site. He did not feel they were unfairly burdening the landowner by leaving the land commercial. If for some reason a commercial development could not be done on the site, then that would create a different situation. He felt it comes down to the green space, berm and the brownstones for the residents. He felt they were close to a compromise on those issues. However, putting the brownstones on the site creates major hardships. First is that that it increases runoff, which is a legitimate concern. Second is the berm is not very tall, and those who live in the brownstones will make turns in their vehicles at night to go into their garages. He did not feel a four-foot berm 100 yards away will stop headlights from shining into a one-acre lot house. The brownstones are preventing a large berm that creates space, green space, protection, distance, noise, lighting and other things. He felt the berm issue was where the residents' rights were more compromised than a limited blocking of the rights of the landowner by leaving it zoned commercial. He did not agree to having to wait 30 days and come back with a new plan and provide the current plan, because it only potentially solves the problem with parking, the number of units and all other issues, rather than move forward to a vote. Waiting another 30 days is not much of a delay with a project that will take almost five years to build. He felt the project was being rushed through the process. Considering the issues, he just

mentioned, he feels the landowner's rights are less impaired by leaving the site commercial than rezoning.

Mr. Mitrisin felt if they continue with the site remaining commercial, it could result in a big box store like a Lowe's on the corner. He felt they have continued to add big box stores on Metcalf when they have repeatedly said they want housing on Metcalf, particularly up against the street. He felt the proposed brownstones create a nice transition into the neighborhood. The proposed project was not comparable to the example brought up of Thompson Thrift project. The proposed project would create density on the thoroughfare with 800 feet to 1,000 feet of distance between the dense, taller buildings and property lines. He felt the distances between the brownstones and residents were lengthy. He saw a sincere desire from the developer to make some concessions and wanted to ensure they agreed with the specific language outlined. Mr. Petersen agreed.

Mr. Mitrisin was glad to see the elimination of the possibility of a quick service pad site on the development, which he felt was one of the detriments to the Thompson Thrift site. He felt the project will be attractive and supported it as proposed.

Mr. Passer felt the proposed project approval was being rushed and he was uncomfortable making any changes at this point. He felt they should remand the project back to the Planning Commission, but understood that staff was comfortable working through the issues. He deferred to staff's ability to work with the developer. He referred to land use and leveraging the Golden Criteria, and felt considering many of the criteria, it comes down to the character of the neighborhood. He felt everyone will have their own subjective interpretation. He noted a development they did a few months ago by Blue Valley Southwest where they decided to put some row homes in between a big development was a significant buffer into an area that would be residential or RP-1. He appreciated having that type of buffer as part of the current plan. In looking at the Boulders complex, there is something right next door that had a smaller distance. He was empathetic for the neighbors who have lived at the site for over 30 years and having to look at what has been proposed and developed, and being an intricate part of that process. However, his responsibility is to look at these types of circumstances, and he felt he was compelled to support the project.

Mr. Heley supported the recommendations of the Planning Commission and staff, but if staff recommends stipulation u, he would also favor that option. He was concerned about the amount of impervious surface. Per stipulation u, the need for parking is being reduced, and he hoped that transferred over to enhancements with green infrastructure and native landscaping. He felt if a project like the proposed cannot be built at the site, then that will present a challenge for them to meet the housing goals needed for the City. He was concerned about the reduction in housing stipulation u would likely result in, but if staff and the applicant are agreeable to that he would support that idea. He referred to the proposed natural area, noting humans have done so much to the environment to cause invasive plants, that it cannot be left natural because it needs to be managed properly with removing the invasive plant species and planting native vegetation. His hope was that this component was taken care of throughout the entire site.

Mr. Kite supported the project and motion made. There have been two other approved plans for the site, but they were not buildable due to some compromises. If this project does not get approved, he felt they would end up with a commercial

development, which would not require a public hearing and not allow a protest petition. He questioned where in the City such a project could be built if not on the proposed site. The distances and site lines are all much improved over the last few projects that have been proposed for the site. He felt the developer has done a good job trying to remedy all issues.

Mrs. Grummert felt many of the concerns brought forward were addressed. She felt the proposed site was a great area for housing. However, she had concerns about the walkability and green space. She did not support the motion, because she did not like to make changes to the plan at the Council meeting because it does not produce a good product. She appreciated staff's work in getting the new changes added to the plan, but she did not feel it was a good thing to do at the meeting. She liked the project, but would like to see it with the presented changes.

Mrs. Cheatham disclosed ex parte communications, noting she met with the developer and the residents. They are also responsible for determining what is appropriate for the site and asking that question in light of Framework OP. She felt the project was appropriate for the site and a better fit for that site than what she imagined when she thinks about commercial development with a series of pad sites in a strip mall. She felt the proposed project would enrich the neighborhood, community and City. They need housing, and the project is much more attractive and has gathering spaces, and there are no deviations. She wished the berm was slightly more substantial, but felt the townhomes were the exact transition they have previously discussed by going from the denser housing to the single-family, which also falls in the category of the missing middle they have been saying they want to see more of for those who might not want to be in a larger apartment building or want to be in single-family homes. With the upcoming changes to the height and related plan changes, she felt those would be substantial and requested the developer look at increasing green space and gathering spaces. There also may be room to re-arrange some of the design for less parking and increasing the berm. She was hesitant to vote on the motion to approve the project for the same reasons Mrs. Grummert shared, and she did not feel it was good governance for the developer to come forth knowing what his intent was without giving many of them adequate notice to think through the changes, although it seems to be a step in the right direction for the neighbors. She understood staff feels they can handle the large change in the next step, and she trusted staff to work through the changes.

Mr. Mosher disclosed he had met with the homeowners and developer. He referred to the commercial aspect of the project. The last thing he would want is a seven-story commercial building on that proposed corner. He referred to the final plan and wanted that to be presented for a vote. He asked if a fence was shown on the plans. Mr. Monberg stated the area of separation was divided by trees and was a beautiful green space. The residents want fences in order to keep people from traveling through their backyards, because that destroys the quality of life. Even though the berm is smaller, they would still not see the brownstones because there is some depth there. If green space would have been in that neighborhood, the residents would never see it unless they were standing by the fence, because they will not get through the fence, and they will have to walk all the around. He pointed out the green space only benefits the people in the apartment complex, not the existing residents. No one will walk all the way around a fence to go to a small park area. From the parking area up to the top of the berm is about 20 feet of tall buildings and berms at four feet. The trees and other things will break up that sound somewhat. From the headlight standpoint, based on the location of where the parking lot will be to the top of the



berm, he did not see many car lights through that area. However, he was concerned about parking lot lights. He supported the residents and felt many concessions were made.

Mayor Skoog stated his initial concerns were transition, stormwater and height of the buildings. After listening to all the comments and review of studies of the process at 159th Street and Metcalf, noting it was a major intersection adjacent to U.S. 69 Highway. He was serving on the Council when the original rezoning was done for the Lowe's, and 159th Street was on the edge of town. He felt 159th Street is located within the City and no longer on the edge of town. He felt the intersection will continue to be a major intersection, and Metcalf has always been a major corridor for the City. He felt the plans for commercial on the corner and height make sense and is appropriate. Transition is the primary issue the neighbors have. They recently went through their Comprehensive Plan process where they conducted an extensive community discussion and technical analysis. As they develop and redevelop the City, they had questioned how they would transition in a responsible way from single-family existing housing to new development. In the past, they used an approach that has evolved over the years. One of the good things he likes about Framework OP is that it has provided them a model of how they should transition from existing single-family to new development. Looking at the brownstones as a transition and starting from the property line with the berm and landscaping and street access, he felt the brownstones are a two-story product that was a reasonable transition. The other option would be to do what was done on the southern part of the property, which is to put residential backing up to residential. If they put a residential subdivision in that property, their current ordinances allow for what has happened on the southern part of the property. That type of development is all over the City, residential property, single occupancy or duplexes backing up to existing single-family homes. He felt the proposed transition makes a lot of sense. The other concern was stormwater, which he felt was always a challenge. He felt staff's analysis of the storm water off the site will not exceed significantly what already runs off the site. He supported the motion because he felt the project has multiple benefits. First, the transition is smart, the corner focus is smart, and this project has a higher likelihood of getting constructed, which will resolve the corner in the future. He did not feel this project would hurt the value of the property in the neighborhood. He supported the motion.

Ms. Younis disclosed that she also had met with the developer and some of the residents. She lives in the area and drives by all the time. She did not feel any development for that area would alleviate her concerns about traffic and the schools. She preferred residential development over commercial development in that area, as commercial heightens traffic concerns. The history of the area is important to her. She noted this plan was the fourth plan presented. The other plans did not work out for reasons that were brought forth earlier. She felt the proposed plan was good, especially given the new stipulation that addressed her concern with having the landscaping memorialized in some way so they can be guaranteed a level of plant life to act as a buffer. She supported the motion.

The motion made by Mr. Newlin and seconded by Mr. Mitrisin to approve Rezoning No. REZ2024-00015, located in the vicinity of the southeast corner of 159th Street and Metcalf, to allow a mixed-use development, including stipulations a through u, carried by a vote of 10 to 2. Mr. Cox and Mrs. Grummert voted against the motion.

Mayor Skoog referred to Item No. 14, Revised Preliminary Plan No. PDP2024-00050, Metcalf Village, southeast corner of 159th Street and Metcalf.

Mr. Monberg presented Revised Preliminary Plan No. PDP2024-00050, which is the southern portion of 159th Street and Metcalf. This site has been planned CP-2, Planned General Business District, and RP-5, Planned Apartment District. This item is linked to Rezoning No. REZ2024-00015 that was just discussed, which primarily includes a technical change to better define the boundaries related to the rezoning action that was just approved and the boundaries for the property to the south that were originally part of a single preliminary development plan. The area for this action is the southern portion, and there is a portion of the preliminary development plan associated with this plan and related to the rezoning. This area concerns this preliminary development plan and the rezoning action they just discussed. This plan also shows the application area that includes the 1,000-foot buffer in unincorporated Johnson County and the 200-foot buffer in the City of Overland Park.

The Planning Commission considered this item at a public hearing on May 12, 2025, and voted 11 to 0 to recommend approval of Preliminary Development Plan No. 2024-00015, subject to stipulations a through p. The City Council options for this review is to adopt a recommendation of approval for majority vote, an override of the Planning Commission's recommendation, continuance or remand. One consideration staff may recommend, given the discussion they just had would be to consider adding an additional stipulation, which is stipulation u that was just approved as part of the rezoning.

Mr. Cox asked if the proposed revised preliminary plan was an area located between The Boulders Complex and what was just rezoned. Mr. Monberg stated the preliminary development plan that had been identified for the entire site included the north and south portion. Revised Preliminary Plan No. PDP2024-00050 revises the preliminary development plan to the south and the related stipulations. Staff sees this as a technical application that better clarifies the boundary between the northern rezoning and the southern preliminary development area, and ensures the stipulations are appropriately attached to the related development plans.

Mrs. Grummert understood the proposal now includes the detention pond, and asked if the other property needed the detention pond. Mr. Meyers stated the detention pond serves both properties.

Mayor Skoog asked if a map of the current preliminary development plan was available. Mr. Monberg outlined the map showing the full project area and the rendering reflects the rezone. Mayor Skoog understood the current preliminary development plan is the commercial plan they just replaced. Mr. Monberg agreed, stating that was the Lowe's plan. Mayor Skoog noted they were removing that part of the preliminary development plan that was attached to both parcels and putting that on the southern parcel that is a separately owned piece of property. Mr. Monberg agreed that was an accurate representation of this action. Mayor Skoog confirmed the retention pond is in the southern ownership, but they have an agreement to share the pond. Mr. Meyers agreed, stating it is sized for both sides of the development and all flows into it and is already constructed. The owner is required to maintain the pond and recertify it. Mayor Skoog asked if that applied to both parcels. Mr. Meyers agreed.

Mrs. Cheatham understood the separation, but there are also changes to the amount of commercial and retail. Mr. Monberg agreed, stating it revises to not include those areas of commercial that are within the portion of the rezoning that was just approved, but the commercial area that fronts Metcalf still remains as part of this preliminary development plan. Mrs. Cheatham understood it would not change the approved plan itself, but just the reduction in the number of buildings as a function of the separation. Mr. Monberg agreed, noting it clarifies the boundaries between the two plans.

Mrs. Grummert moved to approve Revised Preliminary Plan No. PDP2024-00050, Metcalf Village, located at the southeast corner of 159th Street and Metcalf, as presented. Mr. Heley seconded the motion, which carried by a vote of 11 to 0 to 1. Mr. Cox abstained.

#### OLD BUSINESS

No report.

#### NEW BUSINESS

##### MID-AMERICA REGIONAL COUNCIL REPORT

Mrs. Grummert presented the Mid-America Regional Council (MARC) Report, stating she received reports from the Greater Kansas City Crime Stoppers Program, also known as the TIPS hotline. They represent nine counties, give out cash rewards for felony convictions and are essential to helping solve crimes in neighborhoods that people do not feel comfortable talking directly to police. She also noted a good presentation was given from the Kansas City Regional Public Health Department for Jackson County Public Health regarding the Measles outbreak and getting accurate information out to the community.

#### ADJOURNMENT

Mayor Skoog adjourned the meeting at 11:15 p.m. Minutes transcribed by Kathleen Behrens.

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Curt Skoog, Mayor

ATTEST:

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Elizabeth Kelley, City Clerk