

Anna Will

From: Planning Contact
Subject: FW: Expert opinion interrogatory Rezoning Application RZ24-0003
Attachments: INTERROGATORY OF STEVAN P. BENNETT.pdf

From: PON Association <ponassociation@gmail.com>
Sent: Wednesday, March 6, 2024 4:11 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>; John Bacon <JBacon@OLATHEKS.ORG>
Cc: Scott Beeler <sbeeler@rousepc.com>
Subject: Expert opinion interrogatory Rezoning Application RZ24-0003

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Planning Commissioners
C/O Planning Department Staff
City of Olathe
City Hall
100 E. Santa Fe
Olathe, KS 66061

Rezoning Application RZ24-0003

Dear Planning Commissioners,

On behalf of the Preserve Our Neighborhood Association (the "Association") and its members I am sending you an expert opinion interrogatory related to the above noted Application.

We appreciate that you will receive a comprehensive package of information and a digest with recommendations from Planning Staff for your upcoming meeting on March 11. And we apologize for adding to your burden with yet more material. However, this Application represents one of the most important residential-impact decisions to come before you for some time so it is crucial you have as complete a set of data and arguments as possible.

On its face RZ24-0003 is simply a rezoning decision. However we see what expect you will see - is a question of whether, in fact, the Oddo Developments Proposal with the rezoning Application (to build a number of structures at the gateway to Cedar Creek) meets the standards set by the City, and the standards of review set by Kansas law for inclusion in Cedar Creek and the Cedar Creek unique zoning designation "CC". We firmly believe it does not.

However, despite being residents, and those who choose to live with the restrictions imposed on us here - restrictions that have for decades fostered a neighborhood character that promotes open areas, wildlife and green-space living, we are not planning experts. Therefore you may be more inclined to hear 'expert' developer arguments or staff assessments. As such we feel it was important to seek expert opinion to aid your review and decision making.

We are fortunate enough to be able to utilize the expertise of a qualified local expert. One who has not only detailed knowledge of the subject but also experience of other Oddo Developments' proposals. We commend his expertise, qualifications and opinions on these issues to you for consideration in respect of the Oddo Application.

Therefore, while we are sorry to give you yet more material to read, we cannot apologize for taking the time to seek to preserve that which has been so carefully cared for - by the residents *and by the City* - for so long. And we trust that you will consider this work to be both worthwhile and compelling in making the case to preserve the significant living asset Olathe has in Cedar Creek.

Respectfully,

David French

Chairman - Preserve Our Neighborhood Association

Enclosure Attached/

INTERROGATORY OF STEVAN P. BENNETT



Preserve Our Neighborhood Association

This is a shared email account operated by more than one Association officer. Nothing in this email creates a contract or makes a binding commitment on behalf of the Association, unless expressly stated in the text by an authorized officer. Preserve Our Neighborhood Association

is incorporated as a Not-For-Profit Corporation under the Laws of the State of Kansas

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF OLATHE, KANSAS**

Oddo Developments's Application (Initially "CC Property Investment I, LLC"): for Rezoning and Project Approval (Initially called) "Shadow Glen Mixed Use Community (PRE23-0098) – SE of Cedar Creek & Valley Pkwy"

Application RZ24-003
(Hearing: March 11, 2024)

INTERROGATORY AND RESPONSES OF STEVAN P. BENNETT

For:
Preserve Our Neighborhood
Association, a Not-For-Profit Entity
Incorporated Under the Laws of the
State of Kansas
PONAssociation@gmail.com

Advocating Against the Oddo
Developments Application for
Rezoning and Proposed Development

Dated: March 6, 2024

I. INTRODUCTION

II. ODDO APPLICATION - RZ 24-0003

- i) Describing the Application
- ii) Zoning v a Development Proposal
- iii) The Cedar Creek Area Plan
- iv) The Golden Criteria

III. ODDO DEVELOPMENTS

IV. OTHER CONCERNS OR ISSUES

- i) Spot Zoning

V. CONCLUSION

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF OLATHE, KANSAS**

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Application RZ24-003
(Hearing: March 11, 2024)

INTERROGATORY AND RESPONSES OF STEVAN P. BENNETT

I. INTRODUCTION

Q1. Please state your name, business address, and telephone number.

A1. My name is Stevan P. Bennett. My business address is 25891 W. 96th Terrace, Lenexa, KS 66227. My business telephone number is 816-730-0751.

Q2. By whom are you employed and in what capacity?

A2. I am Chair and Professor of the Construction Management Program at Johnson County Community College (JCCC). There I teach, at the Certificate and Associate-Degree levels, Construction-Development, Zoning, Green Building (LEED), Building Codes, Safety, BIM, Management, Specifications, Materials, Estimating, etc.

I am also a Principal at BCM Construction Management which is a construction, design and project management consultancy.

Finally, I have also been the developer for my own building projects.

Q3. Briefly outline your responsibilities as Principal at BCM.

A1. BCM has expertise in a wide range of projects including for Municipalities, Class A Office, Education, Retail, Infrastructure, Multi-Family & Condominium developments. I perform consulting services (project management, use of the best methods, construction and design, sustainable design, etc.) for a range of construction projects. I can be involved at the early project-development stage through pre-construction and estimating to management of the construction phase itself. I work with regulators - such as planning & zoning authorities - contractors, clients and subcontractors. I work on zoning applications, variances, code and regulation compliance and planning. One of my main goals is to foster a business model built on relationships.

Q4. Briefly describe your educational background.

A1. I have my Bachelor's Degree in Construction Science Engineering from Kansas State University and my Business Studies Postgraduate from Wichita State University. I also have multiple continuing education qualifications.

Q5. Have you had any other formal training?

A1. Yes. As I mentioned I participate in continuing professional education. I also have LEED training, OSHA training and other formal management courses.

Q6. Do you have any professional licenses or belong to any professional organizations?

A1. Yes. I have held a Contractor License and International Code Council National Standard General Building Contractor (A) Licensing. I am also a member of the American Construction Council Education (ACCE) Certified Program by which the JCCC Construction Management course is accredited. I am a Past Member of Builders of KC and AGC of Kansas, a Master Builders of Iowa (asc), a Missouri Preservation Historic Building Award Winner and have received several awards in construction.

Q7. Have you previously made submissions to planning commissions?

A1. Yes. On multiple occasions and before various planning bodies and municipalities. I have prepared submissions either for clients or as a non participant in a specific application but making professional submissions either in support of an application or in support of objections. I have also submitted objections and comments on my own behalf.

Q8. Briefly describe how your experience relates to this Application.

A1. I have briefly reviewed the Application submitted by Oddo Developments (“ODDO”) for a project above Cedar Creek Parkway and the reasoning for that project and I am also familiar with developments of this type. I know the Cedar Creek residential area and the peripheral non-residential zones. More specifically, I am familiar with ODDO proposals and business approach, having reviewed and commented on similar proposals elsewhere in the county. I use that background when I review the ODDO Application.

Q9. What is the purpose of your current submission?

A1. Based on my expertise and experience I am responding to these questions at the request of the Preserve Our Neighborhood Association (the “Association”), a civic group in Cedar Creek. Following an ODDO public meeting on February 1, 2024, I was invited to attend an Association meeting where I offered views and advice in response to questions from Cedar Creek residents. I was then asked if I would participate in this form of submission and I agreed. As such I will provide analysis of the current ODDO Proposal (as well as other ODDO projects) and my opinion on ODDO methods and business practices. I will try to put my answers into the broader contexts of sustainability and the character of Cedar Creek and the suitability (or otherwise) of the ODDO Proposal.

Q10. Do you have any specific expertise in the area of zoning/rezoning?

A1. Yes. As a developer I have worked with zoning provisions in multiple jurisdictions. I am not an attorney but I have to be aware of the details of these legal provisions if any project I sponsor or manage is to be completed. I also teach zoning, codes and compliance

Q11. Are you aware of the so-called Golden Criteria in Kansas?

A1. Yes. More than just aware – I have practical experience of how they have been applied in various jurisdictions, what the expectations are upon planning commissioners and planning staffs and where there has been controversy in their interpretation. Again, this is not only practical experience but I keep up on this subject to include as part of the Construction Management Program courses at JCCC.

The Golden Criteria are legally created guide rules. They establish the subjects that planners

must address in evaluating zoning or planning issues in Kansas. For example, consideration of the opinions of neighboring property owners is permissible in a zoning decision so long as the consideration of such opinions is relevant to establishing the existence or absence of one of the Golden Criteria, and comments must be related to specific factual concerns attributed to a specific application site and must be evaluated under the Golden Criteria.

II. ODDO APPLICATION - RZ 24-0003

Q12. Can you briefly describe the ODDO Application designated RZ24-0003?

A1. Yes. It is technically an Application to change a land parcel's zone designation. The parcel is located at the main entrance to the Cedar Creek in area that is inside the boundary of the Cedar Creek Area Plan. The applicant ODDO wants the parcel to go from "C2", to "CC". But that is just the first element of this Application – *and Proposal*.

The Application is bound up with the Proposal that supports it. That Proposal is to build a large building with 300, 2 (plus) – bedroom apartments, some 11 townhomes, 2 restaurants and additional commercial spaces. Together with surface and partially subterranean parking, surface hardscaping and some communal amenities. The apartments are small in scale but are planned-for in a single building of considerable size and mass.

As I understand it, City of Olathe rules require that an application for rezoning must include a number of supporting documents if there is a development proposal. In other words, you don't do an abstract 'request just to rezone' a parcel. So this Application is, in reality, the Application

AND the Proposal.

Q13. What do the zoning designations C2 and CC mean?

A.1 The notion of C2 is common across jurisdictions. While the details may differ from place to place its essentially a zone for mixed use, creating a central area for a community. So it allows for some retail /commercial and – in Olathe’s case – a specific type of residential. I understand CC is “Cedar Creek” – a zone designation created to support the Cedar Creek development as envisioned under the Cedar Creek Area Plan.

Q14. What is the Area Plan?

A1. The Area Plan for Cedar Creek is the Overlay guidebook for the development of all of Cedar Creek and its neighborhoods. I think it was initiated back in the 1980s and since then has been updated and, I believe, it is all now adopted as a city ordinance by the City of Olathe. It is the authoritative guide for what is permitted in Cedar Creek's Planned Area. But its more than a guide because many of its provisions are called “regulations” – things such as street setbacks, building heights, etc.

Q15. Is it a good idea to rezone a peripheral site on the edge of the Planned Area from C2 to CC?

A1. That is a question that can’t be answered in the abstract - without knowing why the rezoning is requested. Remember, in Olathe a rezoning application needs details of a proposal for land-use going with it. In this specific ODDO case, the rezoning Application is a bad idea.

Q16. Why is the ODDO Application for rezoning specifically a “bad idea” but not other potential rezoning applications?

A1. We know what is in the Proposal that goes with the ODDO Application, and *that’s* what makes it a bad idea.

The ODDO plan was submitted to the city. And even though it has changed (by a modest amount) it essentially remains a proposal that should fail, based on most – if not all – of the Golden Criteria. If I can briefly go through them:

(1) Existing use and zoning classifications within the general area of the property in question

The *general area* of the property in question is principally made-up of three features: first there are small scale low intensity commercial buildings and lots; and second there is a large expanse of very low density residential. In fact the residential designation of the Cedar Creek area is “R1”. That is, single family homes on specific plots related to those homes. Third there is open space – owned by the homeowners and maintained as open space.

The ODDO plan does not accord with either the R1 residential character of the *general area* or the low intensity commercial features of the general area. To the contrary it introduces a significant departure from both – that is, a single large scale, high density unit of R4 residential – (with additional aspects added on). The ODDO Application and Proposal is for a huge departure from the *general area*, with no signs of justification or relationship to the site or *general area*.

The density of Cedar Creek’s R1 residential neighborhoods has a very low average. According to the Area Plan the gross density is an average of 1.87. As I understand the ODDO Proposal it will have a gross density of over 22.0! On its face that alone makes the Proposal incompatible with the CC zone designation and the *general area*.

(2) **Suitability of the property to uses permitted under the existing zoning classification**

The *existing C2 zoning* classification of the ODDO site appears to fit well within its immediate surroundings. Not only are there low level, low intensity commercial properties on some of those lots, I believe site surveys can be seen being carried out on nearby vacant commercially zoned lots. Moreover, I understand some of the current built-out commercial lots are recent additions – having been developed from vacant within recent years. Also – all of the built environment (residential and commercial) is low-level, low density/intensity. Development of the ODDO site is specifically well suited to low-level, low intensity. It is a higher elevation and has dense tree coverage. Any number of *existing zoning* – that is C2 – uses could be built there and they would be naturally screened and suited to the site. It seems to me this form of development is what this site calls for.

(3) **Character of the neighborhood**

As I observed earlier, Cedar Creek is overwhelmingly residential. And of that, I understand, it is 100% R1. That sets the tone. That is the established *character of the neighborhood*. The fact that there are some commercial lots on the periphery does not change the predominant feature of the Cedar Creek Planned Area – it is a series of single family home neighborhoods. The other major aspect of the *character of the neighborhood* is its rural feel. To me it does not feel like a subdivision or suburbs. That rural feel is deliberate and has been carefully stewarded for decades.

Of course there are those lots on the boundary that are zoned commercial. But even a casual observer would conclude – they are constructed to fit in with the predominantly ‘residential’ *character of the neighborhood*. None are either high-rise or out-of-place in

construction or materials. None appear to even be particularly visible. In fact the commercial landscape on the periphery of the Planned Area is a model of aesthetic and sympathetic integration, allowing those peripheral commercial lots to recede and the rural feel and character is left undisturbed.

Nothing about the ODDO proposal behind the Application accords with the *character of the neighborhood*.

(4) **The length of time the subject property has remained vacant as zoned**

(5) While I understand it is the case that this lot has remained vacant (as zoned) for some time, I believe neighboring commercial lots have sold and been developed (and I understand others are under development consideration as I speak). Therefore, I cannot conclude that the zoning for this lot is wrong *per se*. In my opinion, more likely, this is a function of the land ownership. I understand the property may currently be the subject of a sale (to ODDO or an affiliate) but equally I understand the site remained in the same hands for decades before now. From that I conclude that *the length of time the property has remained vacant as zoned* was so because the long-term owner was either not being realistic about price/serious about marketing the site – or was purposely withholding the property from the market, despite commercial prospects.

The fact of movement of neighboring properties indicates that *this site has not remained vacant as zoned because it was in any way improperly zoned*.

(6) **The relative gain to public health, safety and welfare by the destruction of value of the owner's property as compared to the hardship imposed upon individual land owners**

This is the ‘balancing criteria’. Balancing the general interest of the public (i.e. the neighborhood and others that may visit it) with the interests of the landowner if rezoning is denied (i.e. any loss) . In the case of Cedar Creek this is fairly straightforward in my view, balancing the criteria of *relative public gain to land owner hardship* does not favor the landowner’s interest.

As a developer – and as someone who teaches sustainable development – I observe that Cedar Creek is a unique area. Not only in Johnson County but more broadly in the Kansas City area and Kansas generally. It is a series of neighborhoods that have been required to coexist with nature in a significant way – in some cases for decades. It is made of hills and valleys, tree covered areas and water bodies. That combination is rare in Kansas. Its hard to imagine any ‘routine’ development proposal fitting into that without doing harm. It is an outstanding area that has fostered a balance of green space and wildlife that would be difficult to replicate in any modern development – no matter how much was budgeted for those attributes. That assessment should weigh heavily against insensitive development generally – and the ODDO Application and Proposal in particular. (I am told that non residents visit the Cedar Creek location – wedding photographers and graduation parties travel to the open spaces or pose beneath the area’s waterfalls. If true then the generalized benefits of the current character of the area extend well beyond the homeowners, albeit they pay for this amenity.). AS a model of living, Cedar Creek exhibits positive *health, safety and welfare attributes*.

On the other hand, the hardship to the land owner is light, in my view. As I noted earlier, I understand the developer may have acquired the site. In which case the developer did so *without rezoning*. The value in the site is obviously there, otherwise the purchase would not have been. In other words, if the zoning were a *hardship upon the owner*, he/she wouldn’t buy the

land. Moreover, the developer appears to have numerous options. The most obvious is to develop a sympathetic C2 site. Lower in scale – lower in intensity and density, as required under current C2 provisions – something that matches the character of the neighborhood, mimics the neighboring building scale and style and blends with the overriding rural nature of the Cedar Creek location. Or ODDO could seek rezoning for a more compatible use and propose an R1 residential development, Or R2 and build in-keeping townhomes, where the townhome dwellers would feel welcome and at home in their rural-like setting – while causing no blight or conflict with the prevailing local character.

In short *the site retains its value if not rezoned*. Whereas the *hardship* of losing a delicate and carefully stewarded green-space neighborhood to the ODDO Proposal would be severe.

(7) The extent to which the removal of the restriction will detrimentally affect the nearby property

As I have discussed, the restriction – that is, the current zoning of C2 – is not an abstract. The restriction, in this context, prevents the ODDO out-of-place, large-scale Proposal for a large building of six levels and 300 apartment units. The location – the gateway entrance to the Cedar Creek Local Area – is key and iconic. As such, the concept of ‘*nearby property*’ should not be narrowly interpreted here. The home owners of Cedar Creek own the largest area of *nearby property*. In fact I understand they specifically acquired it to keep it open space and prevent development from spoiling the area just two years or so ago. So the homeowners across Cedar Creek should be considered in the category of ‘*nearby property*’.

The ODDO development would negatively impact traffic, views, the predominantly rural character, the density and cumulatively the desirability of the area. As such

the homeowners' investment in their preserved *neighboring property* would be *detrimentally affected*. Moreover, its hard to see how the selability and price of homes would not be *detrimentally affected*. Homes that can only be accessed by passing the (out-of-character and prominently positioned) development.

In my view the impact to *nearby property* (whether defined as near or further afield) would be one of severe *detrimental afffect*.

(8) Recommendations of professional staff

I have not spoken with City of Olathe planning staff. Therefore, while I would expect them to be aware of the unique living asset that Cedar Creek represents, I cannot speak to this criterion.

(9) Conformance of the requested change to the adopted comprehensive plan

On this I refer back to the Cedar Creek Area Plan as the local *adopted comprehensive plan*. I have briefly reviewed the Area Plan. While some ambitions now seem out of date, such as a conference center and attendant hotel, the principal objective – to build neighborhoods amid nature that would become a premier residential asset to the wider area, is current to *the comprehensive plan*. In other words, as I look over the Area Plan, I see why Cedar Creek looks and feels the way it does.

I also see that nowhere in the Area Plan are there provisions for developments of the kind in the ODDO Application and Proposal. The notion of high-rise apartments is absent. (In fact while there are references to potential “multifamily” residential units, the numbers used are very small and the only mention of apartments I find is to “garden apartments”. Whatever they might be they are not likely a six story building). I am not aware of any revision to the Area

Plan that accords with the scale and type of Proposal submitted by ODDO. It is clear to me that the ODDO Proposal is not in *conformance to the adopted comprehensive plan*.

My observation is, therefore, that according to the Golden Criteria, the ODDO Application and Proposal should be denied. That does not mean that every application for rezoning should be denied, only those tied to a proposal that would violate the Golden Criteria.

Q17. Are you saying that the ODDO rezoning Application is for a Project that would immediately violate the rules of the new designation applied for?

A1. Exactly. It is like asking to join a club *because* you want to break its rules. Let me give you an example. The Area Plan sets height limits on buildings within the Area. The ODDO Proposal is a mixed use plan – commercial and residential. The Area Plan specifies the maximum height of buildings in a mixed use subdistrict as being 40ft for a suburban center. (50ft if it's a “town center” – which this would not qualify as, according to other provisions in the Area Plan). At its tallest the ODDO residential Proposal is 157' high, at its lowest its at 80 ft high.

Q18. So, in order to reject a proposal that would violate the Cedar Creek Area Plan and the Golden Criteria, the Olathe Planning Commissioners must reject the rezoning Application?

A1. Yes. That is the procedure of the decision before them. The context of that decision is broader, it is the character of Cedar Creek and the provisions of the Area Plan.

III. ODDO DEVELOPMENTS

Q19. You mentioned that you have had the opportunity to observe Oddo Developments's business approach, what do you mean by that?

A1. I assisted in the recent neighborhood opposition to an ODDO development proposal in Lenexa. As a consequence I was able to observe the business approach used by ODDO including tactics and strategies. I can say that there was, in my view, an unwillingness to engage with the community on the part of ODDO. Worse than that, I observed that the large team employed by ODDO to pursue approval in Lenexa of a very similar project to the one at issue in Cedar Creek, often used tactics that will leave a very poor taste in local's mouths for a very long time.

Q20. Are there specific example of these tactics of which you think the City of Olathe Planning Commissioners should be aware?

A1. Yes. As I was involved in the process in Lenexa where a similar ODDO project was proposed. The ODDO team met with public groups and discussed the ODDO two story proposal. A week later, right before the Planning Commission, ODDO had turned the project into a three story development. The objectors concluded that in the presentation in the public meeting with objectors ODDO was not being candid about the actual plans that were intended from the Lenexa Planning Commissioners.

Q21. Did parties objecting think this was a deliberate switch?

A1. I believe so. I believe they felt purposely misled.

Q22. Was that the only instance you noticed where those engaged in the process felt misled?

A1. No. Before Lenexa City Council, in the full council meeting, ODDO appeared to change the plans in the proposal. Specifics approved by the Planning Commissioners were suddenly being treated as tho they were movable items on the ODDO menu. Substitutions were being listed to potentially replace apporved items, all in the manner that implied the final say on these matters rested not with Lenexa but with ODDO.

Q23. Were there other concerns with the process in Lenexa that you'd like to share?

A1. Yes. After submissions from parties opposed to the ODDO proposals were closed, ODDO appears to have been given all the objections and so had the opportunity to create a rebuttal argument for each point. This was a significant unfairness to opposition parties in my view.

IV. OTHER CONCERNS OR ISSUES

Q24. Do you have any other concerns about the Oddo Application?

A1. Yes. I feel that the City of Olathe could leave itself open to challenge on grounds of 'spot zoning' if it were to approve the ODDA rezoning Application.

Q25. What is "spot zoning"?

A1. Spot zoning is where a zoning designation is changed to benefit an applicant where the basis for the change is unreasonable on its face. Here it might look like its 'reasonable' to allow a zoned area to be changed to conform to a larger, differently zoned, area. But, as I have mentioned, the rezoning process in Olathe is tied to a proposal that goes with the application. In this case, rezoning the Cedar Creek Parkway site from C2 to CC *on the back of the ODDO*

Proposal would be a zoning decision that would green-light an out-of-type, high density, height and other violations or variations project that was wholesale out-of-character development in the area. To me that becomes classic ‘spot zoning’.

Q26. What is the consequence of “spot zoning”?

A1. That depends on a number of factors but the general result is that any decision that is determined as ‘spot zoning’ is overturned. There can also be other consequences after that, but that’s going beyond my area to discuss. But it’s not good.

Q27. Do you have any other issues you wish to draw Commissioners’ attention to?

A1. Yes. When challenged about the negative impact on home values and salability when a large apartment building is built nearby, ODDO pulled out two responses. A Johnson County appraiser’s letter denying there would be an impact and study from Utah concluding the same thing. It needs to be said that no county appraiser would like to field a slew of letters challenging home appraisals because of negative impacts from out-of-character development – and losing – thereby causing a drop in tax revenues. So such a letter is merely an appraiser rehearsing his arguments before the inevitable claims go before adjudication. As for having to go all the way to Utah to find a study that contradicts common sense, well this is Kansas and I doubt that will fly in Olathe.

V. CONCLUSION

Q28. Do you have any other comments for the Commissioners?

A1. Yes, one final observation. There I no reason that sympathetic, in-keeping development on the site in question would not succeed. But to propose the kind of development that would ruin the reason you want to be there in the first place – the high-quality, semi-rural character of the site, is self defeating. There has simply been no good reason given for abandoning the standards that created Cedar Creek. So the standards should be maintained.

Q29. Does this conclude your submission?

A1. Yes, it does.

Lauren Young

From: John Bacon
Sent: Wednesday, March 6, 2024 8:25 AM
To: Planning Contact
Subject: FW: ODDO APARTMENTS IN CESAR CREEK

Cathy Marks, Assistant to the City Manager
(913) 971-8940 | OlatheKS.org
Administration | City of Olathe, Kansas
Setting the Standard for Excellence in Public Service

-----Original Message-----

From: Jack Okerstrom <drok50@mac.com>
Sent: Monday, March 4, 2024 4:21 PM
To: John Bacon <JBacon@OLATHEKS.ORG>
Subject: ODDO APARTMENTS IN CESAR CREEK

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sir,

Please do not allow this peaceful neighborhood to be ruined by apartments!! There are many other areas these can be built.

Dr. Jack Okerstrom
Sent from my iPhone

Lauren Young

From: John Bacon
Sent: Wednesday, March 6, 2024 8:20 AM
To: Planning Contact
Subject: FW: RZ24-0003 should not be approved

[Cathy Marks](#), Assistant to the City Manager

(913) 971-8940 | OlatheKS.org

Administration | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



From: kathyb6431@comcast.net <kathyb6431@comcast.net>

Sent: Monday, March 4, 2024 1:00 PM

To: John Bacon <JBacon@OLATHEKS.ORG>

Subject: RZ24-0003 should not be approved

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon:

RZ24-0003 is the proposal pertaining to the construction of a massive four story, three hundred unit apartment building in the established neighborhood of Cedar Creek Community, Olathe, Kansas.

The development is a drastic departure from other Oddo rental homes built adjacent to other Johnson County owned-home neighborhoods. Consider Oddo's East Village, The Peak, Villa Milano, Sonoma Hill, Jefferson Pointe and Bradford Pointe.

In fact, at the Planning Commission meeting on 2/26/24, Mr. Oddo emphasized how his RZ23-0003 project, located southwest of College Boulevard and K-7 Highway, would look like 'real' homes. Note that the RZ23-0003 project states 314 units will be built on 27.5 acres as compared to the Cedar Creek project of 300+ units to be built on 14 acres.

Mr. Oddo's reasoning to build upwards not outwards at Cedar Creek is obviously because it's the only way he can build the number of units needed to make a profit.

As I understand, the location of the development is not in compliance with multi-family rental housing codes that stipulate the housing must be: •In character with the neighborhood. •Near services. •Near potential employment.

I also wanted to emphasize that renters will not be allowed to use Cedar Creek outdoor sport facilities, picnic areas, the clubhouse, and Shadow Lake as these areas are exclusively for Cedar Creek home owners, paid for by home owners, and maintained by HOA.

Cedar Creek homeowners relayed this fact to Mr. Oddo at a meeting 2/1/24 at the clubhouse of Cedar Creek, Mr. Oddo's solution was "we will note the exclusions in the lease."

RZ24-0003 should not be approved. The aspects of the development are against the building code in many respects for home owners living in the established Cedar Creek Community and it also does not follow several guidelines for multi-family rentals.

Thank-you for your time.

Sincerely,

Kathy J. Boyd
10155 South Shadow Circle
Olathe, Kansas 66061
239.841.4196

Nathan Jurey

From: Nathan Jurey
Sent: Thursday, March 7, 2024 10:08 AM
To: Nathan Jurey
Subject: FW: Support for Oddo Developments' Mixed-Use Project in Cedar Creek

From: kelly pfannenstiel <kellypfannenstiel@gmail.com>

Date: 3/6/24 5:31 PM (GMT-06:00)

To: Marge Vogt <MVogt@OLATHEKS.ORG>, John Bacon <JBacon@OLATHEKS.ORG>, Robyn Essex <RREssex@olatheks.org>, Dean Vakas <DVakas@OLATHEKS.ORG>, LeEtta Felter <LFelter@OLATHEKS.ORG>, Kevin Gilmore <KPGilmore@OLATHEKS.ORG>, Matthew Schoonover <MSchoonover@OLATHEKS.ORG>, Chet Belcher <CDBelcher@OLATHEKS.ORG>

Subject: Support for Oddo Developments' Mixed-Use Project in Cedar Creek

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I hope this email finds you well. My name is Kelly Pfannenstiel, and I am writing to express my enthusiastic support for Oddo Developments' upcoming mixed-use project in Cedar Creek. As a resident near the proposed site for the past 20 years, I believe this development will bring numerous benefits to our community and enhance the quality of life for residents in the area.

Over the years, I have witnessed the growth and evolution of our city, and I believe that responsible development is essential for its continued prosperity. The mixed-use project proposed by Oddo Developments aligns with the vision for sustainable growth in Olathe, offering a thoughtful blend of residential, commercial, and recreational spaces that will contribute to the vibrancy of our neighborhood.

Specifically, I am excited about the potential for this project to revitalize underutilized areas, create job opportunities, and stimulate economic growth. Additionally, the inclusion of mixed-income housing will promote diversity and inclusivity within our community, fostering a sense of belonging for residents from all walks of life.

In conclusion, I urge you to support Oddo Developments' mixed-use project in Cedar Creek. I believe it has the potential to be a transformative addition to our community, enhancing our quality of life.

Thank you for considering my input on this matter. I look forward to seeing the positive impact that this project will have on our city.

Sincerely,
Kelly Pfannenstiel
23292 W 124th Place
Olathe, KS 66061

From: Ken Lane <klane1976@sbcglobal.net>
Sent: Thursday, March 7, 2024 1:47 PM
To: Dean Vakas; John Bacon; Marge Vogt; Robyn Essex; LeEtta Felter; Kevin Gilmore; Matthew Schoonover; Planning Contact; Debi Lane; Stephen A. S. & Theodore P. Morrison
Subject: Strong Opposition to RZ24-0003 (proposed Cedar Creek dev)
Attachments: INTERROGATORY OF STEVAN P. BENNETT.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear (Planning Commission or City Council Member or Mayor)

In addition to the below observations, please review the attached Interrogatory from renowned JCCC professor Stevan P. Bennett who observes “that according to the Golden Criteria, the ODDO application and proposal should be denied”.

As a long-time(15+years) resident of the community of Cedar Creek (CC), I’m writing to inform you of my strong opposition to a proposal that will be in front of the Planning Commission on February 26, 2024.

The proposed commercial project by ODDO Development is referred to as Shadow Glen Mixed Use Community with the designation, RZ24-0003.

The proposal involves the construction of a massive four-story, 300+-unit apartment mixed-use complex which also plans to include two restaurants and a coffee shop. It is sited in a manner most advantageous to the developer, with a site plan that negatively impacts the beloved aesthetics of the entrance of Cedar Creek.

Below are the key reasons for my opposition:

1. SPOILS OUR ENTRANCE AESTHETICS

Since it was established in the 1970s, the single-family home community of Cedar Creek has been synonymous with quiet peaceful living amid lush, natural surroundings, complete with its own lake, nature trails, and other amenities – far away from commercial properties and multi-unit developments. ODDO’s proposal will necessitate clear-cutting of hundreds of trees on the 14-acre plot. The 4-story and 5-story apartment buildings will tower over the remaining trees by at least 20 feet and will become a massive dominating feature longer than a football field; and viewable from private residences and CC community-owned land.

2. POTENTIAL FOR NEGATIVELY IMPACTING HOME VALUES

Real estate agents who work with Cedar Creek have indicated a strong concern for a decrease in home values if an apartment complex becomes part of the CC landscape.

3. DEFORESTS LUSH WOODS & WILDLIFE HABITATS

Drainage and stormwater runoff are both major concerns. The 65-acre Shadow Lake on the west side of Cedar Creek Parkway is physically interconnected with multiple bodies of water on the east side. Our expensive water management and carefully managed aquatic ecosystem will be at risk. Analyzing this alone requires a highly technical study by credentialed professional experts. Cedar Creek lakes are a multi-million-dollar community asset funded by escalating CC homeowner dues. Discounting potential problems with typical small-scale solutions is a serious mistake.

4. HIGH POTENTIAL FOR INCREASED TRAFFIC CONGESTION

The traffic plan presented at the ODDO meeting on Feb.1st only addressed the impact of the 300 apartment units. It did not address the more than 600 other apartments potentially planned across from Canyon Creek at the K-10 northwest entrance. What’s more, we were told by ODDO that they were only obligated to explore the impact of their project’s 300 apartments. The traffic that would be created

by the nearly 1000 apartment units proposed for the two projects would be far more than the interchange could handle in its current configuration.

5. UNNECESSARY SPEED OF DECISIONMAKING WITH LITTLE RESIDENT VOICE

Residents who've been in contact with Olathe City Council members have been advised that there is reason why the project is on an expedited timetable and that it could absolutely move at a slower pace if that would allow further investigation into the planning. At the meeting, ODDO concurred with this, indicating they would be amenable to slow things down in order to work with the residents. It appears the only reason for the speed is at behest of the seller who apparently needs financial resources to foot the bill for other projects. The seller has even told ODDO that they'd better act quickly or another buyer would be at the ready.

The bottom line...there are more than 1300 homeowners in CCV1 and another 400+ homeowners in CCV2, and a significant number of them are deeply concerned about the future of the community they dearly love. There is a growing feeling that we, as residents, have no voice in what happens here. We simply want to have our voices heard.

We residents are asking, at the very least, that approval of this project be delayed until 3Q2024 for the residents to have the appropriate amount of time to thoroughly examine the proposal, ask more questions of the developer and Board, and have input into a project that will have a significant impact on the way we live.

Sincerely,
Ken and Debi Lane
10560 S Highland Ln
Olathe, Ks. 66061

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF OLATHE, KANSAS**

Oddo Developments's Application (Initially "CC Property Investment I, LLC"): for Rezoning and Project Approval (Initially called) "Shadow Glen Mixed Use Community (PRE23-0098) – SE of Cedar Creek & Valley Pkwy"

Application RZ24-003
(Hearing: March 11, 2024)

INTERROGATORY AND RESPONSES OF STEVAN P. BENNETT

For:
Preserve Our Neighborhood
Association, a Not-For-Profit Entity
Incorporated Under the Laws of the
State of Kansas
PONAssociation@gmail.com

Advocating Against the Oddo
Developments Application for
Rezoning and Proposed Development

Dated: March 6, 2024

I. INTRODUCTION

II. ODDO APPLICATION - RZ 24-0003

- i) Describing the Application
- ii) Zoning v a Development Proposal
- iii) The Cedar Creek Area Plan
- iv) The Golden Criteria

III. ODDO DEVELOPMENTS

IV. OTHER CONCERNS OR ISSUES

- i) Spot Zoning

V. CONCLUSION

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF OLATHE, KANSAS**

Oddo Developments's Application (Initially "CC Property Investment I, LLC"): for Rezoning and Project Approval (Initially called) "Shadow Glen Mixed Use Community (PRE23-0098) – SE of Cedar Creek & Valley Pkwy"

Application RZ24-003
(Hearing: March 11, 2024)

INTERROGATORY AND RESPONSES OF STEVAN P. BENNETT

I. INTRODUCTION

Q1. Please state your name, business address, and telephone number.

A1. My name is Stevan P. Bennett. My business address is 25891 W. 96th Terrace, Lenexa, KS 66227. My business telephone number is 816-730-0751.

Q2. By whom are you employed and in what capacity?

A2. I am Chair and Professor of the Construction Management Program at Johnson County Community College (JCCC). There I teach, at the Certificate and Associate-Degree levels, Construction-Development, Zoning, Green Building (LEED), Building Codes, Safety, BIM, Management, Specifications, Materials, Estimating, etc.

I am also a Principal at BCM Construction Management which is a construction, design and project management consultancy.

Finally, I have also been the developer for my own building projects.

Q3. Briefly outline your responsibilities as Principal at BCM.

A1. BCM has expertise in a wide range of projects including for Municipalities, Class A Office, Education, Retail, Infrastructure, Multi-Family & Condominium developments. I perform consulting services (project management, use of the best methods, construction and design, sustainable design, etc.) for a range of construction projects. I can be involved at the early project-development stage through pre-construction and estimating to management of the construction phase itself. I work with regulators - such as planning & zoning authorities - contractors, clients and subcontractors. I work on zoning applications, variances, code and regulation compliance and planning. One of my main goals is to foster a business model built on relationships.

Q4. Briefly describe your educational background.

A1. I have my Bachelor's Degree in Construction Science Engineering from Kansas State University and my Business Studies Postgraduate from Wichita State University. I also have multiple continuing education qualifications.

Q5. Have you had any other formal training?

A1. Yes. As I mentioned I participate in continuing professional education. I also have LEED training, OSHA training and other formal management courses.

Q6. Do you have any professional licenses or belong to any professional organizations?

A1. Yes. I have held a Contractor License and International Code Council National Standard General Building Contractor (A) Licensing. I am also a member of the American Construction Council Education (ACCE) Certified Program by which the JCCC Construction Management course is accredited. I am a Past Member of Builders of KC and AGC of Kansas, a Master Builders of Iowa (asc), a Missouri Preservation Historic Building Award Winner and have received several awards in construction.

Q7. Have you previously made submissions to planning commissions?

A1. Yes. On multiple occasions and before various planning bodies and municipalities. I have prepared submissions either for clients or as a non participant in a specific application but making professional submissions either in support of an application or in support of objections. I have also submitted objections and comments on my own behalf.

Q8. Briefly describe how your experience relates to this Application.

A1. I have briefly reviewed the Application submitted by Oddo Developments ("ODDO") for a project above Cedar Creek Parkway and the reasoning for that project and I am also familiar with developments of this type. I know the Cedar Creek residential area and the peripheral non-residential zones. More specifically, I am familiar with ODDO proposals and business approach, having reviewed and commented on similar proposals elsewhere in the county. I use that background when I review the ODDO Application.

Q9. What is the purpose of your current submission?

A1. Based on my expertise and experience I am responding to these questions at the request of the Preserve Our Neighborhood Association (the “Association”), a civic group in Cedar Creek. Following an ODDO public meeting on February 1, 2024, I was invited to attend an Association meeting where I offered views and advice in response to questions from Cedar Creek residents. I was then asked if I would participate in this form of submission and I agreed. As such I will provide analysis of the current ODDO Proposal (as well as other ODDO projects) and my opinion on ODDO methods and business practices. I will try to put my answers into the broader contexts of sustainability and the character of Cedar Creek and the suitability (or otherwise) of the ODDO Proposal.

Q10. Do you have any specific expertise in the area of zoning/rezoning?

A1. Yes. As a developer I have worked with zoning provisions in multiple jurisdictions. I am not an attorney but I have to be aware of the details of these legal provisions if any project I sponsor or manage is to be completed. I also teach zoning, codes and compliance

Q11. Are you aware of the so-called Golden Criteria in Kansas?

A1. Yes. More than just aware – I have practical experience of how they have been applied in various jurisdictions, what the expectations are upon planning commissioners and planning staffs and where there has been controversy in their interpretation. Again, this is not only practical experience but I keep up on this subject to include as part of the Construction Management Program courses at JCCC.

The Golden Criteria are legally created guide rules. They establish the subjects that planners

must address in evaluating zoning or planning issues in Kansas. For example, consideration of the opinions of neighboring property owners is permissible in a zoning decision so long as the consideration of such opinions is relevant to establishing the existence or absence of one of the Golden Criteria, and comments must be related to specific factual concerns attributed to a specific application site and must be evaluated under the Golden Criteria.

II. ODDO APPLICATION - RZ 24-0003

Q12. Can you briefly describe the ODDO Application designated RZ24-0003?

A1. Yes. It is technically an Application to change a land parcel's zone designation. The parcel is located at the main entrance to the Cedar Creek in area that is its inside the boundary of the Cedar Creek Area Plan. The applicant ODDO wants the parcel to go from "C2", to "CC". But that is just the first element of this Application – *and Proposal*.

The Application is bound up with the Proposal that supports it. That Proposal is to build a large building with 300, 2 (plus) – bedroom apartments, some 11 townhomes, 2 restaurants and additional commercial spaces. Together with surface and partially subterranean parking, surface hardscaping and some communal amenities. The apparmments are small in scale but are planned-for in a single building of considerable size and mass.

As I understand it, City of Olathe rules require that an application for rezoning must include a number of supporting documents if there is a development proposal. In other words, you don't do an abstract 'request just to rezone' a parcel. So this Application is, in reality, the Application

AND the Proposal.

Q13. What do the zoning designations C2 and CC mean?

A.1 The notion of C2 is common across jurisdictions. While the details may differ from place to place its essentially a zone for mixed use, creating a central area for a community. So it allows for some retail /commercial and – in Olathe’s case – a specific type of residential. I understand CC is “Cedar Creek” – a zone designation created to support the Cedar Creek development as envisioned under the Cedar Creek Area Plan.

Q14. What is the Area Plan?

A1. The Area Plan for Cedar Creek is the Overlay guidebook for the development of all of Cedar Creek and its neighborhoods. I think it was initiated back in the 1980s and since then has been updated and, I believe, it is all now adopted as a city ordinance by the City of Olathe. It is the authoritative guide for what is permitted in Cedar Creek's Planned Area. But its more than a guide because many of its provisions are called “regulations” – things such as street setbacks, building heights, etc.

Q15. Is it a good idea to rezone a peripheral site on the edge of the Planned Area from C2 to CC?

A1. That is a question that can’t be answered in the abstract - without knowing why the rezoning is requested. Remember, in Olathe a rezoning application needs details of a proposal for land-use going with it. In this specific ODDO case, the rezoning Application is a bad idea.

Q16. Why is the ODDO Application for rezoning specifically a “bad idea” but not other potential rezoning applications?

A1. We know what is in the Proposal that goes with the ODDO Application, and *that’s* what makes it a bad idea.

The ODDO plan was submitted to the city. And even though it has changed (by a modest amount) it essentially remains a proposal that should fail, based on most – if not all – of the Golden Criteria. If I can briefly go through them:

(1) Existing use and zoning classifications within the general area of the property in question

The *general area* of the property in question is principally made-up of three features: first there are small scale low intensity commercial buildings and lots; and second there is a large expanse of very low density residential. In fact the residential designation of the Cedar Creek area is “R1”. That is, single family homes on specific plots related to those homes. Third there is open space – owned by the homeowners and maintained as open space.

The ODDO plan does not accord with either the R1 residential character of the *general area* or the low intensity commercial features of the general area. To the contrary it introduces a significant departure from both – that is, a single large scale, high density unit of R4 residential – (with additional aspects added on). The ODDO Application and Proposal is for a huge departure from the *general area*, with no signs of justification or relationship to the site or *general area*.

The density of Cedar Creek’s R1 residential neighborhoods has a very low average. According to the Area Plan the gross density is an average of 1.87. As I understand the ODDO Proposal it will have a gross density of over 22.0! On its face that alone makes the Proposal incompatible with the CC zone designation and the *general area*.

(2) Suitability of the property to uses permitted under the existing zoning classification

The *existing C2 zoning* classification of the ODDO site appears to fit well within its immediate surroundings. Not only are there low level, low intensity commercial properties on some of those lots, I believe site surveys can be seen being carried out on nearby vacant commercially zoned lots. Moreover, I understand some of the current built-out commercial lots are recent additions – having been developed from vacant within recent years. Also – all of the built environment (residential and commercial) is low-level, low density/intensity. Development of the ODDO site is specifically well suited to low-level, low intensity. It is a higher elevation and has dense tree coverage. Any number of *existing zoning* – that is C2 – uses could be built there and they would be naturally screened and suited to the site. It seems to me this form of development is what this site calls for.

(3) Character of the neighborhood

As I observed earlier, Cedar Creek is overwhelmingly residential. And of that, I understand, it is 100% R1. That sets the tone. That is the established *character of the neighborhood*. The fact that there are some commercial lots on the periphery does not change the predominant feature of the Cedar Creek Planned Area – it is a series of single family home neighborhoods. The other major aspect of the *character of the neighborhood* is its rural feel. To me it does not feel like a subdivision or suburbs. That rural feel is deliberate and has been carefully stewarded for decades.

Of course there are those lots on the boundary that are zoned commercial. But even a casual observer would conclude – they are constructed to fit in with the predominantly ‘residential’ *character of the neighborhood*. None are either high-rise or out-of-place in

construction or materials. None appear to even be particularly visible. In fact the commercial landscape on the periphery of the Planned Area is a model of aesthetic and sympathetic integration, allowing those peripheral commercial lots to recede and the rural feel and character is left undisturbed.

Nothing about the ODDO proposal behind the Application accords with the *character of the neighborhood*.

(4) **The length of time the subject property has remained vacant as zoned**

(5) While I understand it is the case that this lot has remained vacant (as zoned) for some time, I believe neighboring commercial lots have sold and been developed (and I understand others are under development consideration as I speak). Therefore, I cannot conclude that the zoning for this lot is wrong *per se*. In my opinion, more likely, this is a function of the land ownership. I understand the property may currently be the subject of a sale (to ODDO or an affiliate) but equally I understand the site remained in the same hands for decades before now. From that I conclude that *the length of time the property has remained vacant as zoned* was so because the long-term owner was either not being realistic about price/serious about marketing the site – or was purposely withholding the property from the market, despite commercial prospects.

The fact of movement of neighboring properties indicates that *this site has not remained vacant as zoned because it was in any way improperly zoned*.

(6) **The relative gain to public health, safety and welfare by the destruction of value of the owner's property as compared to the hardship imposed upon individual land owners**

This is the ‘balancing criteria’. Balancing the general interest of the public (i.e. the neighborhood and others that may visit it) with the interests of the landowner if rezoning is denied (i.e. any loss) . In the case of Cedar Creek this is fairly straightforward in my view, balancing the criteria of *relative public gain to land owner hardship* does not favor the landowner’s interest.

As a developer – and as someone who teaches sustainable development – I observe that Cedar Creek is a unique area. Not only in Johnson County but more broadly in the Kansas City area and Kansas generally. It is a series of neighborhoods that have been required to coexist with nature in a significant way – in some cases for decades. It is made of hills and valleys, tree covered areas and water bodies. That combination is rare in Kansas. Its hard to imagine any ‘routine’ development proposal fitting into that without doing harm. It is an outstanding area that has fostered a balance of green space and wildlife that would be difficult to replicate in any modern development – no matter how much was budgeted for those attributes. That assessment should weigh heavily against insensitive development generally – and the ODDO Application and Proposal in particular. (I am told that non residents visit the Cedar Creek location – wedding photographers and graduation parties travel to the open spaces or pose beneath the area’s waterfalls. If true then the generalized benefits of the current character of the area extend well beyond the homeowners, albeit they pay for this amenity.). AS a model of living, Cedar Creek exhibits positive *health, safety and welfare attributes*.

On the other hand, the hardship to the land owner is light, in my view. As I noted earlier, I understand the developer may have acquired the site. In which case the developer did so *without rezoning*. The value in the site is obviously there, otherwise the purchase would not have been. In other words, if the zoning were a *hardship upon the owner*, he/she wouldn’t buy the

land. Moreover, the developer appears to have numerous options. The most obvious is to develop a sympathetic C2 site. Lower in scale – lower in intensity and density, as required under current C2 provisions – something that matches the character of the neighborhood, mimics the neighboring building scale and style and blends with the overriding rural nature of the Cedar Creek location. Or ODDO could seek rezoning for a more compatible use and propose an R1 residential development, Or R2 and build in-keeping townhomes, where the townhome dwellers would feel welcome and at home in their rural-like setting – while causing no blight or conflict with the prevailing local character.

In short *the site retains its value if not rezoned*. Whereas the *hardship* of losing a delicate and carefully stewarded green-space neighborhood to the ODDO Proposal would be severe.

(7) The extent to which the removal of the restriction will detrimentally affect the nearby property

As I have discussed, the restriction – that is, the current zoning of C2 – is not an abstract. The restriction, in this context, prevents the ODDO out-of-place, large-scale Proposal for a large building of six levels and 300 apartment units. The location – the gateway entrance to the Cedar Creek Local Area – is key and iconic. As such, the concept of ‘*nearby property*’ should not be narrowly interpreted here. The home owners of Cedar Creek own the largest area of *nearby property*. In fact I understand they specifically acquired it to keep it open space and prevent development from spoiling the area just two years or so ago. So the homeowners across Cedar Creek should be considered in the category of ‘*nearby property*’.

The ODDO development would negatively impact traffic, views, the predominantly rural character, the density and cumulatively the desirability of the area. As such

the homeowners' investment in their preserved *neighboring property* would be *detrimentally affected*. Moreover, its hard to see how the selability and price of homes would not be *detrimentally affected*. Homes that can only be accessed by passing the (out-of-character and prominently positioned) development.

In my view the impact to *nearby property* (whether defined as near or further afield) would be one of severe *detrimental affect*.

(8) Recommendations of professional staff

I have not spoken with City of Olathe planning staff. Therefore, while I would expect them to be aware of the unique living asset that Cedar Creek represents, I cannot speak to this criterion.

(9) Conformance of the requested change to the adopted comprehensive plan

On this I refer back to the Cedar Creek Area Plan as the local *adopted comprehensive plan*. I have briefly reviewed the Area Plan. While some ambitions now seem out of date, such as a conference center and attendant hotel, the principal objective – to build neighborhoods amid nature that would become a premier residential asset to the wider area, is current to *the comprehensive plan*. In other words, as I look over the Area Plan, I see why Cedar Creek looks and feels the way it does.

I also see that nowhere in the Area Plan are there provisions for developments of the kind in the ODDO Application and Proposal. The notion of high-rise apartments is absent. (In fact while there are references to potential “multifamily” residential units, the numbers used are very small and the only mention of apartments I find is to “garden apartments”. Whatever they might be they are not likely a six story building). I am not aware of any revision to the Area

Plan that accords with the scale and type of Proposal submitted by ODDO. It is clear to me that the ODDO Proposal is not in *conformance to the adopted comprehensive plan*.

My observation is, therefore, that according to the Golden Criteria, the ODDO Application and Proposal should be denied. That does not mean that every application for rezoning should be denied, only those tied to a proposal that would violate the Golden Criteria.

Q17. Are you saying that the ODDO rezoning Application is for a Project that would immediately violate the rules of the new designation applied for?

A1. Exactly. It is like asking to join a club *because* you want to break its rules. Let me give you an example. The Area Plan sets height limits on buildings within the Area. The ODDO Proposal is a mixed use plan – commercial and residential. The Area Plan specifies the maximum height of buildings in a mixed use subdistrict as being 40ft for a suburban center. (50ft if it's a “town center” – which this would not qualify as, according to other provisions in the Area Plan). At its tallest the ODDO residential Proposal is 157' high, at its lowest its at 80 ft high.

Q18. So, in order to reject a proposal that would violate the Cedar Creek Area Plan and the Golden Criteria, the Olathe Planning Commissioners must reject the rezoning Application?

A1. Yes. That is the procedure of the decision before them. The context of that decision is broader, it is the character of Cedar Creek and the provisions of the Area Plan.

III. ODDO DEVELOPMENTS

Q19. You mentioned that you have had the opportunity to observe Oddo Developments's business approach, what do you mean by that?

A1. I assisted in the recent neighborhood opposition to an ODDO development proposal in Lenexa. As a consequence I was able to observe the business approach used by ODDO including tactics and strategies. I can say that there was, in my view, an unwillingness to engage with the community on the part of ODDO. Worse than that, I observed that the large team employed by ODDO to pursue approval in Lenexa of a very similar project to the one at issue in Cedar Creek, often used tactics that will leave a very poor taste in local's mouths for a very long time.

Q20. Are there specific example of these tactics of which you think the City of Olathe Planning Commissioners should be aware?

A1. Yes. As I was involved in the process in Lenexa where a similar ODDO project was proposed. The ODDO team met with public groups and discussed the ODDO two story proposal. A week later, right before the Planning Commission, ODDO had turned the project into a three story development. The objectors concluded that in the presentation in the public meeting with objectors ODDO was not being candid about the actual plans that were intended from the Lenexa Planning Commissioners.

Q21. Did parties objecting think this was a deliberate switch?

A1. I believe so. I believe they felt purposely misled.

Q22. Was that the only instance you noticed where those engaged in the process felt misled?

A1. No. Before Lenexa City Council, in the full council meeting, ODDO appeared to change the plans in the proposal. Specifics approved by the Planning Commissioners were suddenly being treated as tho they were movable items on the ODDO menu. Substitutions were being listed to potentially replace approved items, all in the manner that implied the final say on these matters rested not with Lenexa but with ODDO.

Q23. Were there other concerns with the process in Lenexa that you'd like to share?

A1. Yes. After submissions from parties opposed to the ODDO proposals were closed, ODDO appears to have been given all the objections and so had the opportunity to create a rebuttal argument for each point. This was a significant unfairness to opposition parties in my view.

IV. OTHER CONCERNS OR ISSUES

Q24. Do you have any other concerns about the Oddo Application?

A1. Yes. I feel that the City of Olathe could leave itself open to challenge on grounds of 'spot zoning' if it were to approve the ODDA rezoning Application.

Q25. What is "spot zoning"?

A1. Spot zoning is where a zoning designation is changed to benefit an applicant where the basis for the change is unreasonable on its face. Here it might look like its 'reasonable' to allow a zoned area to be changed to conform to a larger, differently zoned, area. But, as I have mentioned, the rezoning process in Olathe is tied to a proposal that goes with the application. In this case, rezoning the Cedar Creek Parkway site from C2 to CC *on the back of the ODDO*

Proposal would be a zoning decision that would green-light an out-of-type, high density, height and other violations or variations project that was wholesale out-of-character development in the area. To me that becomes classic ‘spot zoning’.

Q26. What is the consequence of “spot zoning”?

A1. That depends on a number of factors but the general result is that any decision that is determined as ‘spot zoning is overturned. There can also be other consequences after that, but that’s going beyond my area to discuss. But its not good.

Q27. Do you have any other issues you wish to draw Commissioners’ attention to?

A1. Yes. When challenged about the negative impact on home values and salability when a large apartment building is built nearby, ODDO pulled out two responses. A Johnson County appraisor’s letter denying there would be an impact and study from Utah concluding the same thing. It needs to be said that no county appraiser would like to field a slew of letters challenging home appraisals because of negative impacts from out-of-character development – and losing – thereby causing a drop in tax revenues. So such a letter is merely an appraiser rehearsing his arguments before the inevitable claims go before adjudication. As for having to go all the way to Utah to find a study that contradicts common sense, well this is Kansas and I doubt that will fly in Olathe.

V. CONCLUSION

Q28. Do you have any other comments for the Commissioners?

A1. Yes, one final observation. There is no reason that sympathetic, in-keeping development on the site in question would not succeed. But to propose the kind of development that would ruin the reason you want to be there in the first place – the high-quality, semi-rural character of the site, is self defeating. There has simply been no good reason given for abandoning the standards that created Cedar Creek. So the standards should be maintained.

Q29. Does this conclude your submission?

A1. Yes, it does.

Lauren Young

From: John Bacon
Sent: Wednesday, March 6, 2024 8:19 AM
To: Planning Contact
Subject: FW: Cedar Creek Zoning - NO to Oddo Project
Attachments: Mayor_Bacon.pdf

[Cathy Marks](#), Assistant to the City Manager

(913) 971-8940 | OlatheKS.org

Administration | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service



From: Lisa Nixon <lisajnxon81@gmail.com>
Sent: Monday, March 4, 2024 11:40 AM
To: John Bacon <JBacon@OLATHEKS.ORG>
Subject: Cedar Creek Zoning - NO to Oddo Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Don't ruin our beautiful, tranquil neighborhood.

Lisa Nixon
24781 W. 103rd Terrace
Olathe, KS 66061

Dear Mayor John Bacon,

As a long-time resident of the community of Cedar Creek I am writing to inform you of my strong opposition to the Oddo proposal that will be in front of the Planning Commission on March 11, 2024.

The proposed commercial project by Oddo Development is now referred to as Shadow Ridge Mixed Use Community with the designation of RZ24-0003.

Mr. Oddo proposes to cram a massive and wholly inappropriate mixed use apartment complex to include 314 apartments, parking lots, two restaurants, a restaurant/retail building of 25,000 square feet, 11 brownstone townhouses, and other structures on a mere 14 acres of forested land at the entrance to Cedar Creek. He is proposing an unheard of 22.4 units per acre as he reportedly pushes the city staff to allow him to encroach on even more greenspace to meet his target numbers.

Might I suggest Mr. Oddo's target numbers are completely inappropriate for this parcel, and that, if he wants to meet his financial objectives, he needs to find a more appropriate space in Cedar Creek or elsewhere and leave the beautiful entrance to our neighborhood alone?

According to the original goals for Cedar Creek documented in the Green Book (page 9), the fundamental guiding document for Cedar Creek, were to:

- Preserve the quality and unique character of Cedar Creek.
- Create a flexible plan that results in a sustainable community.
- Create an efficient process that ensures a high-quality community.

Regarding the first goal, perhaps nothing surpasses the importance of the exclusive entryway to Cedar Creek. The primary access into the "Jewel in the Crown", Cedar Creek Parkway, is a quarter mile long forested parkway featuring twin waterfalls, a large monument welcoming all to the Cedar Creek neighborhood nestled within a manicured landscape and ending with a panoramic view of Cedar Creek Lake. No other development in the area can match the impact that this Parkway provides. The parkway and lake are preferred settings for photographers who come to memorialize significant events such as weddings, anniversaries, and birthdays. The area is known throughout Kansas City for its unparalleled natural beauty and wildlife. The residents of Cedar Creek value this parkway as it is the first impression of this unique neighborhood.

This prized parkway is now at risk of being overwhelmed by one of the largest building complexes in this area of Olathe as the Planning Commission of Olathe considers major changes to this parkway with Oddo Development's flawed proposal. The view from Cedar Creek Parkway will exceed 4-5 stories due to the slope of the land and the 2-story "underground" parking garage. Based on page 8 of the most recent Oddo "Slope

Preservation Plan" the 2-story garage will actually be above ground of the west side and effectively makes the building not 4 or 5 stories, but 6 or 7 stories tall. Approximately 2.5 to 3.5 stories of the apartments will be visible from our beautiful parkway.

Approximately 30%-50% of these buildings will be visible from the road surface and even more visible from the houses on the west side. Sightlines from multiple neighborhoods will be changed from a natural view to that of a giant apartment complex. The impact of these structures will significantly overcome the natural environment so important to the community's primary goal of "preserving the quality and unique character of Cedar Creek".

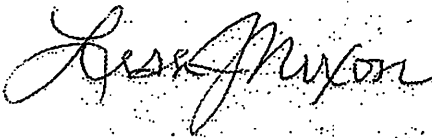
Homeowners in Cedar Creek are not opposed to the appropriate development of this land and other parcels on the east side commercial areas. But we are concerned that the current proposal and plans are inappropriate and completely unacceptable for this area along Cedar Creek Parkway.

The Oddo project would not be in keeping with the original and fundamental goals of Cedar Creek. Furthermore, the Oddo project will forever mar the "Jewel in Olathe's Crown".

The Oddo Development proposal clearly attempts to capitalize on the image and reputation of Cedar Creek to enhance the image and value of this development. Ironically, this plan will permanently harm the qualities of Cedar Creek it wishes to capitalize on.

We ask that the City and Planning Commission put a halt to this inappropriate project. Perhaps Mr. Oddo needs to take the time to understand the history of Cedar Creek and what it stands for. Perhaps then he may bring a plan that Oddo, our residents, our community, and the City government can be proud of.

Respectfully,

A handwritten signature in cursive script, appearing to read "Lisa Nixon". The signature is written in dark ink on a white background.

Anna Will

Subject: FW: Opposition to Oddo development in Cedar Creek
Attachments: comments.xlsx

From: Nick Payne <nmp5121@yahoo.com>
Sent: Wednesday, March 6, 2024 9:28 PM
To: John Bacon <JBacon@OLATHEKS.ORG>; Dean Vakas <DVakas@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>
Cc: Planning Contact <PlanningContact@OLATHEKS.ORG>; Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>; Nathan Studtmann <nrstudtmann@gmail.com>
Subject: Opposition to Oddo development in Cedar Creek

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Mayor and council members:

I am writing to let you know I staunchly oppose the rezoning of the area titled:

Shadow Glen Mixed Use Community. Case #: RZ24-0003. Case name: West Valley and Cedar Creek Parkway. This request was to rezone for Shadow Glen Mixed Use Project consisting of 300 units and 4-story walkout buildings, 11 Brownstone 2-story units, with 3 retail/office buildings.

First off let me make you aware of who I am. I am Nicholas (Nick) Payne. I am a 7 year resident of the Cedar Glen 1 neighborhood in Cedar Creek. I was one of the leaders in the Benefit District Fight. I was the person who coined the name "Olathe home of the triple tax". I am also the leader of Cedar Creek Homeowners United and more!

Cedar Creek Homeowners United Facebook Group page has 702 members, my Northwest Olathe Facebook page has over 500, and a newly developed Facebook group page called Preserve Our Neighborhood Association has over 50. All 3 pages cover various topics and have a wide variety of people as members of these groups. It includes GOP types, Democrats, independents but most importantly people that care about Cedar Creek and protecting their interest as homeowners.

Engagement on these Facebook pages is extremely high and I can guarantee you people are tuned in and mad about what is being proposed at the entrance to Cedar Creek. Mad may be an understatement.

In addition, I have a petition I am submitting that was done partly on Change.org and partly done via a process of receiving handwritten signatures. Altogether last count was a combined total of over 1075 people opposing the rezoning. In this email I have included comments people made when they signed the petition on change.org. One thing is for sure the majority of our Cedar Creek residents oppose the building of apartments at this location. We understand something may be built there but apartments is not what we want.

As I said I have lived here for 7 years. I moved her from Lenexa on the other side of the K-10 highway. My wife wanted a larger home and wanted a lot that backed up to trees. I found the house of her dreams and it included a bonus. My house backed up to the golf course. She got privacy and beauty rolled up in one. Attached is a few photos of what my backyard looks like in the Spring time.

As you can see it is quite beautiful.

There was one other thing my wife fell in love with and that was the beauty, the trees, the rolling hills, the lake and openness of the the land surrounding the entrance to Cedar Creek. People come from all over to take wedding photos, graduation photos, homecoming and prom photos of our waterfalls, iconic entrance and lake. Allowing this to be destroyed would dramatically change the mystique of Cedar Creek and destroy it's character.

Adding or allowing apartments at this location is not just a bad idea but it is plain dumb. The Crown Jewel of Olathe will be ruined and if you vote in favor of it I can guarantee you Cedar Creek residents won't forget when it comes election time. My Facebook group post will be there to remind everyone of how everyone voted if it gets to city council.

Let me also highlight other key concerns that I have.

Traffic on K-10 in the mornings heading East has become a tiresome headache. Long delays from 7 highway going East in the morning has become common place during the work week. When you add in all of the proposed development of over 1800 apartments once fully developed the problem will likely worsen and delays will start with the on-ramp of Cedar Creek.

Homeowners will blame you and the lack of foresight if this comes to fruition.

A second concern is the risk for increased crime. Currently minor happenings of crime do occur. Adding in more residents and 2 restaurants will only make the odds of increased crime that much more likely.

A third concern is noise during the construction phase and following the construction phase. No longer will the main Cedar Creek area be a peaceful and tranquil place to live as advertised on Cedar Creek Realty. No now residents will be faced with ongoing noise likely 250 days or more a year.

A fourth concern: no one has figured out a way to keep apartment dwellers from using our lake, trails and other amenities. And it is fairly obvious they will want to use our amenities that we pay dearly to keep up through our HOA dues.

A fifth concern: by removing the trees you remove a sound buffer that keeps the noise of K-10 traffic from becoming overbearing.

A sixth concern is the size and scope of the project. The proposed complex is way taller than any other structure in Cedar Creek and it will look out of place. The density of residents proposed to live in this area is equally troubling and likely violates current density standards for Cedar Creek.

A seventh concern: Schools will be impacted. Cedar Creek elementary will end up being overcrowded causing kids to potentially be educated in trailers in the back of the building.

A eighth concern is the proposed airport. Having a 4 to 6 story high-rise will make landings and take offs more dangerous.

A ninth concern is storm water run off and the problem this creates in sediment build-up and potential pollution of our creeks and lake.

Finally a tenth and final concern is the destruction of greenspace, animal habitat and the beauty of the main entrance and intersection.

I will forward a second email if the planning commission approves the rezoning. Or may take liberty to email again.

I ask the current planning commission to oppose this project. A tall apartment building is not the right fit for this land. Apartments if granted must be reduced in size, scope and location on where they are positioned on the 14 acres. Preferably a strong "No" will get this developer to make a good faith effort at truly reaching across the aisle to create a win-win. Reaching across the aisle won't be with just him meeting with the HOA but Mr. Oddo should be advised to meet with members of both P.O.N.A and Cedar Creek Homeowners United members.

Finally, I had a Homeowners United member state on my Facebook page earlier this week:

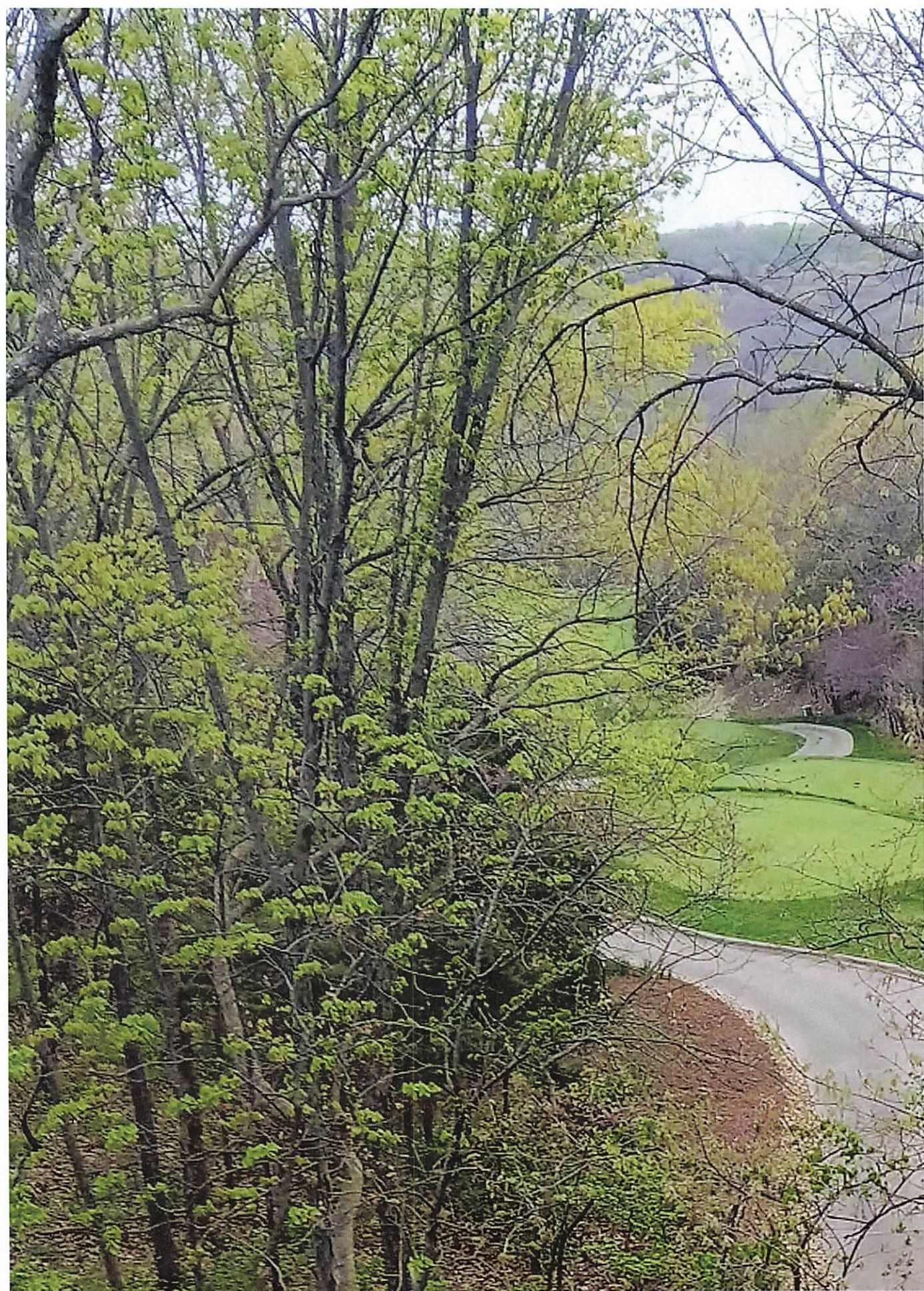
"Since Oddo is wanting to capitalize off CC beauty for free why doesn't he build high end condos townhomes for SALE? I think we would all be more open to something going in there that a buyer will be vested in. He is trying to sell it as CC boujee older people wanting to lock and go kind of thing but then offering rentals in a price point that my oldest child can afford now!

We moved here from Leawood and you are correct Leawood would never allow this and that's why people stay in Leawood so this kind of mish mash planning doesn't go on in their neighborhood!"

I responded with:

Amy no doubt. If the city wants to ruin one of the good things they can brag about to enrich one developer then they may as well flush the remainder of Olathe down the toilet. In other words, if city leaders cannot protect one of the best things Olathe has going for it then any place else is fair game for destruction in Olathe. All that would need to happen is for a developer to ask for it and bingo it will be done.





	City	State	Postal Code	Country	Commented Date	Comment
Sherry Summerville	Lenexa	KS	66227	US	2/4/2024	"I DON'T WANT TO LOOK AT THIS APARTMENT COMPLEX WHEN I XOMÉ HOME AT NIGHT AFTER A HARD DAY OF WORK!"
Janice Freeman	Olathe	KS	66061	US	2/4/2024	"I am signing his petition to object to ODDO Development and Cedral Creek Board members keeping this hidden until he last week."
Heather Jones	Olathe	KS	66061	US	2/4/2024	"I'm against taking our nature away from us when it is the sole reason some chose Cedar Creek as their home." "How does this monstrous apartment complex benefit Cedar Creek's 'resort style' living? How do we keep the apartment residents from using the lakes, trails, courts, etc? Amenities that Cedar Creekers pay dues for (apartment residents will not pay HOA dues to CC). The large footprint of the project will destroy the aesthetics of the entrance to CC. The stormwater runoff resulting from the massive amount of impervious area upslope from our clubhouse presents an unacceptable increase in risk for flooding. The increases in traffic and noise.... The ambient light pollution at night will be obscene. These apartments are just one big bad idea... I'm not opposed to development and housing... I'm opposed to it on this spot. There are 100 acres available for development here. This particular 14 acres is sacred ground and not a good fit or in character for the Cedar Creek community." "The proposed development will completely destroy the scenic entry way, obliterate all wild life that lives there, increase traffic dramatically at K10 and Cedar Creek Parkway, and the construction runoff will flow into our lakes. Also are you aware this same developer is building at K10 at the same intersection in Canyon Creek. Renters will also be drawn to the beautiful trails and paths which they are not paying for, Cedar Creek residents are."
Larry Molder II	Topeka	KS	66603	US	2/4/2024	"I oppose the Cedar Creek apartment project as initially proposed by Oddo Development."
Lydia Saunders	Olathe	KS	66061	US	2/4/2024	"Because I think this development is a bad idea and not the right fit for our community."
Becky Hrabik	Olathe	KS	66061	US	2/4/2024	"This along with all of the approved and proposed developments off K10 and Canyon Creek Blvd will add a disproportionate number of people to the area compared with the infrastructure and services available to the residents in Olathe and Lenexa."
Linda Winter	Olathe	KS	66061	US	2/4/2024	
Eric Schmidt	Saint Paul	MN	55121	US	2/5/2024	
Lois Maxwell	Lenexa	KS	66215	US	2/5/2024	
						"The environmental impact on the area will be catastrophic. K-10 will be completely overwhelmed by not only this development, but the developments that are being pushed on Canyon Creek residents on the Lenexa side of K-10, a stone's throw away. It's already an incredibly dangerous stretch of highway. Cedar Creek Parkway, Cedar Niles Boulevard, and Canyon Creek Boulevard cannot sustain the overflow of traffic. Cedar Niles Boulevard, specifically, is already crumbling and has many dangerous blind spots. People will be using Cedar Niles Boulevard to get to College in order to bypass the insane traffic that will burden K-10, which is already a mess. College is two very narrow lanes where it meets Cedar Niles Boulevard. On any given rainy or snowy day, that intersection and those two lanes are already a danger with the little traffic we have leaving the neighborhood at that location. People are constantly hydroplaning and sliding on ice, as the roads are not properly maintained. Dozens of high school students and school busses use these two roads every day. There will inevitably be a serious accident. This area is already dealing with the constant construction traffic due to the hundreds of homes going in at a rapid fire pace in that area, creating traffic issues for parents and students, as well as an environmental impact we're already dealing with due to development at that end of Cedar Creek. The wildlife that will be forced from their homes on both sides of K-10, Lenexa and Olathe, will make their way south into the remaining wooded areas that Cedar Creek Development has not already destroyed, but are in the process of doing so with the aforementioned construction of quickly built homes. The additional traffic that will be diverted to the area, people avoiding the 7th circle of hell known as K-10, will cause a dangerous situation as the wildlife in this area increases. The people who live in the neighborhood watch out for the mama deer and her triplets, the little tailless fox and her kits, the racoons, possums, etc. We see it as a key responsibility of ours to protect them and their habitat. While I am not a member of Shadow Glen and in general do not care for golf courses, there are crosswalks for that business throughout Cedar Creek. Some of these are at blind spots and the occurrence of a severe injury, if not death, occurring at these crosswalks will be inevitable. We're not looking for our streets to be covered in slaughtered wildlife that we all take great pride in protecting, nor should we have to play a game of frogger every time we need to cross the street, or risk injury to neighborhood children trying to get to school, because of corporate greed. We're fighting for what little is left of Charlie Sunderland's dream. Cedar Creek and the natural environment he wanted protected and nurtured have been destroyed one plat at a time by Cedar Creek Development. Now their mission to destroy what is remaining is aided by ODDO development and the City of Olathe. ODDO has already been untruthful about the extent of the destruction of natural habitats and the environmental impact that will occur on the Lenexa side with Canyon Creek. The City of Olathe appears willing to allow this to happen, despite the possibility of danger to life and environment. The Mayor of Olathe lives in Cedar Creek. How does this benefit him as a resident? Or does it benefit him as a politician? Who are his donors? I encourage everyone to write Olathe officials, Cedar Creek HOA board members as well as the lifetime appointment Developers Board (it's a convoluted system here, worthy of its own story), and the property management company First Service. Let them know this development is a terrible, irresponsible, and dangerous idea. Emails: (City) PlanningContact@olatheks.org mschoonover@olatheks.org kgilmore@olatheks.org lfelter@olatheks.org dvakas@olatheks.org resser@olatheks.org mvogt@olatheks.org jpacen@olatheks.org (HOA) ron@matherco.com ricko1515@gmail.com mikeo@kveng.com mikeden@cedarcreek-cc.com shandley10121@gmail.com dmichmon1@gmail.com ayo.danielc@gmail.com fmbstowell@gmail.com drichmon1@gmail.com ayo.danielc@gmail.com shandley10121@gmail.com mnoflfke@gmail.com (FirstServices) Chris.Pankow@fsresidential.com Christine.Lentz@fsresidential.com Malcolm@fsresidential.com
Cedar Creek Resident				US	2/5/2024	
Barbara Yannon				US	2/6/2024	"Cedar Creek is the premier residential area in Olathe and it was intentionally planned as such with the City of Olathe. Great care must be taken to preserve what the City supported in the beginning."
Gregory Betzen	Olathe	KS	66061	US	2/6/2024	"I oppose the unnecessary speed of decision making with little resident voice, high potential for increased traffic congestion, spoils our entrance aesthetics, potential for negatively impacting home values, and deforests lush woods & wildlife habitats. There are a significant number of homeowners deeply concerned about the future of the community. The Planning Commission needs to SLOW DOWN."
Jenny Hughes	Olathe	KS	66062	US	2/10/2024	"I am opposed to the proposed apartments"
Teresa Pinkerton	Olathe	KS	66061	US	2/11/2024	"I believe this construction project will bring all of the things we intentionally moved away from... the majority of residence of Cedar Creek moved here to get away and find peace, quiet tranquility, and wilderness. We do not need high density housing to be brought to Utopia.... I strongly say NO.... Jim Paradise Cedar Creek Resident..."
Jim Paradise	Overland Park	KS	66212	US	2/11/2024	"CUI BONO?"
David Payne	Olathe	KS	66061	US	2/11/2024	
						"The construction of this complex will immediately make it the tallest structure in Cedar Creek located at the absolutely worst location. When first announced just a short time ago, the deliberate vagueness about where it is to be built was obvious. To say it is south of Valley Parkway and north of 102nd is ambiguous at best. There is a reason they didn't simply specify "the southeast corner of the Valley Parkway and Cedar Creek Parkway intersection". Go drive by the actual Oddo developments in the area where there are four story and five story apartments. They will push the "Meadowbrook Park" image but rest assured that isn't what they have in mind. It will be an eyesore and noise and light pollution nightmare. The monthly rates quoted by Oddo for the apartments are not sufficient to deem them "high end" by any stretch of the imagination. \$2500/month for a two BR apartment is not high end any longer. The DeSoto battery plant will bring in huge amounts of additional traffic and congestion to the already crowded K-10 corridor. This project is being rolled out in a very nefarious manner and the unwillingness of all parties doing such makes it a no from the start for our family."
Donald Meier	Olathe	KS	66062	US	2/11/2024	"This destroys local wildlife, ecosystem, and environment. It raises our already high cost of living. It is unaffordable to new renters, new rental properties need to be built in more affordable areas near the city, not in a quiet and reserved area. These people want to destroy what little we have left.... Our patience has its limits. We will band together and stop this. By any means necessary."
Anon Ymous	Manhattan	KS	66502	US	2/12/2024	"High density temporary living development is drastically out of character with the existing single family, owner occupied properties of Cedar Creek and Canyon Creek. This will alter the character of these communities. There are many areas where such developments can be located without creating adverse impacts on existing developments."
Cheryl Sharpe	Olathe	KS	66061	US	2/17/2024	"I vehemently oppose this development."
David Allen	Olathe	KS	66061	US	2/18/2024	"Homeowners do not want a huge complex near our community. We don't want run off or lose our nature and wildlife"
Sabrina Markese	Olathe	KS	66061	US	2/18/2024	
Dianna Clark	Olathe	KS	66061	US	2/18/2024	
						"Why has this been kept quiet until the last hour? The many, many residents of Cedar Creek have willingly bought into the lifestyle which this community advertised, built and continued to portray. The billboard "Come Home to Cedar Creek" does not have an apartment complex on it. Throughout the Cedar Creek website, "enjoy luxury, resort-style living" and "a small-town atmosphere" and "open green space" and "a spectacular community harmonious with nature!" is mentioned. There are no photos or mention of high rise apartments and high density living complexes. Does Tom Watson build golf courses in apartment complexes? Does "Stroll" magazine evoke a stroll around a high rise? Do our taxes work for the homeowners or another individual? Do our HOA fees work for the homeowners or another individual? Does our investment in home ownership work for us or another individual? Does the personal profit of another - one who has no consideration for his neighbors - take precedence? Cedar Creek homeowners have invested in a community with an ideology of nature and neighborliness. How can the whim of one override, and ultimately devalue, the investment decisions of an entire community by negatively impacting the major investment of a lifetime which all of these neighbors have made?!! Build it in a high-density or corporate, more suitable and appropriate area."
Lisa Downs	Olathe	KS	66061	US	2/19/2024	"Inconsistent with existing community."
Patricia Pound	Olathe	KS	66061	US	2/26/2024	"Debra Wichern- I agree with the petition and how the city council changes zones as they please. Not fair to homeowners."
Debra Wichern	Topeka	KS	66614	US	2/26/2024	"No more apartments on Olathe!!"
Lisa Salmen	Olathe	KS	66061	US	2/26/2024	

N Ruder	Olathe	KS	66061 US	2/26/2024 "Nicole Ruder, Prairie Brook Sub"
Beverly Buckley	Olathe	KS	66061 US	2/26/2024 "Olathe is over run w Apts on every corner and traffic is a mess. STOP THIS MADNESS"
Sharon Thompson	Dallas	TX	75207 US	2/26/2024 "We have too many apartments already"
AJ Ponomarenko	Olathe	KS	66062 US	2/26/2024 "AJ Ponomarenko"
Shelly Eger	Olathe	KS	66061 US	2/26/2024 "I live NW Olathe, the last thing we need is more Apartment buildings people can't afford. We need more green space."
Debra Wallace	Cary	NC	27513 US	"I believe the folks impacted by this rezoning should have adequate time i.e., more than 35 days, to discuss their concerns with the City councilpersons prior to a vote. The developers get time to present their "potential " plans so should the citizens who have a vested interest because this is where they live. More than just the money the city gets should be taken into account. What position does the developer of the cedar creek homes have on this rezoning proposal?"
Jessica Trites Rolle	Olathe	KS	66061 US	2/27/2024 "I live in a very nearby development (blocks away), and the density we already have is bordering on too much. We struggle to exit our neighborhood and Woodland and K10 are frequently backed up morning and evening (with plenty of accidents as is). We also need to retain natural spaces, and this project is detrimental to that goal. Please do not allow this project to proceed."
Kevin McDevitt	Kansas City	KS	66109 US	2/27/2024 "The apartment expanding world near beautiful housing neighborhoods is getting out of hand!"
Donald wieklinski	Terre Haute	IN	47803 US	2/27/2024 "Needs attention."
Chris Ellis	Lawrence		66049 US	2/28/2024 "There is plenty of housing in surrounding areas. Development of the K10 corridor will make it a logistical nightmare. Suburban sprawl needs to end. Urban blight is the result of this development. Loss of green spaces and animal habitat is also huge issue."
Jennifor Baskind	Olathe	KS	66062 US	2/29/2024 "Too many apartments bein built in Northwest Olathe."
Nicole VanBuhler	shawnee	KS	66226 US	3/2/2024 "Nicole VanBuhler"
Lynette Ziegenbein	Shawnee	KS	66226 US	"I live in the western Shawnee area and have seen a substantial uptick in traffic in the area due to developments of this nature, with a high density development being planned immediately north of Woodland Park next year. Infrastructure cannot handle much more of this. ENOUGH!!!!!!"
Joedy Packard	Olathe	KS	66061 US	3/4/2024 "You can have to much of a bad thing and this is one reason"
Sara Dettwiler	Olathe		66061 US	3/5/2024 "Our current highways and side streets can not handle more congestion. We chose to live in Cedar Creek to get away from renters and lower income housing. If the apartments go in, our home values will decrease."
Janet Swihart	Randle		98377 US	3/6/2024 "Protecting the green strip and every Lifeform it supports is the most important aspect of this issue."

Lauren Young

From: Steve Daniels <cedarglenirepdaniels@yahoo.com>
Sent: Wednesday, March 6, 2024 7:28 AM
To: Planning Contact; John Bacon
Subject: Rezoning Application RZ24-0003
Attachments: PONA letter to city_KS wildlife_biological survey (1).docx

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Please note that the Daniels family are also opposed to the ODDO development at the entrance of Cedar Creek and any potential rezoning for the purpose of building even taller structures. Given the fact that we are a planned community with an actual Green Book, it is unbelievable to me that this is even a possibility.

Steve & Melissa Daniels
26448 W. 109th Terr
Olathe, KS 66061
913 626 1557

From the Preserve Our Neighborhood Association Vice Chairman:

Below find the second letter the Association has written to the City Council planning department. In each case, our letters are not objections to the development proposal, per se. They are objections to the speed of this process and to the developer being permitted to set the pace.

As such, we wanted the procedures to be addressed. In both cases, our letters appear to have been tossed in the hopper along with all the other objections. Unless I'm wrong, that is infuriating.

We wanted you to see some of what we are doing on your behalf.

March 4, 2024

Planning Commissioners
C/O Planning Department Staff
City of Olathe
City Hall
100 E. Santa Fe
Olathe, KS 66061

Rezoning Application RZ24-0003

Commissioners,

I write on behalf of the Preserve Our Neighborhood Association ("Association") in connection with the above noted Application (and the development Proposal accompanying the Application). The Association recently wrote to you principally to seek removal of this item from consideration by Commissioners on the 26th of February. We strongly objected to the hasty consideration of this matter and sought a delay of six (6) months. This was due to the lack of time for a civic association such as ours (not to mention local impacted households in general) to conduct review and inquiries on the nature and impact of the Application and the Proposal.

Subsequently this matter was delayed, albeit only to the 11th of March Commission meeting. This we understand was following a request by the developer, not as a result of representations by multiple parties including the Association.

We now renew our objection to this matter being considered hastily, this time on March 11. The pertinent factors in our initial objection stand; this is being tracked for too hasty a review in light of its scale and impact and given that the developer has repeated that he does not intend to build for "years". As such we do not understand why the developer's view, that this matter be progressed so rapidly, holds sway with planning staff or the city. Take the developer at his word if you must and then you may accept that this matter may move at a more considered pace, allowing for appropriate inquiries and review to take place.

Ecological Review by the Kansas Department of Wildlife

One such review has arisen only today. A principal concern of the Association has been the potential damage the Application/Proposal may cause to the local ecosystem. As has been previously communicated to planning staff by objectors and others, the Proposal would result in blasting, building and hard-surfacing on an elevated site above headwaters to the network of Cedar Creek lakes and streams. Not only is this an evident danger - but, as others have pointed out, the Proposal contains no specific provision for this - and consequently no plan for avoidance or mitigation. Moreover, there is no report on tree species or generalized tree survey; there is no wildlife report or analysis of habitat; in short the Proposal with the Application is deficient. The Association has raised this with the Kansas Department of Wildlife and Parks. Specifically the Department of Ecological Services and the Legal Division.

Today we received communication from the Department to the following effect:

- In normal circumstances where sensitivity (in terms of wildlife or of habitat impact) potential exists the Department would expect to receive communication from the developer. There are various circumstances where this is required but it is generally expected.
- A developer of such a site is expected to solicit, of his own volition, an "ecological review" of the site and potential impacts.
- Such reviews may take as little as 30 days and may require the developer to submit copies of his plans for the site.
- Only with such a review can 'defined habitat' - i.e. a protected or potentially protected area or species - be identified, or for that matter discounted.
- ***There is no record of*** Oddo Developments (or any other party such as the landowner - current or now past) requesting such a clearance or review.

The Association was concerned that this would be the case. That is why we associate ourselves with objections, on those specific grounds, that have already been submitted to the Commissioners. Now we have confirmation that no review has been applied for let alone conducted and clearance given.

The potential damage to the ecological resources of the Cedar Creek area cannot be overestimated. One single toxic spill into the interconnected watercourses would spell disaster for fish, wildlife, vegetation and the general balance of the local ecosystems. The act of disturbing the site (which is currently in its original Kansas wild state) without knowledge of what wildlife use it or nest there is wanton destruction that cannot be justified - especially when the remedy is so simple.

The developer must be required to engage the Department for an Ecological Survey. Until that requirement has been placed upon the developer and acted on by the developer and the Kansas Department of Wildlife, this Application and Proposal should not be considered by Olathe Planning Commissioners.

Kansas Biological Survey and US Fish and Game

This response from the Department took time. Precisely why the Association asked for more time that the hastily set Public Hearing dates allow. The Association has also reached out to the Kansas Biological Survey and the US Fish and Game office for Kansas. Our concerns are, again, the lack of any consideration of potential damage to - respectively, the flora and waterside species associated with the waters interlinked below the development Application/Proposal site and specific wildlife that live on and around the area of Shadow Lake and are still considered on the US watch-list.

It is imperative that residents are not shortchanged in an unnecessarily hasty procedure which seems to serve only the developer. These inquiries take time. A responsible developer would acknowledge that and would welcome review and the opportunity to obtain clearance or adjust any proposed plans to avoid damage to sensitive habitat or wildlife.

We renew our request that this matter be removed from the current cycle of Planning Commission meetings and continued for the time previously suggested. Moreover, we request that the Planning Department now make it a requirement that Oddo Developments seek and await delivery of an Ecological Review from the Ecological Services Division of the Kansas Department of Wildlife. And that the results of that Review be made public.

We are not interested in 'rolling the dice' in the hope that a developer's plans won't cause irreparable harm - that needs to be clear from the outset.

Respectfully,

Stephen Morrison

Vice Chairman Preserve our Neighborhood Association

March 5, 2024

Planning Commissioners
C/O Planning Department Staff
City of Olathe
City Hall
100 E. Santa Fe
Olathe, KS 66061

Rezoning Application RZ24-0003

Commissioners,

I write on behalf of the Preserve Our Neighborhood Association ("Association") in connection with the above noted Application (and the development Proposal accompanying the Application). The Association recently wrote to you principally to seek removal of this item from consideration by Commissioners on the 26th of February. We strongly objected to the hasty consideration of this matter and sought a delay of six (6) months. This was due to the lack of time for a civic association such as ours (not to mention local impacted households in general) to conduct review and inquiries on the nature and impact of the Application and the Proposal.

Subsequently this matter was delayed, albeit only to the 11th March Commission meeting. This we understand was following a request by the developer, not as a result of representations by multiple parties including the Association.

We now renew our objection to this matter being considered hastily, this time on March 11. The pertinent factors in our initial objection stand; this is being tracked for too hasty a review in light of its scale and impact and given that the developer has repeated that he does not intent to build for "years". As such we do not understand why the developer's view, that this matter be progressed so rapidly, holds sway with planning staff or the city. Take the developer at his word if you must and then you may accept that this matter may move at a more considered pace, allowing for appropriate inquiries and review to take place.

Ecological Review by the Kansas Department of Wildlife

One such review has arisen only today. A principal concern of the Association has been the potential damage the Application/Proposal may cause to the local ecosystem. As has been previously communicated to planning staff by objectors and others, the Proposal would result in blasting, building and hard-surfacing on an elevated site above headwaters to the network of Cedar Creek lakes and streams. Not only is this an evident danger - but, as others have pointed out, the Proposal contains no specific provision for this - and consequently no plan for avoidance or mitigation.

Moreover, there is no report on tree species or generalized tree survey; there is no wildlife report or analysis of habitat; in short the Proposal with the Application is deficient. The Association has raised this with the Kansas Department of Wildlife and Parks. Specifically the Department of Ecological Services and the Legal Division.

Today we received communication from the Department to the following effect:

- In normal circumstances where a sensitivity (in terms of wildlife or of habitat impact) potential exists the Department would expect to receive communication from the developer. There are various circumstances where this is required but it is generally expected.
- A developer of such a site is expected to solicit, of his own volition, an "ecological review" of the site and potential impacts.

- Such reviews may take as little as 30 days and may require the developer to submit copies of his plans for the site.
- Only with such a review can 'defined habitat' - i.e. a protected or potentially protected area or species - be identified, or for that matter discounted.
- ***There is no record of*** Oddo Developments (or any other party such as the landowner - current or now past) requesting such a clearance or review.

The Association was concerned that this would be the case. That is why we associate ourselves with objections, on those specific grounds, that have already been submitted to the Commissioners. Now we have confirmation that no review has been applied for let alone conducted and clearance given.

The potential damage to the ecological resources of the Cedar Creek area cannot be overestimated. One single toxic spill into the interconnected watercourses would spell disaster for fish, wildlife, vegetation and the general balance of the local ecosystems. The act of disturbing the site (which is currently in its original Kansas wild state) without knowledge of what wildlife use it or nest there is wanton destruction that cannot be justified - especially when the remedy is so simple.

The developer must be required to engage the Department for an Ecological Survey. Until that requirement has been placed upon the developer and acted on by the developer and the Kansas Department of Wildlife, this Application and Proposal should not be considered by Olathe Planning Commissioners.

Kansas Biological Survey and US Fish and Game

This response from the Department took time. Precisely why the Association asked for more time that the hastily set Public Hearing dates allow. The Association has also reached out to the Kansas Biological Survey and the US Fish and Game office for Kansas. Our concerns are, again, the lack of any consideration of potential damage to - respectively, the flora and waterside species associated with the waters interlinked below the development Application/Proposal site and specific wildlife that live on and around the area of Shadow Lake and are still considered on the US watch-list.

It is imperative that residents are not shortchanged in an unnecessarily hasty procedure which seems to serve only the developer. These inquiries take time. A responsible developer would acknowledge that and would welcome review and the opportunity to obtain clearance or adjust any proposed plans to avoid damage to sensitive habitat or wildlife.

We renew our request that this matter be removed from the current cycle of Planning Commission meetings and continued for the time previously suggested. Moreover, we request that the Planning Department now make it a requirement that Oddo Developments seek and await delivery of an Ecological Review from the Ecological Services Division of the Kansas Department of Wildlife. And that the results of that Review be made public.

We are not interested in 'rolling the dice' in the hope that a developer's plans won't cause irreparable harm - that needs to be clear from the outset.

Respectfully,

Stephen Morrison

Vice Chairman Preserve our Neighborhood Association

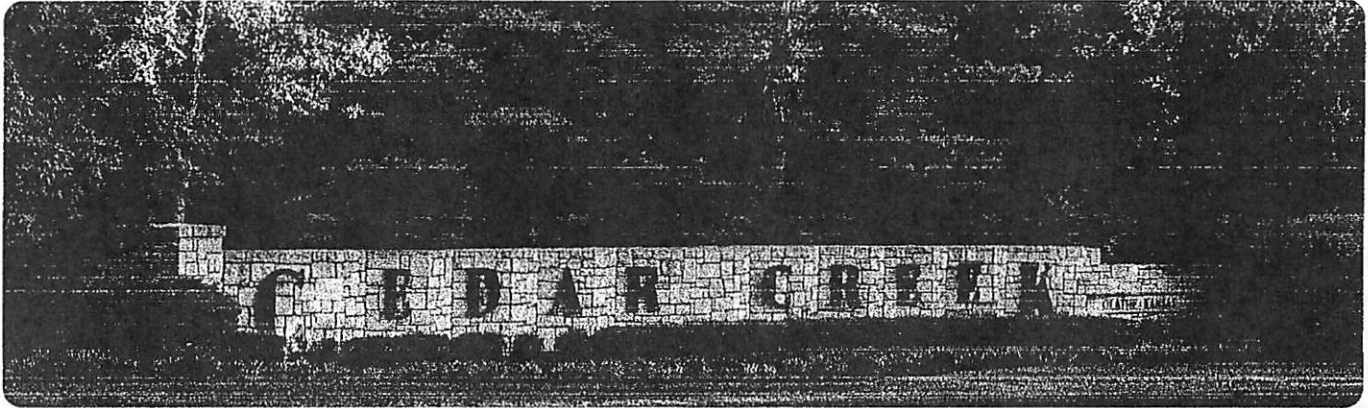


Preserve Our Neighborhood Association

This is a shared email account operated by more than one Association officer. Nothing in this email creates a contract or makes a binding commitment on behalf of the Association, unless expressly stated in the text by an authorized officer. Preserve Our Neighborhood Association is incorporated as a Not-For-Profit Corporation under the Laws of the State of Kansas.

Cedar Creek Homeowners (/)

Cedar Creek is unique!



News and Notices


Oddo Development Survey Responses - 2024.03.07 *Published 3 days ago*

Dear Cedar Creek Homeowners,

The Joint Board of Directors and Advocacy Committee would like to sincerely thank everyone who took the survey regarding the upcoming Planning Commission meeting March 11th wherein the Planning Commission will be voting on the parcel of land Oddo Development has now officially purchased to rezone it from C-2 to CC. It has been the sole mission of the Joint Boards as well as the Advocacy Committee to make sure as much accurate information as possible is disseminated to the community so that everyone may know exactly what is going on and make the most informed decision(s) regarding.

Based on the data received, it would appear the survey was able to garner a response from 29% of the Cedar Creek community. Wherein after factoring out duplicates/false addresses/etc., there was a 68% majority favoring the CC "mixed zoning" over the C-2 zoning. As you know the property is currently zoned as C-2 community center. The top concern reported in the survey results was tree preservation/green space. Please note that this survey was NOT intended to be a catch-all, "how do you feel about the Oddo Development situation" but was purposefully worded and driven to collect important data so that the Joint Board of Directors could make decisions informed with resident opinions specifically regarding the zoning. It goes without saying, as stated many times, that it can be inferred that most, if not all Cedar Creek Homeowners would prefer to not have apartments located in that particular location.

Attachments:

 [Oddo Development Survey Recap 3724.pdf \(/file/article-attachment/4162570408/AAINGyglNlUxmrlI.pdf\)](#)

Cedar Creek Resident Oddo Survey

This Table Compares the Survey Results to the Total Number of Surveys Taken

Survey Data (less duplicate or inadmissible)*	Option Selected	Total admissible submissions	Percentage of submissions to total surveys
Address	465	465	100.00%
Neighborhood	465	465	100.00%
Felt informed enough to take the survey	420	465	90.32%
Did not feel informed enough	38	465	8.17%
Preferred the CC to pass	318	465	68.39%
Preferred the C-2 to remain	40	465	8.60%
Were indifferent	15	465	3.23%
Opt'd to not complete the survey	92	465	19.78%
Concerns:			
Tree preservation/green space	237	465	50.97%
The changed look of the entrance to Cedar Creek	207	465	44.52%
Protecting Cedar Creek amenities from unauthorized use	197	465	42.37%
The type of housing (apartments/townhomes)	180	465	38.71%
The landscaping aligning with Cedar Creek aesthetics	180	465	38.71%
The building height	166	465	35.70%
The preliminary traffic plan	152	465	32.69%
The preliminary stormwater plan	42	465	9.03%
The sit down restaurants	26	465	5.59%
Have read information shared by advocacy committee	329	465	70.75%
Have not read information shared by advocacy committee	36	465	7.74%

Anna Gourley

From: Planning Contact
Subject: FW: Support for Oddo Developments' Mixed-Use Project in Cedar Creek

From: kelly pfannenstiel <kellypfannenstiel@gmail.com>
Sent: Wednesday, March 6, 2024 5:32 PM
To: Marge Vogt <MVogt@OLATHEKS.ORG>; John Bacon <JBacon@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; Chet Belcher <CDBelcher@OLATHEKS.ORG>
Subject: Support for Oddo Developments' Mixed-Use Project in Cedar Creek

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I hope this email finds you well. My name is Kelly Pfannenstiel, and I am writing to express my enthusiastic support for Oddo Developments' upcoming mixed-use project in Cedar Creek. As a resident near the proposed site for the past 20 years, I believe this development will bring numerous benefits to our community and enhance the quality of life for residents in the area.

Over the years, I have witnessed the growth and evolution of our city, and I believe that responsible development is essential for its continued prosperity. The mixed-use project proposed by Oddo Developments aligns with the vision for sustainable growth in Olathe, offering a thoughtful blend of residential, commercial, and recreational spaces that will contribute to the vibrancy of our neighborhood.

Specifically, I am excited about the potential for this project to revitalize underutilized areas, create job opportunities, and stimulate economic growth. Additionally, the inclusion of mixed-income housing will promote diversity and inclusivity within our community, fostering a sense of belonging for residents from all walks of life.

In conclusion, I urge you to support Oddo Developments' mixed-use project in Cedar Creek. I believe it has the potential to be a transformative addition to our community, enhancing our quality of life.

Thank you for considering my input on this matter. I look forward to seeing the positive impact that this project will have on our city.

Sincerely,
Kelly Pfannenstiel
23292 W 124th Place
Olathe, KS 66061

Anna Gourley

From: Planning Contact
Subject: FW: proposed Oddo Development at K-10 and Cedar Creek Parkway - Cedar Creek Community

From: Aaron Decker <ajdecker@msfuelcard.com>
Sent: Thursday, March 7, 2024 9:58 AM
To: John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>
Cc: Nikki Decker <Nikki.Decker@fox4kc.com>
Subject: Re: proposed Oddo Development at K-10 and Cedar Creek Parkway - Cedar Creek Community

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Bacon & Olathe City Council Members -

I'm writing to express my displeasure with the proposed rezoning of land that sits just south of K-7 and east of Cedar Creek Parkway (the main entrance of Cedar Creek) that would allow for the addition of 300 apartment units by Oddo Development. It's my understanding that this matter is being discussed on March 11th.

- If you google "Master Planned Communities Kansas City" - the first listing you get is Cedar Creek. This neighborhood stands shoulder to shoulder with Loch Lloyd and Hallbrook and is viewed as one of the premiere neighborhoods in the greater metro area. It should be protected from reckless development that would completely destroy the front entrance to what is arguably the nicest gateway to a neighborhood in Kansas City. I would like to think our City Council would draw a line in the sand on this matter.
-
- There are currently 4,500 rental apartment vacancies in Johnson County as it stands today, with another 2,300 proposed within a five-mile radius of the entrance of Cedar Creek. We understand development is going to happen, but unchecked development that doesn't make sense is pointless and hampers citizens with increased traffic congestion, the elimination of greenspaces and an erosion of home values.

My wife and I (cc'd on this email) moved to Cedar Creek in 2006 from Los Angeles, where we spent eight years. We have a complete appreciation of what reckless and unchecked development looks like and that's why we chose to raise our family in a neighborhood like Cedar Creek. It's a Master Planned community that should be held to a higher standard as the residents bought into that vision. We pay arguably the highest HOA fees in Olathe, if not Kansas City...and we gladly do it because it's a wonderful place to live and you have to "pay the piper" if you want to live in a neighborhood like Cedar Creek. Adding 300 apartment units to the crown jewel of Olathe just doesn't make sense whatsoever unless you're a developer looking to add more apartments to the already extensive glut of vacancies.

I appreciate your time in reading this and hope that you really consider the importance in protecting this incredible neighborhood. Our "developer led" HOA appears to be in bed with Oddo Development, so they're sitting on their hands and are of no help. We're entirely reliant on our City Council doing the right thing.

Thank you again for your time and consideration -

AD

Aaron Decker
Chief Executive Officer
Multi Service Fuel Card
(913) 359-7358 - Office
(913) 549-0220 - Cell



Shell MS Fuel Card, LLC -  A Member of the Shell Group

OLATHE PLANNING COMMISSION

RZ24-0003 SHADOW RIDGE MIXED USE

March 11, 2024

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- Planner's report (page 11)
 - 'While the proposal **does not directly align** with the existing character of Cedar Creek.'
 - In so many ways:
 - Mass
 - Height 5 to 6 stories
 - Style Colorado
 - Density 22 units per acre Highest in a 3-mile radius
 - Location of the apartment **within Cedar Creek Gateway to the Community.**
 - Worst possible location because it affects the whole community



GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

- It is a well-known Law of modern economics that the price of any goods is based on the following factors
 - Price = Availability (supply) and Desirability (Demand)

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- Planner's Report (Page 13)
 - **' The district as proposed provides design standard that are not anticipated to have any detrimental effects on nearby properties'**

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- Let's analyze this statement
 - Because the proposed Apartment complex is so seriously misaligned with the character of Cedar Creek, and located in its Gateway, it will cause a significant change to the overall character of the neighborhood and not in a positive way. **This new change will decrease the desirability (demand) of the neighborhood and therefore reduce home values.**
 - For example, the homes located on the other side of Cedar Creek Parkway now see a tree covered green space. If the proposal goes through, their new line of site will be at least three stories of the apartment complex. **Almost no one prefers to look at an apartment complex over green space. Therefore, desirability and value decreases.**
 - **Because of the location of the proposed development** the reduction in property values will affect home values to varying degrees throughout Cedar Creek neighborhoods.

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- It should be noted the analysis presented was for this project. Each apartment project has different levels of impact based on their underlining factors.
- Let me give an example of underlining factors:
 - This development company has an Apartment complex just approved at College and K-7
 - i. Factors in that development
 - 1. Density 11.4 Units/acre
 - 2. Height 2 stories/ 3 stories
 - 3. Style Mansion
 - 4. Number of buildings 28
 - 5. Entry Does not use the community Gateway

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- As you can see from those underlining facts, that project is in closer alignment with the character of the neighborhood and therefore has less impact on surrounding property
- Why didn't the developer proposed this style of apartments?
 - There is a common factor in each apartment complex, each of them have over 300 apartments.
 - Clearly this is a financial business requirement of the development company
 - Because the land in Cedar Creek is so much smaller then the other locations the only solution was to go up.

GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

- **This begs the question, does one company business plan override the following:**
 - **Have a significant negative impact on the character of the neighborhood**
 - **The 1400+ families:**
 - **who pay taxes.**
 - **Support Olathe by buying goods and services from local businesses**
 - **Have invested heavily in Olathe by buying homes**
 - **1200 + people who signed a petition stating the that they don't approve of this project**
 - **Olathe city values this community so much it created its own zone ordinance CC**

**The Answer to this Question is
NO!!**

GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

1. **The Cedar Creek project has NO tangible benefits to the community and has a number of negative effects:**
 - **1500+ homeowners property value decrease.**
 - **In most cases this is the largest investment homeowners make in their lifetime**
 - **The character of the community**
 - **Destroys the character of our Gateway**

GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

- 1. In conclusion this project should not be approved or at lease sent back to Planning Staff to correct the major misalignment of this project with character of the community for the following reasons:**
 - Detrimental effects to the nearby property and the whole community
 - Detrimental to the Cedar Creek Gateway which has been created and developed over the past 30 years and set the overall character of Cedar Creek. This is why it is the worst location for the project.
 - This project is trying to fit a square peg into a round hole and that just doesn't work.

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- cedarcreek-kc.com Current

- **The first thing you'll notice driving down Cedar Creek Parkway is the beautiful landscaping complete with natural rock formations and waterfalls. But Cedar Creek has always been more than just a place to live; it's a community whose biggest asset is the native Kansas environment. Hundreds of acres will always remain in their natural state and preserved for generations.**



DUGGAN SHADWICK
DOERR & KURLBAUM LLC

March 11, 2024

Via E-Mail:

City of Olathe, Kansas
Planning Commission
Wayne Janner, Chairman
Chip Corcoran
Jeffery Creighton
Jim Terrones
Keith Brown
Ken Chapman
Megan Lynn
Taylor Breen
Tony Bergida

Nathan Jurey, AICP, Senior Planner
100 E. Santa Fe Street
Olathe, Kansas 66061
nwjurey@olatheks.org

Re: RZ24-0003 Request for a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District with a preliminary site development plan for Cedar Ridge Mixed Use Community ("Oddo Apartment Project")

Dear Planning Commission:

My name is John Duggan and I am one of the principals of Cedar Creek Development Company, LLC ("Cedar Creek Development"), the developer of the Cedar Creek Community, considered the "crown jewel" of Olathe and one of the best residential developments in the Kansas City metropolitan area, alongside developments like Hallbrook and Loch Lloyd.

This letter addresses the rezoning and preliminary site development plan approval request for the Oddo Apartment Project. Although Cedar Creek Development does not oppose the applicant's proposed rezoning, Cedar Creek Development opposes the applicant's preliminary site development plan, which seeks to place a massive, 311-unit, four (4) to five (5) story apartment complex and mixed-use development proposed at Cedar Creek's premier entrance.

March 11, 2024

Page 2

The location of the proposed Oddo Apartment Project, which will result in the tenants' storage of their personal property on their decks and which will be clearly visible from Cedar Creek's front door, raises the question:

If given the option, would the City put massive apartment buildings at the entrance of Hallbrook? Or Loch Lloyd?

The answer should be obvious. But, if it is not, the Cedar Creek Area Plan Green Book should make it clear:

A visit to Cedar Creek leaves a lasting impression. This is so for many reasons; among them is the presence of amenities. Beginning with the winding Cedar Creek Boulevard and its widely sweeping and intensely landscaped medians adorned by a signature entry monument and landmark waterfall, the entrance to the community is inspiring.



Character is about creating a “sense of place.” It relates not only to the type, scale, and patterns of development and its environmental context, but also how it “looks and feels.”

Obviously, placing five (5) story apartment buildings, with decks visible to those entering the Cedar Creek Community, would detract from the “sense of place,” “look and feel,” “aesthetic appeal,” “good design,” “sense of quality,” “lasting impression,” and “inspiring” nature required for Cedar Creek’s area plan.

A cursory review of other luxury apartments buildings shows that apartments regularly include permanent Christmas lights, curtains, towels, displays, flags, hammocks, children’s toys, and furniture and plants.



Depicted: Very high-end “The Apex at CityPlace” on College Boulevard

This is in addition to any other activities or displays which may be regularly visible for apartment building decks.

Cedar Creek Development believes that the City would never place such a development at the entrance of Hallbrook or Loch Lloyd if given the chance, and Cedar Creek Development is unsure why City staff recommends approval of a site plan for apartments at the entrance of Cedar Creek that fails to account for appropriate landscape screening at Cedar Creek's front door.

Regardless, the Cedar Creek Area Plan Green Book ("Green Book") requires better than the site plan for the Oddo Apartment Project. That is, the Green Book requires the following features and goals to be maintained in the Cedar Creek community:

- "This character reflects a garden-like living environment . . . the dominant visual feature is green and/or open space versus structures";
- "Throughout Cedar Creek, street enclosure is created by tall trees and dense vegetation, with buildings being secondary to the streetscape environment. More extensive green and open space contributes to increased recreational opportunities and natural resource protection."
- "A large portion of suburban sites are left relatively undisturbed or are supplemented by landscaping, which reinforces their character. Due to the setting and thoughtful designs of these sites, residential and non-residential uses may peacefully co-exist in relative proximity to one another even though the uses may vary in their intensities."
- The goal is to "preserv[e] and sustain[] the unique character and development patterns of Cedar Creek" and "preserve the quality and unique character of Cedar Creek";
- "Tree preservation and on-lot landscaping should be used to lessen the impacts of scale and to provide environmental context";
- "Development should occur in harmony with nature through good land planning and sound engineering practices that conserve site resources and promote environmental stewardship";
- "The Ozark-style landscape of Cedar Creek is populated with deciduous and cedar trees, covering nearly 55 percent of the property. The dense tree cover serves as a buffer between neighborhoods and other land uses";
- "Each of the neighborhoods has been carefully sited to maximize tree preservation and capitalize on the natural beauty of the property . . . and reinforce the ambience."
- "While there are commonly agreed-upon attributes that contribute to its character, many referencing the pristine natural setting, the patterns and forms of development are equally contributing. The street and lot patterns, arrangement and design of buildings, and their contextual relationships to the natural environment, help to form what residents and visitors refer to as character."

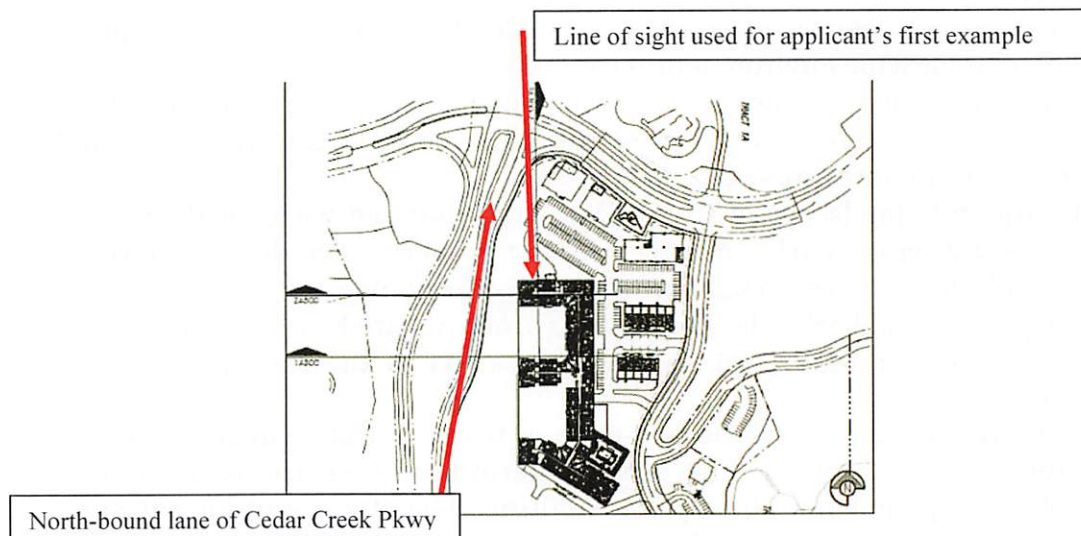
- “[N]atural environment” “is a significant attribute of the Cedar Creek development,” and “the setting of Cedar Creek is rich with natural features and environmental resources that significantly contribute to its distinct character.”
- “In addition to the density of development is its form. This relates more specifically to patterns and scales as well as the spatial separation between buildings and their relationship to the street.”

None of these requirements or values, including natural environment protection; garden-like living; extensive green space and cohesion and harmony with nature; sound design and spacing; and the formation of Cedar Creek’s character, are met by the Oddo Apartment Project.

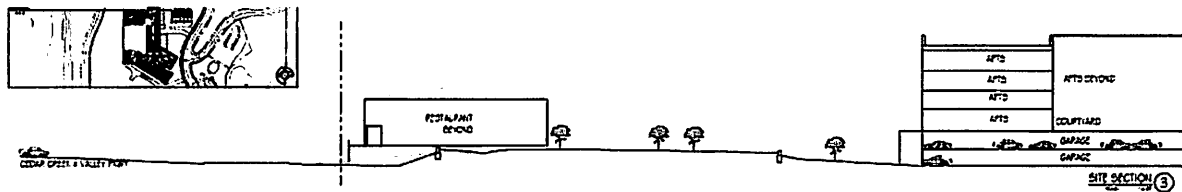
As designed, the apartment buildings are not appropriately screened.

Moreover, the applicant at best made mistakes regarding the line-of-sight and screening analysis of the Oddo Apartment Project, which purport to show that approaching vehicles will not substantially see the decks of the apartment buildings due to trees and other buildings. But, these claims are not accurate.

The below line-of-sight depictions show three cross-sections of the Oddo Apartment Project, and apparent line-of-sights from nearby roadways. The problem is, the first depiction is apparently and nonsensically based upon drivers driving south (the wrong way) down the northbound lane of Cedar Creek Parkway.

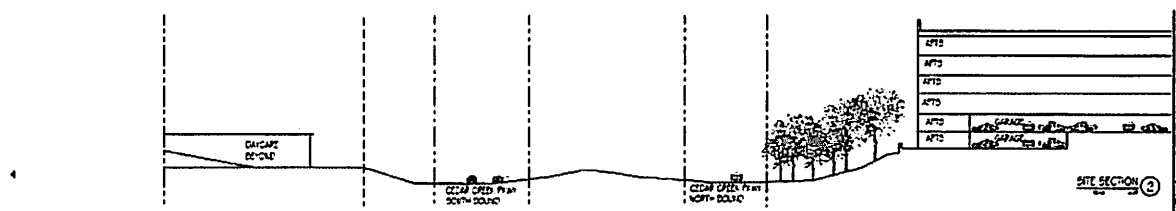


Notably, the cross section shown above does not show that this line-of-sight intersects a restaurant. Yet, the below depiction claims that the wrong-way viewpoint of an approaching driver is blocked from seeing the decks of the apartment buildings because a restaurant blocks the view:



This claim is misleading because (1) the viewpoint is from a driver going the wrong way down a one-way road; (2) the actual map shows this view would not be blocked by such restaurant or commercial development; and (3) such restaurant is not necessarily required to be built, or to be built before the apartments. In other words, the restaurant may never be built, in which all drivers driving south down Cedar Creek Parkway will see, either partially or fully, the decks of the apartment buildings.

The second example is also misleading because it misrepresents the elevations and trees depicted in the map:



The trees and elevations of Cedar Creek Parkway north and south bound lanes depicted in these drawings appear to be inaccurate. One way to accurately confirm the screening is to require the applicant to provide a visual impact study.

Of course, the applicant never obtained a visual impact study which would have made its line-of-sight analysis accurate. Had it done so, the applicant would accurately show that Cedar Creek and Valley Parkway traffic will see the apartment building decks, and that the apartment buildings are not adequately screened. The natural result of this proper analysis would be that the apartment buildings be reduced or pushed further back from Cedar Creek Parkway and Valley Parkway.

March 11, 2024

Page 7

Conclusion

Neither Cedar Creek Development, nor many of its residents and surrounding businesses and community members, want the entrance of Cedar Creek to contain apartment buildings with flags, Christmas lights, hammocks, etc.

Accordingly, the Oddo Apartment Project applicant should redesign its site development plan to accommodate the Green Book standards and to accurately account for line-of-sight and tree screening. The Planning Commission should reject the Oddo Apartment Project until such standards are met and accurate information is provided. In addition, the applicant should obtain a tree and elevation survey to provide accurate information to the Planning Commission and the public about the impact of this development on the Cedar Creek community.

Cedar Creek Development strongly urges the Planning Commission to reject the Oddo Apartment Project site development plan as currently proposed.

Very truly yours,

DUGGAN SHADWICK DOERR & KURLBAUM LLC

A handwritten signature in blue ink, appearing to read "John Duggan", with a long horizontal flourish extending to the right.

John Duggan

Anna Gourley

From: Matthew Volz <mattv0813@gmail.com>
Sent: Monday, March 11, 2024 5:36 PM
To: Planning Contact
Subject: Request to speak at March 11 Planning Commission meeting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do live within 500' of the proposed Oddo Development at Cedar Creek and Valley parkway and support the rezoning request.

Matt Volz
10185 S. Norhtlake Avenue
Olathe, KS 66061
314-640-3123

Good evening.

My name is Lisa Studtmann. I am a longtime resident of Cedar Creek, and I am standing before you to oppose RZ24-0003, or the Cedar Ridge Mixed Use rezoning application.

I will be referring to the Golden Rules city planners are required to follow in any rezoning process, specifically #2, which states we must consider “the suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations”.

The staff report merely *mentions* this Golden Rule on page 12. And the staff report *asserts* that CC zoning is *presumed* as better or preferred to the current C2 zoning.

I submit to you we should not *presume* anything of the sort where a project stands 100% guaranteed to permanently alter and harm both the quality and unique character of Cedar Creek’s iconic entrance, parkway, and green space.

We should not *accept such a presumption* for a project that will 100% change north, south, east, and west sightlines from a natural view to that of a massive apartment complex.

As currently zoned the parcel in front of us is highly valuable and can be built upon.

- The C2 zoning site of this application fits well within the immediate surroundings.
- 5 low profile office buildings in the same area are set back in the trees to reduce their visibility to the community.
- A new low profile office building was constructed in the same area about 2 years ago. This building is a beautiful “prairie style” rendering which fits in with the character of the neighborhood and provides a perfect example for what is acceptable and belongs in such a space. (See picture.)
- Site surveys have recently been seen or carried out on nearby vacant commercially zoned lots.
- All the built environment, both residential and commercial, is low-level, low density, low intensity. Development of this specific C2 site is specifically well suited to low-level intensity. The site has a higher elevation and dense tree coverage. Any number of C2 uses could be built on this site and they would be naturally screened and suited to this site. This form of development is what this site calls for.

In short, if a project that is properly suited for the location and site had been presented, there would be zero need for rezoning. Conversely, a project that is manifestly out of scale and out of character with any of its surroundings, including the quality and uniqueness of either the commercial or residential areas of Cedar Creek, cannot rest with a *presumption* that such a proposal should be folded into the CC zone.

The original mission for Cedar Creek, found on page 10 of the Green Book, includes “Preserve the Quality and Unique Character of Cedar Creek”.

By contrast the planning report missed the mark on its description of Cedar Creek, implying it is simply another ho-hum residential community by misinterpreting our stringent architectural guidelines and the parklike nature insured through strict covenants and appropriate dues to maintain the green spaces.

I submit to you it is impossible to consider the thought of a massive apartment complex destroying the entrance to our very special community.

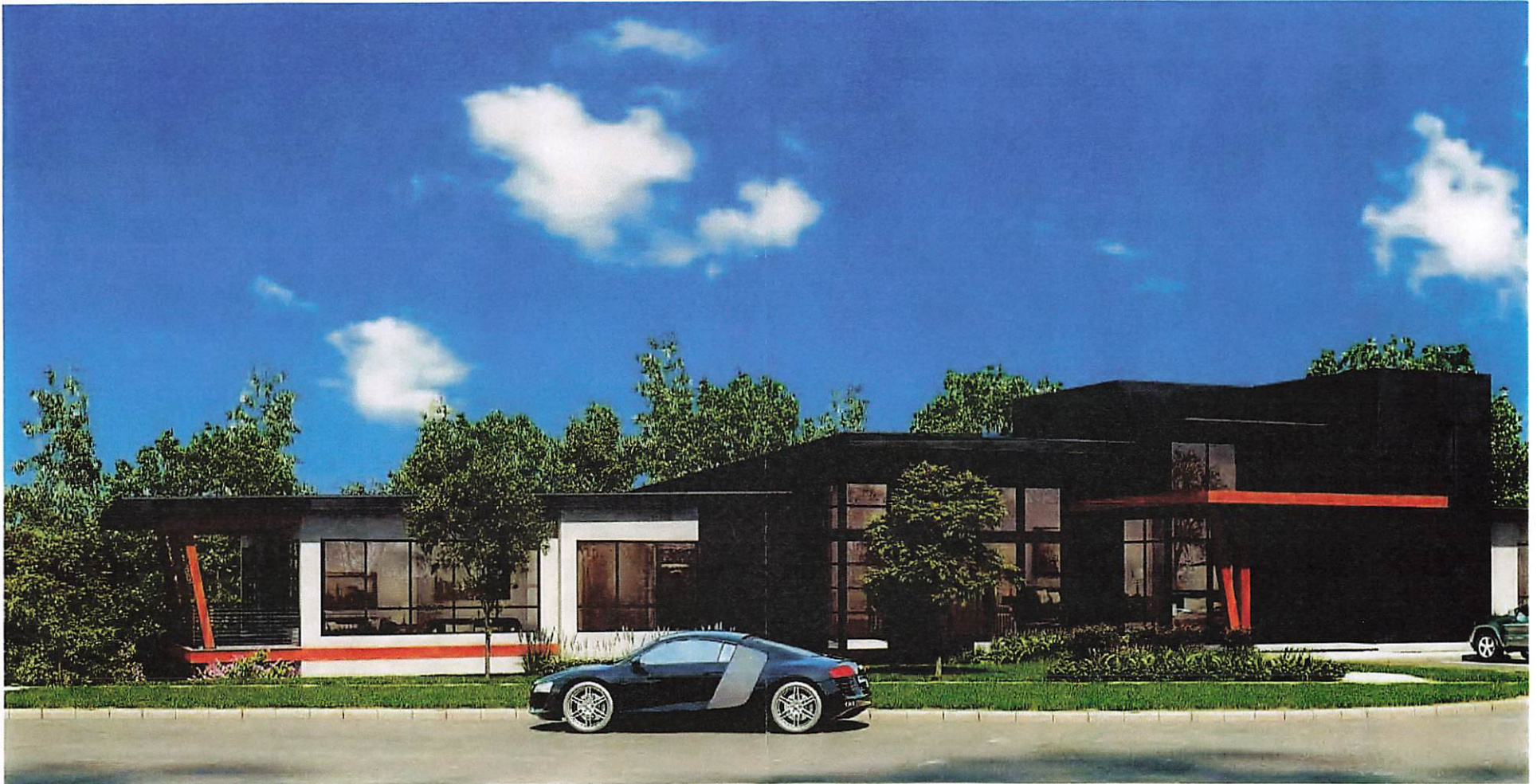
Please vote no and save Cedar Creek from becoming that ho-hum subdivision by imposition of yet another unoriginal apartment complex venture.

Please save the "jewel in Olathe's crown" with a no vote.

Thank you.

Nathan Studtmann

From: LK Studt <lkstudtmann@hotmail.com>
Sent: Sunday, March 10, 2024 3:50 PM
To: Nathan Studtmann
Subject: Picture for commissioners



March 11, 2024

Planning Commission Meeting - Rezoning Application RZ24-0003

Good evening, commissioners. My name is Jennifer Hughes. I have been a homeowner in Olathe for 28 years. Ten years ago, we chose to buy a 20 year-old home in Cedar Creek, because the community was unlike any place we had ever lived.

The primary reasons we chose Cedar Creek was for its uniqueness. There are unique homes, mature trees, greenspace, a lake, and public spaces – all carefully maintained – where nature and wildlife can flourish.

There are 1,600+ homes in Cedar Creek, with homeowners who pay dues for the meticulous care of our natural and manmade amenities. Currently, I pay \$2,000 in annual dues to live in and enjoy Cedar Creek. Collectively, our HOA spends hundreds of thousands of dollars each year on areas which wildlife lives, including the dredging, shocking, and minnows for Shadow Lake.

I oppose the Rezoning Application RZ24-0003 for several reasons. To help avoid repetition, I will be voicing my concerns tonight only about the wildlife in Cedar Creek. In reference to the Golden Rules of a Zone Change Request, rule #5¹ includes "The protection of public health, safety and welfare is the basis for zoning." The golden rule or zone changes goes on to say that "it is the City's responsibility to its citizens to be weighed."

The Preserve Our Neighborhood Association (or "Association") wrote to the Planning Commission twice, in February and March, principally seeking removal of the Rezoning Application for consideration by Commissioners on February 26th and again prior to the scheduling of March 11th.

The Association strongly objected to the hasty consideration of this matter, and sought a delay of six months. This was due to the lack of time for a civic association such as ours (not to mention local impacted households in general) to conduct review and inquiries on the nature and impact of the Application and the Proposal, particularly in light of its scale and impact, and particularly given that the developer has repeated that he does not intend to build for "years".

As such we do not understand why the developer's view, that this matter be progressed so rapidly, holds what seems to be sway with planning staff or the city. Take the developer at his word, that construction would not begin for years, and then you may accept that this matter may move at a more considered pace, allowing for appropriate inquiries and review to take place.

There are two organizations that the Preserve our Neighborhood Association inquired whether Oddo Development had sought reviews of the land to be developed, and that is the **Ecological Review by the Kansas Department of Wildlife**, and the other is the **Kansas Biological Survey and US Fish and Game**.

On March 4, the Association received communication back from Jordan Hoffmeir, Assistant Director Ecological Services for the Kansas Department of Wildlife. In effect:

- In normal circumstances where sensitivity (in terms of wildlife or of habitat impact) potential exists, the Department would expect to receive communication from the developer. There are various circumstances where this is required, but it is generally expected.
- A developer of such a site is expected to solicit, of his own volition, an "ecological review" of the site and potential impacts.
- Such reviews may take as little as 30 days and may require the developer to submit copies of his plans for the site.
- Only with such a review can 'defined habitat' - i.e. a protected or potentially protected area or species - be identified, or for that matter discounted.

- ***There is no record of Oddo Developments*** (or any other party such as the now current LLC or past landowners) requesting such a clearance or review.

Homeowners were concerned that this would be the case. That is why we associate ourselves with objections, on those specific grounds, that have already been submitted by the Preserve our Neighborhood Association to the Commissioners.

We now have confirmation that no review has been applied for, let alone conducted, and clearance given.

The potential damage to the ecological resources of the Cedar Creek area cannot be overestimated. One single toxic spill into the interconnected watercourses would spell disaster for fish, wildlife, vegetation, and the general balance of the local ecosystems. The act of disturbing the site (which is currently in its original Kansas wild state) without knowledge of what wildlife uses it or nests there is wanton destruction that cannot be justified - especially when the remedy is so simple.

The developer must be required by the City of Olathe to engage the Department for an *Ecological Survey*. Until that requirement has been placed upon the developer and acted on by the developer and the Kansas Department of Wildlife, this Application and Proposal should not be considered by Olathe Planning Commissioners.

The Association has also reached out to the **Kansas Biological Survey and the US Fish and Game** office for Kansas. Our concerns are, again, the lack of any consideration of potential damage to - respectively, the flora and waterside species associated with the waters interlinked below the development Application/Proposal site and specific wildlife that live on and around the area of Shadow Lake and are still considered on the US watch-list.

The response from the **Kansas Biological Survey and the US Fish and Game** department takes time and is precisely why the Preserve our Neighborhood Association asked for more time than what the rapidly set Public Hearing dates allow.

It is imperative that residents are not shortchanged in an unnecessarily hasty procedure which seems to serve only the developer. These inquiries take time. A responsible developer would acknowledge that, and would welcome review and the opportunity to obtain clearance or adjust any proposed plans to avoid damage to sensitive habitat or wildlife.

We renew our request that this matter be removed from the current cycle of the Planning Commission and continued for the six-month time period previously suggested by the Association.

Moreover, we request that the Planning Department now make it a requirement that Oddo Developments seek and await delivery of an Ecological Review from the Ecological Services Division of the Kansas Department of Wildlife, and that the results of that Review be made public.

We are not interested in 'rolling the dice' in the hope that a developer's plans won't cause irreparable harm to our neighborhood's natural heritage, wildlife, and its habitats so that future generations have the benefits of our state's diverse living resources. This is expected by Cedar Creek homeowners, and needs to be clear from the outset. **My question for the Planning Commission is how can you make that decision tonight without a wildlife study?**

Thank you.

Jennifer Hughes
10824 S. Whitetail Lane, Olathe

- 1 Golden Rule of Rezone Applications #5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: The protection of public health, safety and welfare is the basis for zoning. The relationship between the property owner's right to use and obtain value from their property and the City's responsibility to its citizens should be weighed.

**TRAFFIC REPORT REQUEST
OLATHE CITY PLANNING MEETING
MARCH 11, 2024**

**PROJECT PROPOSAL
RZ24-0003**

PRESENTED BY: KIMBERLY STUMPF

My name is Kimberly Stumpf, and I have lived in Cedar Creek since 1996, for the past 28 years. I am here to present what I see as a traffic issue impacting the residents of Cedar Creek. I would ask for your indulgence as I read this to you because it's too detailed to remember all the important points. I have made copies for each member of this panel for consideration to fully understand how complex this undertaking would be and the extreme pressure it will put on all the lives in our Cedar Creek community. As you are familiar with, there are two entrances into the Cedar Creek community. One entrance is on the south side of K-10 and Cedar Creek Parkway, and the other entrance is on the west side of K-7 on College Blvd.

There is a 600-unit Oddo apartment complex going to be built in Lenexa on the north side of K-10 at the Canyon Creek entrance. This is the same exit and access to K-10 for the main entrance to Cedar Creek. Cedar Creek community to the south, Canyon Creek community to the north. There are plans for gas stations, restaurants, retail shops and an elder facility in addition to apartments on that Canyon Creek project.

TONIGHT, ODDO is proposing construction of 300 MORE apartments – currently on the south side of the same K-10 interchange. And right at the main entrance to Cedar Creek community. This proposal also includes restaurants, retail outlets, and townhomes.

Two major construction projects at the same interchange, on and off K-10. Yet NOBODY is considering that impact? How can it NOT be of concern to our planners here in Olathe?

On the west side of K-7 and College Blvd, there has been another ODDO development of 300+ apartment project approved, located next to the Prairie Canyon development. MORE projects are located at another entrance to Cedar Creek.

Everyone is already expecting traffic volumes on K10 to increase. There will be construction workers and employees for the \$84 million expansion at Honeywell with an additional 156 employees (and 268 temporary workers). That is in addition to the pressure on the already impacted K-10 and K-7 intersections.

So that is an increase in Honeywell traffic, employees, suppliers, and trade for the Oddo gas stations, restaurants, retail shops. There will be a huge increase in Amazon and other online retail deliveries, an increase in food deliveries, garbage collection trucks, gas station patrons, restaurant patrons and the retail shop patrons.

There is a daycare facility, Little Learners Early Childhood Center, located at Valley Parkway and Cedar Creek Parkway. Working parents come into our community to drop off and pick up children at peak traffic times. The children's center's website promotes easy commutes and peaceful learning in calm, comfortable surroundings. This will be dramatically impacted by the increased volume of traffic and the changed type of traffic – with vastly more commercial vehicles.

Both entrances into Cedar Creek will be congested with construction at the same time. There will be heavy- construction vehicles stacking up – as they are now on College Blvd. Plus, the additional vehicles

of the construction workers. This will create a disruption of traffic flow for the residents of Cedar Creek and for the school buses for the elementary and middle schools, as well as for the daycare parents and staff.

NONE OF THIS IS ACCOUNTED FOR in the Oddo traffic study submitted with this Application.

The cumulative impact at the Cedar Creek/Canyon Creek junction at K-10 is a serious concern at the on and off ramps. There is also a structural limitation of the bridge and currently only two single lanes under the bridge. There appears to be no room for expansion to accommodate additional lanes or turn lanes onto or off K-10.

Conservatively estimated, the addition of 900 apartments alone is an increase of 1.3 cars per apartment. That is a projection of 1,200 additional cars to gain access on to K-10 primarily eastbound in the morning, and westbound exiting in the evening. Then add to that the additional restaurant, retail and gas station traffic, supply and service vehicles and the workers, all at that one entrance/exit at K-10. There will be bottlenecks and traffic jams at K-10 – worst at the busiest times of the day.

With the proposed and planned construction located at both entrances to Cedar Creek community, both entrances will be congested at the same time. Isn't good planning's job to prevent just that scenario?

The traffic on College Blvd on the bridge over K-7 is controlled with traffic lights. There are four lanes plus turn lanes, over K-7. K-10 is opposite in configuration. Cedar Creek Parkway, which becomes Canyon Creek Parkway, is, as noted, single lane traffic each direction under K-10. With the proposed increase of 900 apartments, 2 gas stations, retail shops and restaurants, far more traffic can be expected into Cedar Creek. The predictable backup of traffic to exit K-10 at the Cedar Creek/Canyon Creek exit in the evening would be greater than the traffic backups from west I-435 on to west K-10 and the west K-10 and Woodland exits currently. This adversely affects all of us living in Cedar Creek – as well as presenting a major accident risk.

Each Oddo project individually represents a traffic increase. Together, in the same time frame, the traffic problem could not be reasonably managed, especially without major infrastructure changes. Furthermore, the negative impact on quality of life of Cedar Creek's residents would be unjustifiable.

I request a COMPREHENSIVE traffic study be performed to examine these points of concern, with all the proposed and planned projects taken into consideration, the feasibility of the increased traffic, and how it will be managed.

Thank you for your attention to this matter, I appreciate it.

**K-10 & CEDAR CREEK PARKWAY
JOHNSON COUNTY
CITY OF OLATHE
CITY OF LENEXA**



LENEXA

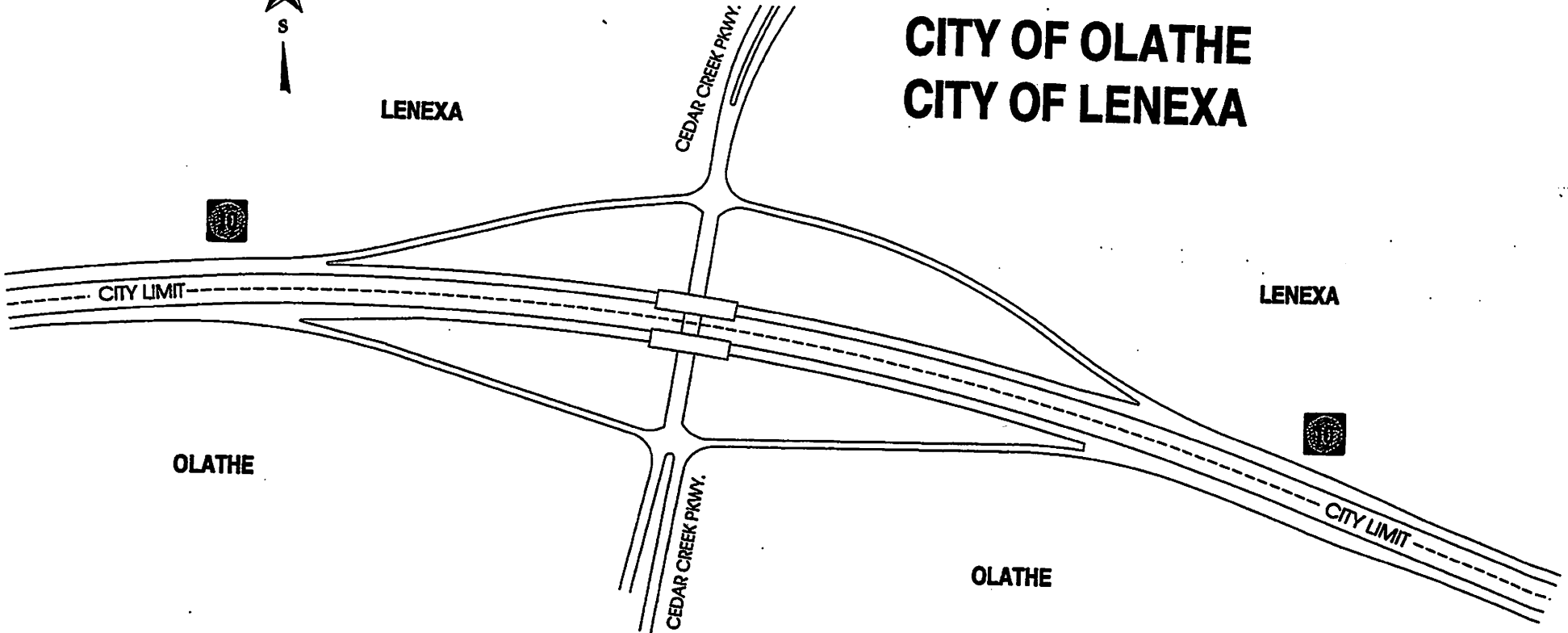
CEDAR CREEK PKWY.

LENEXA

OLATHE

OLATHE

CITY LIMIT



Olathe Planning Commission

RZ24-0003 Shadow Ridge Mixed Use

March 11, 2024

Deb Denavs

- 10330 South Hollis Lane
 - Audiologist, MA, Certificate of Clinical Competence (CCC)
 - 15+ years in field
 - Hearing and hearing health
 - Industrial and factory (Occupational Health including environmental testing)

Our Ask...

- Noise pollution is a concern and to our knowledge a study has not been conducted.
- We request an independent noise study be completed at the developer's expense to determine the impact of this development on Cedar Creek residents.
- Ignoring this issue now and THEN discovering an issue when the project begins is not acceptable – mitigation will not be as feasible once the project moves forward.

Points of Agreement

- During Construction
 - Construction is noisy
 - Construction will involve blasting and/or ledge hammering
- Post Construction
 - Ambient noise increases with additional traffic
 - Leawood City Council recently adopted an amendment regarding pickleball court noise at 70 dba (*The Prairie Village Post, December 2023*)
 - Mature foliage barrier is sound-absorbing; lack of it will contribute to noise
- Noise is health impairing (*Harvard Noise and Health, Spring 2022*)
 - Especially with children; attributing to attention levels, lower reading skills (Little Learners)
 - Adults; contributes to stress, heart disease, elevated blood pressure

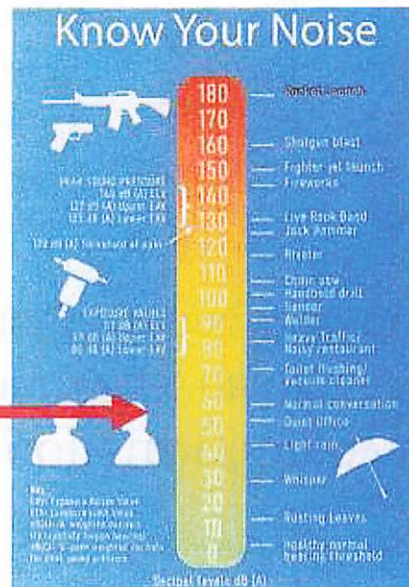
City of Olathe Noise Ordinance 6.18

Olathe Municipal Code

6.18.060

Sound Levels by Receiving Land Use

Receiving land-use category	Time	Sound level limit, dba
R-A, R-A-1, R-1, R-2, R-3, R-4, R-5, PUD, A (Residential, public space, open space or agricultural or institutional)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	55 50
C-O, C-1, C-2, C-3 (Commercial or business)	At all times	65
M-1, M-2, M-3 (Industrial)	At all times	70



Chapter 6.18.020

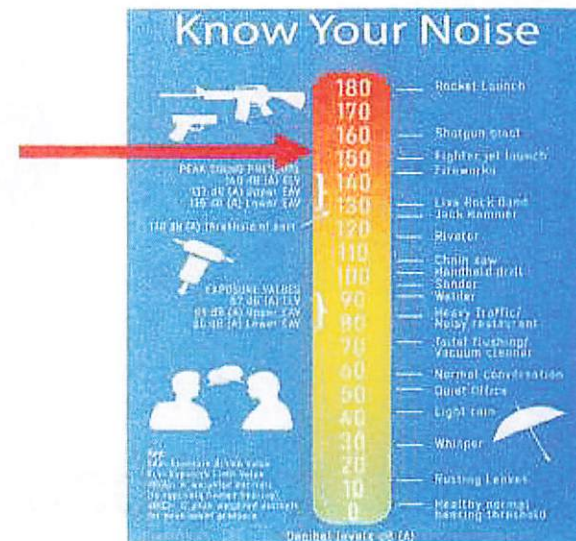
Noise: any sound which annoys or disturbs humans...
cause adverse psychological or physiological effect on a human.

Construction

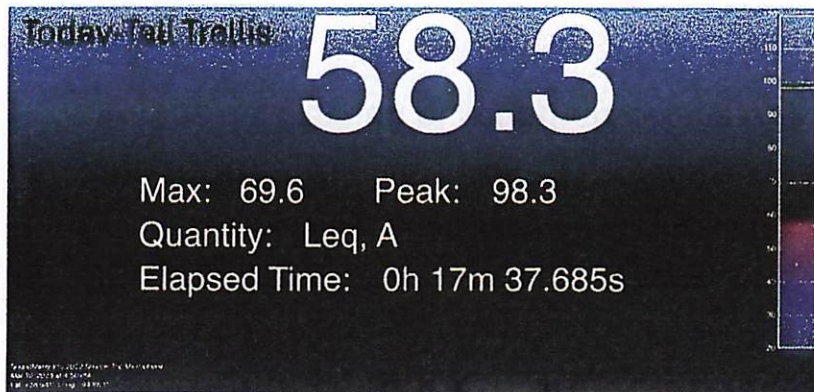
- Variances are given for construction by the city
 - Nonetheless, blasting and ledge hammering exceeds 140dBa
 - Noise travels, a construction fence will not prevent this

Impulsive Sound Levels which Pose an Immediate Threat	
Sound Level Limit (dba) (As measured using "impulse" meter time response)	Number of Repetitions per 24 hour period
145	1
135	10
125	100

(Ord. 00-89 § 7, 2000; Ord. 85-13 § 1, 1985.)



Ambient Noise Tested Today

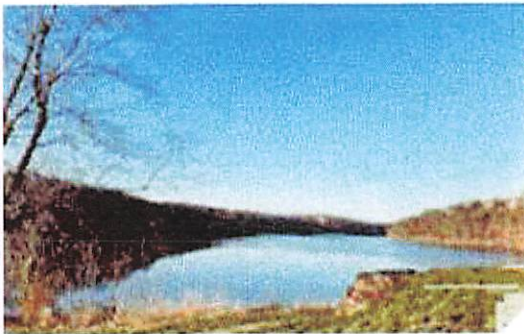


- Within 500 feet of traffic
- Sound levels tested today
- Without increased traffic

Receiving land-use category	Time	Sound level limit, dBA
R-A, R-A-1, R-1,	7:00 a.m.-11:00 p.m.	55
R-5, PUD, A (Residential, public space, open space or agricultural or institutional)	11:00 p.m.-7:00 a.m.	50
C-O, C-1, C-2 (Commercial or business)	At all times	65
M-1, M-2, M-3 (Industrial)	At all times	70

What makes Cedar Creek unique for acoustics?

- A system of calm interconnected lakes and ponds
 - Sound travels faster and appears louder when traveling on still waters
- Contouring of the landscape into an amphitheater-like
 - This contouring amplification in open spaces mirroring amphitheaters.
- Dense foliage
 - The destruction of sound-absorbing trees will exacerbate the noise issue



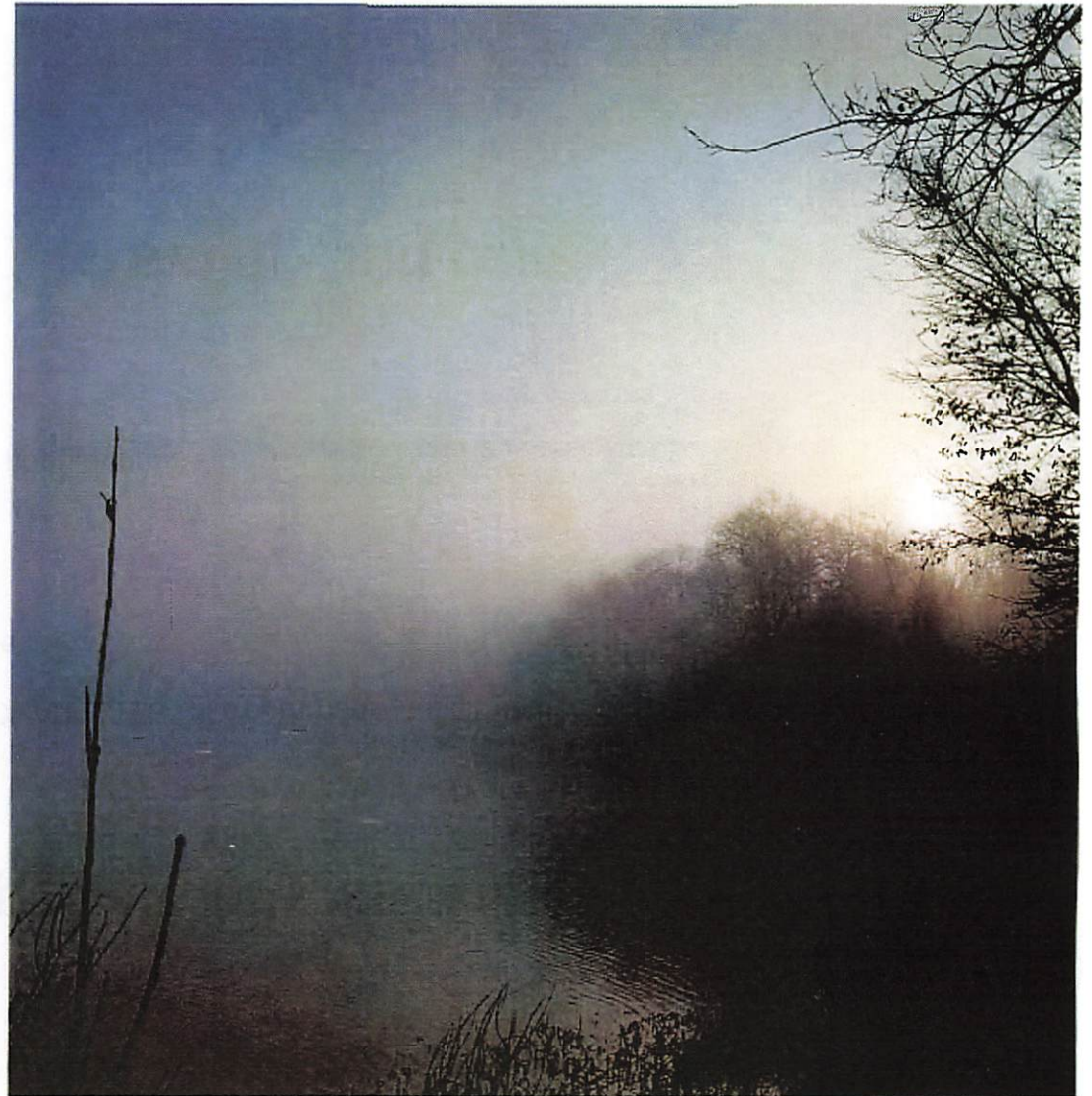
Our Ask...

- Noise pollution is a concern and to our knowledge a study has not been conducted.
- We request an independent noise study be completed at the developer's expense to determine the impact of this development on Cedar Creek residents.
- Ignoring this issue now and THEN discovering an issue when the project begins is not acceptable – mitigation will not be as feasible once the project moves forward.

Thank you for your time and consideration

To prevent a VIOLATION of the Character of Cedar Creek

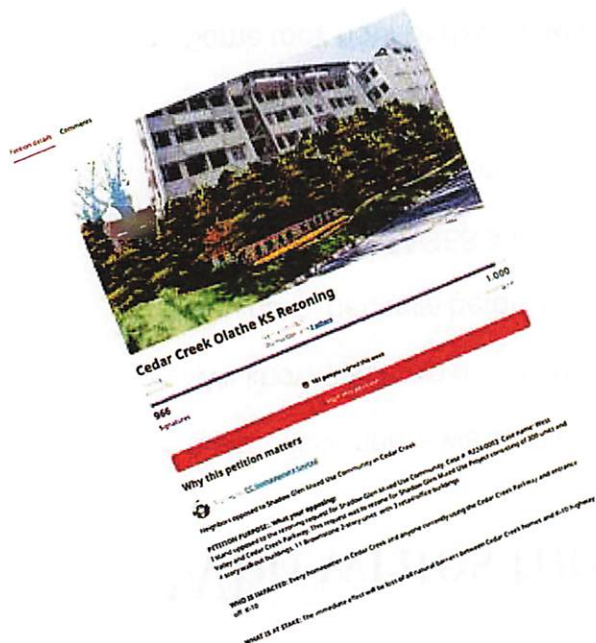
"I STAND OPPOSED TO THE
REZONING REQUEST..."



Petitions, letter, photographs, emails and calls

- My name is Ted Stodolka – resident in Cedar Creek –
- moved here BECAUSE of the unique low-density “**CHARACTER**” of a community that is shared with green space
- The CHARACTER starts at the entrance... Cedar Creek Parkway
- This planning commission is faced with 2 things –
 - A developer’s interest in our area
 - The OVERWHELMING response of this area’s population...

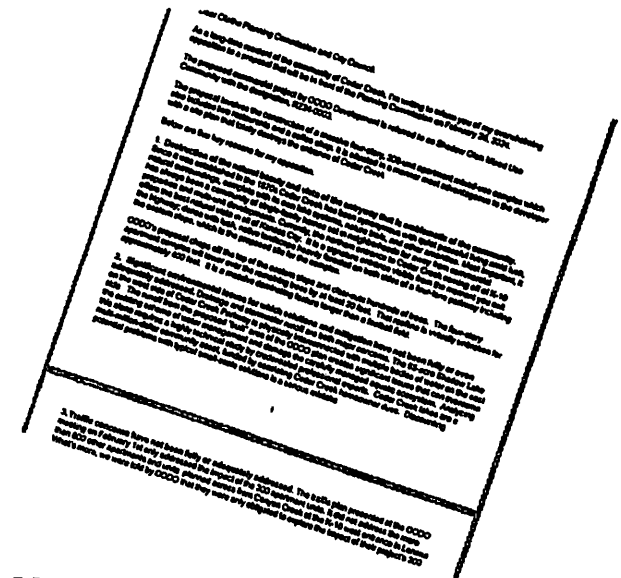
You can see our reaction –



- This Commission can not often have seen such a reaction to a development proposal
- A petition started barely 1 month ago now has –
 - **OVER 1,000 electronic signatures**
 - Hundreds more physical signatures
 - Your package has - 23 pages of signatures in opposition...!
- That petition states: “I stand opposed to the rezoning request for Shadow Glen consisting of 300 units and a 4 story walkout... 11 Brownstone 2-story units with three retail/offices...”
 - (Of course NOW we know its actually 6 stories... The petition was drafted before we realized we were being snowed
- THIS IS A GIGANTIC REACTION IN A MONTH.

Who writes these days ...?

- Commissioners – we see you receive a staff report and a package.
- We know you have barely a weekend to review it all... & we sympathize... BUT
- You have package before you of - **611 pages**
- of those, **445 PAGES** are letters, emails and signatures that all (*but a half dozen*) **STAND OPPOSED** to this development.
- You may not have been given the time to read them all – BUT YOU SHOULD...
- EACH is heartfelt
- Some took hour or days to write
- Many share personal accounts of living here
- ALL DESERVE TO BE CONSIDERED BEFORE YOU VOTE



Who attends meetings...?

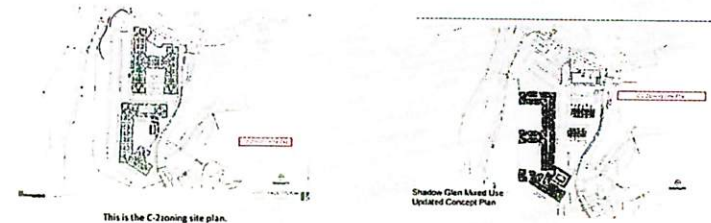
- Our Council member shared the estimate – 350 attended (ZOOM & IN PERSON) the ONLY public meeting on this matter.
- Oddo Architects came with 8 sign up sheets – after the papers FILLED – they needed 7 more pages...
- Again – the OVERWHELMING response was in STRONG OPPOSITION to this proposal
- Many attended on no advance notice - or 1 day's notice
- The proposal us hit like a BOMBSHELL...!
- ODDO KNOWS the local view
- NO ONE WANTS ODDO

[illegible]

Is it clear ODDO isn't wanted?

- Despite hundreds of letters & emails & protests
- over 1,000 online signatures & hundreds more hand signed
- Some try to question - 'is this really opposition?'
- Our developer-HOA held a survey
- The survey was rigged...
- Just look at the 'choices' →
- And Yet ... over/

C-2 & CC Preliminary site plan side by side



- 316 Apartments
- 15% minimum green space preservation
- A building height of 60' is allowed.
- 32,000 SF of retail/restaurants on the first level of the buildings plus an additional 7,000 SF restaurant on the corner of Cedar Creek Pkwy & Valley Pkwy
- The land Oddo Development owns is currently zoned C-2
- No future talks with Oddo Development about this site plan
- Can be built with no public hearing.

- 300 apartments & 11 brownstone townhomes
- 55% green space preserved.
- A building height of 70' is allowed.
- (2) 7,000 SF sit down restaurants & (1) 25,000 SF Restaurant/Retail with second level office.
- Would need the current rezoning request approved.
- We would be able to continue talks with Oddo Development to try to make improvements for Cedar Creek.

* 4. With the knowledge that Oddo Development is going to build apartments under the existing C-2 zoning or under the CC zoning, which plan to do you prefer?

- ☐ I/we prefer to allow the Cedar Creek Overlay "CC" zoning to pass, so that we may preserve more green space and continue talks with Oddo Development on making this better for Cedar Creek
- ☐ I/we prefer the C-2 zoning proposal that preserves less green space, includes more parking surfaces & NO talks on making the development better for Cedar Creek
- ☐ I/we have no opinion or are indifferent about the development

Prev Next

Oops...

- Despite rigging the questions
 - Despite getting the result they wanted
 - Despite mutual aid developer to developer...
 - In the developer-HOA letter announcing the results...
 - The cover letter came with an admission:
-
- ***"It goes without saying, as stated many times, that it can be inferred that most, if not all Cedar Creek Homeowners would prefer to not have apartments located in that particular location."***



Good evening Cedar Creek Homeowners!
Please see attached the results of the Oddo Development Zoning Survey, which has officially closed as of yesterday, and the message below!

Dear Cedar Creek Homeowners,

The Joint Board of Directors and Advocacy Committee would like to sincerely thank everyone who took the survey regarding the upcoming Planning Commission meeting March 11th wherein the Planning Commission will be voting on the parcel of land Oddo Development has now officially purchased to rezone it from C-2 to CC. It has been the sole mission of the Joint Board as well as the Advocacy Committee to make sure as much accurate information as possible is disseminated to the community so that everyone may know exactly what is going on and make the most informed decision(s) regarding.

Based on the data received, it would appear the survey was able to garner a response from 29% of the Cedar Creek community. Whereas after factoring out duplicates/extra addresses/etc., there was a 68% majority favoring the CC "mixed zoning" over the C-2 zoning. As you know the property is currently zoned as C-2 community center. The top concern reported in the survey results was the preservation/green space. Please note that this survey was NOT intended to be a catch-all, "how do you feel about the Oddo Development situation" but was purposefully worded and driven to collect important data so that the Joint Board of Directors could make decisions informed with resident opinions specifically regarding the zoning. It goes without saying, as stated many times, that it can be inferred that most, if not all Cedar Creek Homeowners would prefer to not have apartments located in that particular location.

Thank you.

Regards,

Cedar Creek Village I Association, Inc
Chris Pantow
Property Manager

www.faresidential.com

Bottom Line ...



- Commissioners ... you may not LEGALLY have to consider many opposing voices – if they do not address legally defined and relevant issues
- You MUST consider arguments expressing views based on relevant Kansas law – i.e. the Golden Criteria...
- MANY of the letters and online comments with the e-signatures do just that
- BUT - JUST AS IMPORTANTLY – our communications are real, from people with real concerns about their homes, the environment, their community and Kansas values.
- WE URGE YOU - you cannot Ethically or Morally ignore an entire Community...
- STAND with the voices appealing to you....

REJECT THE ODDO APPLICATION AND PROPOSAL

OLATHE PLANNING COMMISSION

RZ24-0003 SHADOW RIDGE MIXED USE

March 11, 2024

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- Planner's report (page 11)
 - 'While the proposal **does not directly align** with the existing character of Cedar Creek.'
 - In so many ways:
 - Mass
 - Height 5 to 6 stories
 - Style Colorado
 - Density 22 units per acre Highest in a 3-mile radius
 - Location of the apartment **within Cedar Creek Gateway to the Community.**
 - Worst possible location because it affects the whole community



GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

- It is a well-known Law of modern economics that the price of any goods is based on the following factors
 - Price = Availability (supply) and Desirability (Demand)

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- Planner's Report (Page 13)
 - **' The district as proposed provides design standard that are not anticipated to have any detrimental effects on nearby properties'**

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- Let's analyze this statement
 - Because the proposed Apartment complex is so seriously misaligned with the character of Cedar Creek, and located in its Gateway, it will cause a significant change to the overall character of the neighborhood and not in a positive way. **This new change will decrease the desirability (demand) of the neighborhood and therefore reduce home values.**
 - For example, the homes located on the other side of Cedar Creek Parkway now see a tree covered green space. If the proposal goes through, their new line of site will be at least three stories of the apartment complex. **Almost no one prefers to look at an apartment complex over green space. Therefore, desirability and value decreases.**
 - **Because of the location of the proposed development** the reduction in property values will affect home values to varying degrees throughout Cedar Creek neighborhoods.

GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

- It should be noted the analysis presented was for this project. Each apartment project has different levels of impact based on their underlining factors.
- Let me give an example of underlining factors:
 - This development company has an Apartment complex just approved at College and K-7
 - i. Factors in that development
 - 1. Density 11.4 Units/acre
 - 2. Height 2 stories/ 3 stories
 - 3. Style Mansion
 - 4. Number of buildings 28
 - 5. Entry Does not use the community Gateway

GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

- **As you can see from those underlining facts, that project is in closer alignment with the character of the neighborhood and therefore has less impact on surrounding property**

GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

1. **The Cedar Creek project has NO tangible benefits to the community and has a number of negative effects:**
 - **1500+ homeowners property value decrease.**
 - **In most cases this is the largest investment homeowners make in their lifetime**
 - **The character of the community**
 - **Destroys the character of our Gateway**

GOLDEN RULE

**THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY**

- 1. In conclusion this project should not be approved or at lease sent back to Planning Staff to correct the major misalignment of this project with character of the community for the following reasons:**
 - **Detrimental effects to the nearby property and the whole community**
 - **Detrimental to the Cedar Creek Gateway which has been created and developed over the past 30 years and set the overall character of Cedar Creek. This is why it is the worst location for the project.**
 - **This project is trying to fit a square peg into a round hole and that just doesn't work.**

GOLDEN RULE

THE EXTENT TO WHICH THE REMOVAL OF THE RESTRICTION WILL
DETRIMENTALLY AFFECT THE NEARBY PROPERTY

- cedarcreek-kc.com Current

- **The first thing you'll notice driving down Cedar Creek Parkway is the beautiful landscaping complete with natural rock formations and waterfalls. But Cedar Creek has always been more than just a place to live; it's a community whose biggest asset is the native Kansas environment. Hundreds of acres will always remain in their natural state and preserved for generations.**

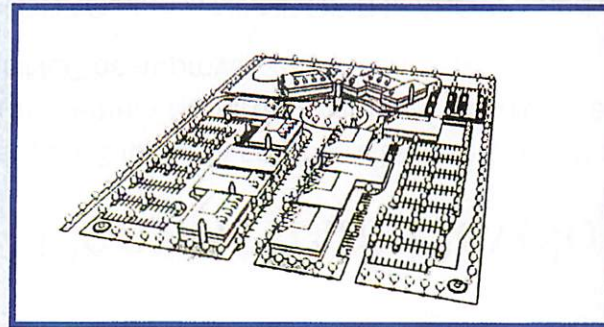
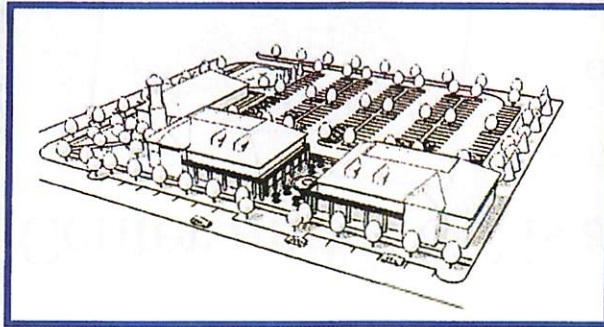
To prevent VIOLATION of the Cedar Creek Area Plan

THE STAFF RECOMMENDATION
MUST BE REFERRED-BACK AND
CORRECTED



Is this development a Town Center for Cedar Creek?

- I will reference numerous excerpts from the current Cedar Creek Area Plan
- These address the fact that the Staff Report recommendation to approve are:
 - a) necessarily based on the Oddo development being a "Town Center" – **IT IS NOT**
 - b) even if it were a Town Center - the approval recommendation is based on multiple **"UNREASONABLE INTERPRETATIONS"** of Area Plan and in part on **VIOLATIONS OR IGNORING**



Town Center under CC is a “Commercial Development”

Forms of Commercial Development

Suburban Centers:
The decision as to the form of development is due, in part, to market demand as well as the use types and intended outcomes. The offices along Valley Parkway are now situated on individual parcels although as the area builds out they may be within an interconnected campus setting. While the sites are occupied with a large proportion of surface parking, they are well landscaped and sitting at an elevation well below Valley Parkway thereby lessening their visual impact. In the same way, each of the buildings is also at a lower elevation and nestled among the trees so as to preserve views and reduce their scale from the road. Their materials and colors are natural in appearance allowing them to blend well with the environmental setting. The quality design of these sites reflects a suburban character that is compatible and cohesive within the community context. A variety of use types and building scales may thus, be accommodated without conflicting with the intended quality outcomes. To perpetuate a suburban character, there must be a balance between building and parking areas and natural vegetation and open space. Sites built to this character standard result in lower intensity development with a larger percentage of landscaped open space and/or undisturbed areas.

The concept of character places greater focus on buildings and sites than on their uses. In other words, a variety of uses may function fine within a well-designed building or site. While land use is deemphasized, it remains an important consideration to ensure it performs well within the context of its surroundings. Some uses, due to their scale or operating characteristics cannot be overcome solely by their design. Therefore, land use must remain a variable for which certain restrictions are warranted.

The attributes necessary to reflect the character of a suburban center include:

- more horizontal development usually consisting of one- or two-story buildings;
- space enclosure provided by trees and vegetation versus buildings;

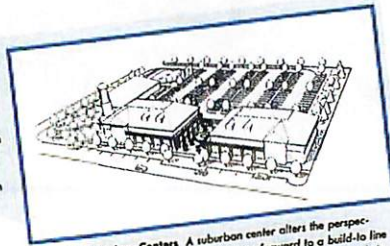


Figure 7. Suburban Centers. A suburban center alters the perspective from the street by bringing the buildings forward to a build-to line (rather than a minimum setback) placing the parking to the rear of the site, increasing the amount of open space and site landscaping, and placing greater emphasis on building design and pedestrian access.

- larger setbacks providing more green and open space along the street frontage and adjacent property lines;
- more building separation through larger setbacks and/or larger lots;
- much lower lot coverage and correspondingly higher common open space;
- more opportunity for natural drainage and storm water absorption versus concentrated storm water run off and conveyance;
- more extensive and intensive landscaping;
- a more pleasant environment for pedestrians versus sites for which the design is oriented to the auto; and,
- more sustainable outcomes through conservation practices and low impact design.

2.3

- There are 3 forms of commercial development permitted under the CCAP - Auto Center - Suburban Center & Town Center. If its not one of these it CANNOT be approved under CC.
- The ODDO plan is NONE OF THE ABOVE - and can be seen to be NONE OF THEM by reference to FIGURES 7 & 8 on p. 2.3
- In detail - Staff don't call it a Suburban Center. But its MUCH more like a suburban center than a town center.
 - Large Areas of surface parking
 - Buildings built right up to the build line
 - Larger lots
- BUT with NO residential – this IS NOT a suburban center (or Auto!)

Is this a Town Center though...?

- The Area Plan REQUIRES that Town Centers have a range of features
- A Main Street - ABSENT
- Plazas - ABSENT
- PUBLIC SQUARES for CEDAR CREEK to gather – ABSENT
- Streets of ground floor retail/commercial storefronts – ABSENT
- Amenity filled for Cedar Creek - ABSENT
- RESIDENTIAL small single family ABSENT
- BROWNSTONES – CHECK
- Upper Floor Units..... Well now..! Above a main street of shops - ABSENT

3 / 10 / 24

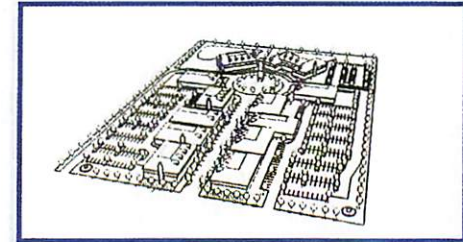


Figure 8. Town Centers A town center creates a building enclosure to form a 'main street' environment that emphasizes a more pedestrian orientation. The parking is placed to the rear of the site and may include above or below ground structure parking. Open space is provided in the form of plazas and community greens.

Town Centers:

An alternative form of development takes on a more pedestrian-oriented focus. In this case, the site is re-arranged to create a pedestrian precinct. This space is enclosed by taller (minimum 2 story) buildings that are brought close to the street. Parking is handled on-street with larger parking areas to the rear (rather than the front) of the site. These too, are well landscaped and buffered to soften the environment and aid in the transition between areas of different use and character. A mixture of complementary uses broadens the market and range of hours and activity. This town center character is distinctly different than the suburban center described above yet through good design and performance standards may co-exist in harmony with areas of other character types.

The design characteristics common of a town center character include:

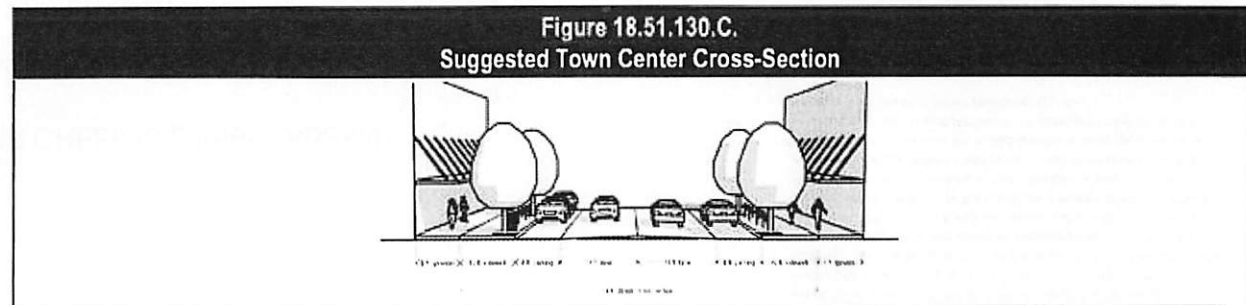
- more vertical development with a minimum height of two stories and extending higher depending on the context of its surroundings;
- zero or minimal front setbacks with building entries and store fronts at the sidewalk;
- streets and other public places, such as plazas and community greens, framed by buildings;
- parking situated on-street and to the rear of the site (sometimes including above or below ground structured parking);
- a street environment conducive for pedestrian activity and interaction; and
- housing types ranging from small single family to attached (e.g. brownstones, town homes) or upper floor units.

2.3

4

It FAILS to be a CC Town Center

- ODDO has no: Main Street.
- Main Street is a well understood in planning and common sense term - while some features are changing with the times - the concept here is clear in the Area Plan.



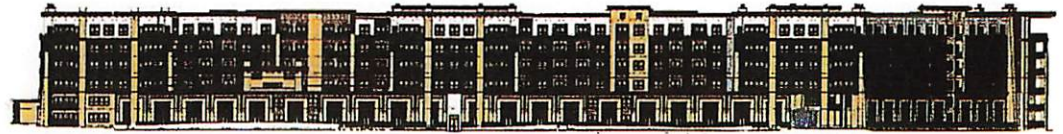
- Ground floor shops and offices. Think: bank, post office, essential retail, usual supplemental retail, the types of goods and services that make a town work.
- As repeatedly illustrated in the Area Plan - its a street.
- It looks almost like a C2!

Residential in a Town Center

- CC defines **residential** for a Town Center as • Small single family, • town homes or • **UPPER FLOOR UNITS**.
- Staff Report interprets residential units on the upper floors of street front stores to *MEAN* a 4 or 5 or 5.5 actually 6 story residential block.
- That is the *least REASONABLE INTERPRETATION* and is at worst is a violation of the CC Area Plan.
- ANYTHING that rises without being *entirely based* on a commercial lower floor is a violation.
- Staff Report applies the term “apartments” to multifamily. That is NOT in the Area Plan.
- “APARTMENTS” (and Condos) were anticipated in the original Green Book but the term is REMOVED from the updated Area Plan REGULATIONS
- On the contrary MULTIFAMILY dwellers are expected to be “owners” – required to have a “HOA” (or the CCHOA?)

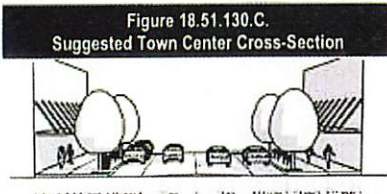
How Many Units?

- Multifamily is defined, at page 4.17, as a building with "***THREE OR MORE DWELLING UNITS...***"
- Staff are using that definition to allow 300 units.
- A factor of 100-fold is an "***UNREASONABLE INTERPRETATION***".



Oops... OTHER REGULATORY REQUIREMENTS ABSENT OR IN VIOLATION OF THE AREA PLAN REGULATIONS!

- Each "upper floor" shall be differentiated and have banding for each level. *The ODDO block doesn't have that.*
- Town Center developments above 3 stories must have setbacks. *The ODDO block doesn't have that.*
- There have to be breaks along the street facade. *The ODDO block doesn't have that.*
- The residence must have a "back" - because the front is meant to be a street! *The ODDO block doesn't have that.*
- Residential above commercial buildings must have pedestrian through-access to parking. *The ODDO block doesn't have that.*
- Facades with frontages of more than 50 feet long MUST be broken up by design. *The ODDO block doesn't have that.*
- Each 50 foot section of frontage must be designed to look like different buildings. *The ODDO block doesn't have that.*



SURE its NOT a Town Center...?

- A Town Center “shall be pedestrian-friendly”. Oddo - more hard surface – except building footprints - is given over to *parking lots* than anything else. Violation.
- - Streets should be in a “grid”. Missing - Violation
- Focus on the development shall be Plazas or Squares – Violation
- Apartment courtyards are NOT Cedar Creek PUBLIC amenities. They are designed for the residents of the 300 apartments - NOT FOR CEDAR CREEK.
- Not a Cedar Creek Town Center
- It is, in fact, - to the extent it is a 'town' at all - an alien town inside Cedar Creek.

6. Site Design Standards.

- In the Mixed-Use Subdistrict, Town Center development shall be designed as pedestrian-friendly centers, with:

- Buildings that front on functional streets, arranged in a grid-like pattern, with cross-sections along principal retail frontages comparable to those shown in Figure 18.51.120.C., Suggested Town Center Cross-section;

- Civic spaces in the form of formal plazas or squares which are focal points of the development, developed with amenities such as seating, fountains, public art, landscaping, and shade.

4.13

Character

- SUBURBAN character is and shall remain dominant and “applies to residential and non-residential” -so it ALSO applies to Town Centers!
- Suburban mean structures take second place to vegetation.
- The ODDO plan for multiple floors above the tree line violates that.
- Also – use of incorrect materials violates the character rules:
- The ODDO building materials include "manufactured stone veneer".
- That is "NOT ALLOWED" as a building material. Another violation.

The suburban character type applies to both residential and non-residential uses. Each may be designed to have a suburban character irrespective of its use. A key aspect is a balance between buildings and parking areas and open space and vegetation. Development that is designed to have a suburban character is of a lower intensity with higher percentages of open space and landscaped or vegetated areas. A large portion of suburban sites are left relatively undisturbed or are supplemented by landscaping, which reinforces their character. Due to the setting and thoughtful design of these sites, residential and non-residential uses may peacefully co-exist in relative proximity to one another even though the uses may vary in their intensities.

Defining the Character of Cedar Creek

In its current state of development (not counting the undeveloped areas), Cedar Creek may best be described as having a “suburban” character. This character reflects a garden-like living environment. As such, the dominant visual feature is green and/or open space versus structures, which may be entirely hidden from view due to the density of vegetation. This is in keeping with the original masterplan concept of the development of three separate residential “villages”, each incorporating a variety of residential housing types and open space amenities as described in the original Green Book, Appendix C. Throughout Cedar Creek, street enclosure is created by tall trees and dense vegetation, with buildings being secondary to the streetscape environment. More extensive green and open space contributes to increased recreational opportunities and natural resource protection.



DENSITYDENSITYDENSITY

- The ODDO density is 22.
- The Cedar Creek current density is 1.87.
- In theory a town center can have a density of up to 29 Per CCAP, as Staff report states on P11/ over to P12.

Staff quote the CCAP "Generally Mixed-Use Developments in the CC district have a maximum density of 29 dwelling units per acre" –

BUT - **1** that is theoretical as there are no mixed-use area in existence yet.

And - **2** based on multiple violations the ODDO proposal cannot become a Town Center.

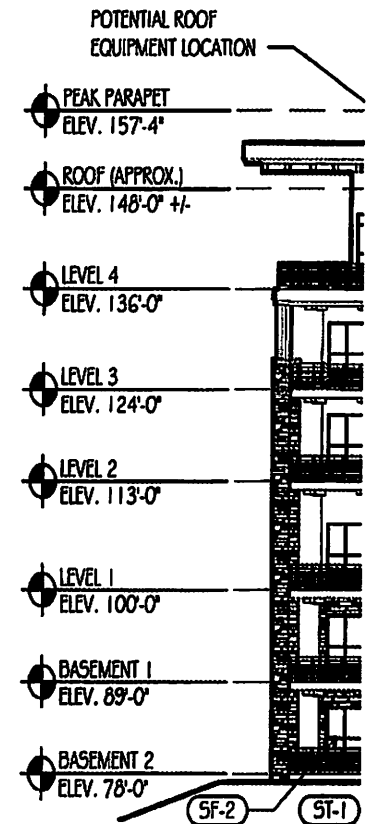
- THEREFORE This density is not in-keeping with the residential density of 1.87.

HEIGHT



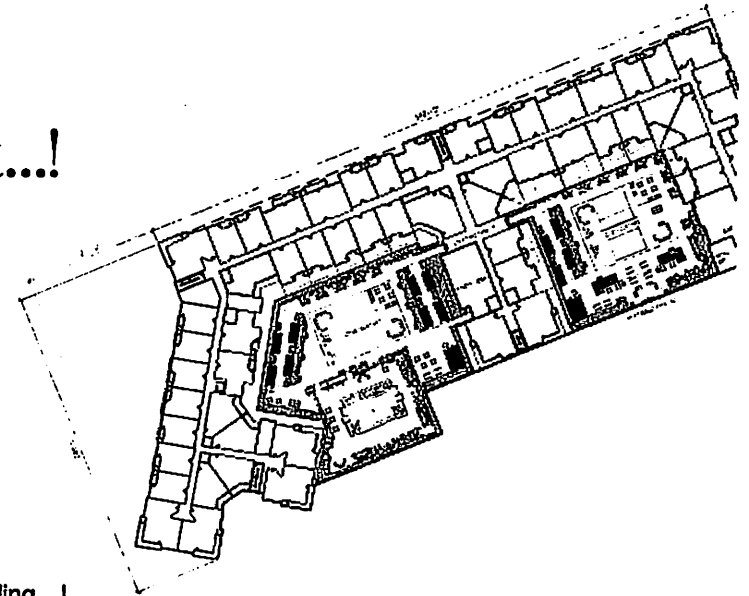
The *midpoint* height of the building is almost 90'..!

- The Height of the main building is actually 157'4" at its highest.
- Picking a physically lower height to claim the entire building is lower is perverse.
- The Area Plan allows a **Town Center** building to be measured from the front door - *OF AN ALLOWED TOWN CENTER BUILDING* - this is not one.
- Clearly height measured from a single front door makes sense if the buildings are the anticipated 2 stories above a shop on an anticipated Cedar Creek Town Center Street.
- A building of 300 units, however, must by code have *multiple entries/exits*.
- Therefore the concept of a 6 story building having a single "front door" is illogical.
- A single front door interpretation is gerrymandering the building height of a **664'8"** long building.
- This height measurement is another "**UNREASONABLE INTERPRETATION**".



Greenwashing Got 20' EXTRA Height...!

- NOT a green building –
 - Net Zero plan
 - Geothermal plans
 - Sustainable materials
 - Permeable hardscapes
 - Passive cooling / heating
 - Wastewater diversion plan
 - Recycled building materials plan
 - Low VOC plan materials and fittings
 - Solar installed - neither PV nor Thermal
 - Rainwater conservation diversion & storage
 - Basic Elevation differentiation re heat - proven because they simply switched the building...!
 - Not even a mention of LEED...! - scale of this structure requires BE-C ...!!



NO GERRYMANDERED FRONT DOOR DEFINITION WOULD BE ACCEPTABLE TO DISGUISE A 6 STORY BUILDING...!!

Massive internal corridors - demanding constant artificial light & climate control

Wholesale destruction of the wild habitat / biodiversity and natural ecosystem...!

Unprofessional - embarrassing!!

It's like Oddo is buying Manhattan for shiny trinkets

Recommendation based on a deeply flawed report

- Each violation or absent reference by staff favors the developer.
- Each *unreasonable interpretation* by staff favors the developer.
- At no point does the staff report err on the side of
 - a cautious interpretation
 - a reasonable interpretation or
 - an unreasonable interpretation that favors objections or denial.
- The Staff Report
 - Cannot inform a Commission Decision
 - Should be referred back and Corrected

STAFF REPORT
Planning Commission Meeting: March 11, 2024

Application: R224-0003: Request for a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District with a preliminary site development plan for Cedar Ridge Mixed Use Community

Location: Southeast of S. Cedar Creek Parkway and W. Valley Parkway

Applicant: Henry Klover, Klover Architects Inc.

Owner/Developer: Rick Oddo, Oddo Development Company, Inc.

Engineer: David Rinne, Schiagel & Associates

Staff Contact: Nathan Jurey, AICP, Senior Planner

Site Area: 14.37 acres

Commercial Space: 44,000 sq. ft.

Dwelling Units: 311 units

Density: 21.6 units/acre

Existing Zoning: C-2 (Community Center) District

Proposed Zoning: CC (Cedar Creek) District

Proposed Uses: Multifamily, Attached Residential and General Commercial

Plat: Unplatted

Site	Plan Olatho Land Use Category	Existing Use	Existing Zoning
North	Cedar Creek Mixed Use (CCMU) Center	Undeveloped	C-2 (Community Center)
South	CCMU Center	Undeveloped	C-2 (Community Center)
East	CCMU Center & Secondary Greenway	Drinking Establishment	C-2 (Community Center)
West	CCMU Center & Secondary Greenway	Undeveloped & Stormwater Facilities	C-2 (Community Center)
	Conventional Neighborhood	Offices & Stormwater Facilities	BP (Business Park)
		Daycare, Office & Single-Family	C-2 (Community Center) & R-1 (Single-Family)

Anna Gourley

Subject: FW: Cedar Creek will no longer buy from Olathe businesses!

From: Bill Davis <billdavisroofing@gmail.com>

Sent: Friday, March 15, 2024 10:11 AM

To: Anna Gourley <ALGourley@OLATHEKS.ORG>

Subject: Re: Cedar Creek will no longer buy from Olathe businesses!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes because they need to know that their actions have consequences. If they want to diminish our home values and the developers just care about money and have no way to keep the apartment residences from using our amenities that we pay dearly for we will have to do what the city deserves. They can change the subdivision in the wrong direction. When we bought or built our homes we were promised that we were going to live in a resort style community and that is changing because of the dollars that the developers want and not care about the community as it was planned from the beginning. And most of the developer group has moved out of Cedar Creek so their only motive is to earn more money. Please put yourself in our shoes. You spent 5 hundred thousand to 3-4 million on a home and are promised that you will live in a nice area and then an apartment developer comes along and buys a property and wants to put apartments in at the main entrance and what is going to happen to our home values? How are we going to keep the residences from the apartments off our trails, lakes and areas that we pay to keep up? No one has an answer for that.

So yes we will vote with our dollars to not buy anything from a business in Olathe. We will also spend our money in the next election to get a new city council and mayor.

Bill Davis



Bill Davis Roofing

Office: 913-764-4449

Cell: 816-225-0892

Fax: 913-764-5902

On Fri, Mar 15, 2024 at 9:44 AM Anna Gourley <ALGourley@olatheks.org> wrote:

Good morning Bill:

I received your email below.

Is this a comment you would like included in the project file and in the published packet for City Council?

Thank you,

Anna Gourley

Administrative Support IV

Planning | City of Olathe, KS

100 E. Santa Fe, Olathe, KS 66061

Office: (913) 971-8750 | Direct: (913) 971-8942

ALGourley@olatheks.org | www.OlatheKS.org

Setting the Standard for Excellence in Public Service



From: Bill Davis <billdavisroofing@gmail.com>

Sent: Thursday, March 14, 2024 4:29 PM

To: Planning Contact <PlanningContact@OLATHEKS.ORG>; John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; Lewis, Tivol, DAT <Tivol.Lewis@jocogov.org>

Subject: Cedar Creek will no longer buy from Olathe businesses!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Because of the way that the city doesn't care about apartments being built at our entrance and is willing to not listen to the residents of Cedar Creek. Also the city will not fix College Blvd. when the traffic has increased tremendously since the new intersection that you charged the homeowners for through a benefit district. And Allowing the developer to damage College Blvd. by driving trucks that are not allowed to drive on the street because they are too big, to crack up and damage the road.

Well now all of the owners that signed the petition and many that did not will be boycotting any business in the city of Olathe. We will also contact Olathe newspaper and let them know that we will be spending our money in Lenexa and Shawnee. And it will not affect any of us. We can shop at Woodland and we can go to Walmart in Shawnee.

So if you think that you can ruin our home values and not protect our amenities from apartment dwellers that do not pay the upkeep for our trails, lakes and landscape, you are wrong.

Bill Davis



Every Shingle Thing.

Bill Davis Roofing

Office: 913-764-4449

Cell: 816-225-0892

Fax: 913-764-5902

Anna Gourley

Subject: FW: ODDO Development in Cedar Creek

From: Chuck Brooks <chuck_brooks@comcast.net>

Sent: Saturday, March 16, 2024 7:21 PM

To: Dean Vakas <DVakas@OLATHEKS.ORG>

Subject: ODDO Development in Cedar Creek

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Vakas:

As a 33-year resident of Cedar Creek, I strongly urge you to oppose the Shadow Glen Mixed-Use Community that is being proposed by ODDO Development (RZ24-0003). This plan is labeled as mixed-use but it is a massive 300-unit four-story apartment complex that will destroy the iconic entrance to Cedar Creek which is Olathe's premiere housing community. It will alter the beautiful native landscape for ever.

The traffic, environment, streams/lakes, trails and aesthetics of Cedar Creek will be marred by this monster of a building. The Cedar Creek Area Plan established in 2012 was designed to uphold high standards and to protect our community vision. ODDO's project blatantly disregards this plan, our vision and the legally enforceable overlay district created in 2008.

I urge you to stand firm against the ODDO project and protect the beautiful entrance of Cedar Creek for all of Olathe and Kansas City.

Charles Brooks

Anna Gourley

From: Planning Contact
Subject: FW: RZ24-0003
Attachments: Dear Olathe City Council 03172024.docx

From: Steve Frets <stfrets@gmail.com>
Sent: Sunday, March 17, 2024 5:38 PM
To: John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>
Subject: RZ24-0003

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See attached.

Thank you,
Steve Frets & Family
10611 S Cedar Niles Blvd

Sent from my iPhone

Dear Olathe City Council:

As a long-time resident of Olathe's crown jewel community, Cedar Creek (27 years), I'm writing you to voice my firm opposition to RZ24-0003, CC rezoning and Oddo preliminary site development plan, which was passed by the slimmest of margins, 4-3, at the March 11, 2024 Planning Commission Public Hearing.

When we moved to Cedar Creek, the elementary school had not yet opened and College Blvd. was a gravel road. As a resident of Cedar Creek, I have been a Neighborhood Representative for over 25 years, served on the following Cedar Creek committees: landscape committee, finance committee, swim & racquet committee, social committee, modification committee, and several nomination committees. In addition to the various committees, I have served as a Director on the Cedar Creek Village I (CCVI) Board of Directors (two terms or 4 years) and three years as a Director of the Cedar Creek Community Services Corporation (CCCSC) Board of Directors as the CCVI representative.

In reference to the March 11, 2024 Planning Commission Public Hearing – after reading the agenda packet and watching the hearing (several times, live and recorded), I am left with the impression of being underwhelmed by the knowledge of the Planning Department staff. As a taxpayer, I expected more, much more. The lack of candor, accurate information, and lack of knowledge of the Cedar Creek Area Plan – GREEN BOOK was pervasive throughout the Public Hearing. Consequently, staff's recommendations were unprofessional and a disservice to the citizens of Olathe.

Upon learning of the Oddo proposed plan and after the Oddo Development presentation to the residents of Cedar Creek, I had several short conversations with a representative of Schlager, the company that prepared the Preliminary Stormwater Management Plan. I followed these conversations with a request to the Olathe Planning Department for a copy of the report. Upon receipt of the report, and just a cursory reading, I concluded the report was incomplete and assumed facts not supported by the actual site. Consequently, I made an appointment with a City Engineer (Philip Rogers on February 8, 2024) who was overseeing the stormwater aspect of Oddo's proposal. At our meeting, Mr. Rogers acknowledged the incomplete report and the false assumptions that Schlager made in their report. Fast forward to the Public Hearing, it was briefly stated that the Preliminary Stormwater Management Plan had been revised. In addition to the announcement of the revision, the agenda packet contained a new version of the Preliminary Stormwater Management Plan originally prepared: January 5, 2024, revised: February 23, 2024, and revised again: February 28, 2024. Let me state again – the report in its current revision is still incomplete and lacks proper details. Lacking details seems to be an ongoing theme with this proposal.

With respect to the agenda packet, as stated above the Preliminary Stormwater Management Plan is lacking detail and completeness. In addition, the results of the Stormwater Study.pdf contained in the agenda packet seems to be in conflict with the Cedar Creek Area Plan – GREEN BOOK, Appendix L – Cedar Creek Corporate Design Guidelines, 2. STORMWATER

MANAGEMENT/DRAINAGE AND EROSION CONTROL CRITERIA. Without going through every subsection, I'll go straight to 2.7 Post-Development Storm Water Discharge. Please examine the existing outputs versus proposed outputs (1, 10, and 100 year storms) in the latest version of the Preliminary Stormwater Management Plan included in the agenda packet and evaluate if they meet the CC Area Plan – GREEN BOOK, Appendix L, 2.7 section.

The proposed main apartment building (one single building), plan in agenda packet, has virtually the same footprint of four football fields (two fields end-to-end with duplicate fields abutting their sides). Due to the enormity of the building and the methods used to calculate maximum building height (front door calculations of only one building at the highest point on the site's topography) and the topography of the site, the most southern end of the apartments would tower above the trees and be easily visible, if not dominating the view from anywhere within the Cedar Creek community southwest through southeast of the complex, even on College Boulevard. I find the enormity of just one north-south apartment building and the height of the building, especially on the southern end to be completely out of context with the Character of Cedar Creek. Again, the Planning Department staff seems to lack the understanding and intent of the Character of Cedar Creek.

Additionally, attachments in the agenda packet, a packet prepared by the Planning Department staff and used to support their recommendations, had two documents that should not have been included in the agenda packet. First, was a Statement of Purpose.pdf, dated March 6, 2024 from Henry Klover, President of Klover Architects, and second was a Building Height Modulation Request.pdf, dated March 7, 2024, also from Henry Klover of Klover Architects. Both these documents state "On behalf of the owner, CC Property Investment I, LLC, ..." however, as of February 26, 2024 Oddo Development is the owner of the parcel of land known as "Cedar Ridge Mixed Use Community", not CC Property Investment I, LLC. In fact, CC Property Investment I, LLC is not listed as an existing business with the State of Kansas Secretary of State. The previous owner of the land, CC Investment Property I, LLC is active and in Good Standing. Needless to say, details are important. Mr. Henry Klover did not apparently know whom he was working for, nor did he possess the detail-minded ability to identify the previous owner correctly. It makes one wonder on the other details of this proposal – details one would expect from an architect. Again, the two documents relied on and accepted by the Planning Department staff should NOT have been in the agenda packet and the height modulation should have never been recommended by staff.

I could continue, but to sum things up, the Character of Cedar Creek is NOT a four football field size apartment complex (loose definition of Town Center used in the proposal and staff recommendations) located at the grand entrance of Cedar Creek (our only grand entrance, as College Blvd. remains a two-lane country road without curbs, sidewalks, or street lights). Furthermore, other upscale neighborhoods such as Hallbrook and Loch Lloyd communities do not have humongous apartment buildings at their entrances. As one enters Cedar Creek from K10, one only sees the beauty of the entrance with trees, signage, and waterfalls. If the Oddo proposal is approved, one will only notice a mammoth building, architecturally not commensurate with the community (or CC Area Plan – GREEN BOOK), right next to the eastern

side of Cedar Creek Parkway, extending virtually the entire length. As stated above, the view from the south and west (along Cedar Niles Blvd) and from south and east (Hidden Lake Estates neighborhood), the building will dominate the northeastern and northwestern horizons. Add other variables and concerns of equal importance, such as traffic, noise (construction and post-construction – sound travels easily through the valleys of Cedar Creek), displaced wildlife, damage to Cedar Creek amenities (lake, trails, etc.), impact on home values, the lack of quality preliminary studies and the lack of adherence to the Cedar Creek Area Plan – GREEN BOOK only leads to one conclusion: The Oddo proposal must be denied.

Thank you,

Steve Frets
10611 S Cedar Niles Blvd.

Anna Gourley

From: Dean Vakas
Sent: Wednesday, March 20, 2024 5:18 PM
To: Jami Klenda
Cc: Planning Contact
Subject: Re: Oppose Oddo development in CC

Thanks for your letter of objection Jami and Josh. I appreciate and acknowledge your concerns.

I am copying city planning staff to ensure your letter is made a part of the official record. It will be included in the staff packet provided to the entire city council in preparation for the April 2d City Council meeting.

Dean

Get [Outlook for iOS](#)

From: Jami Klenda <jrklenda@gmail.com>
Sent: Wednesday, March 20, 2024 4:40 PM
To: John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>
Subject: Oppose Oddo development in CC

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Dear Olathe Mayor and City Councilpersons,

This is not the way to build a healthy, attractive, cohesive and safe community; to buttress a long standing private residential community with gigantic blocks of multi-family housing because at this moment in time some select few (or one person) stand(s) to make millions. In fact, all this will do is hurt a unique asset that Olathe already has, our nature-oriented neighborhood.

We're families and neighbors who are strong in number with real estate assets totaling in the hundreds of millions (if not more). We generally want to be left alone while we raise families, go about our business, or enjoy our later years.

We agree with this sentiment: if the Oddo development is approved at the entrance to Cedar Creek on April 2nd, 2024, we will be contesting our property tax assessment by 25% in the future. This is pertinent advice for all of our 1700 neighbors.

Sincerely,

Jami and Josh Klenda
10310 S. Oakcrest Ln.
Olathe, KS 66061

Anna Gourley

From: JULIE whitley <juleswhitley@comcast.net>
Sent: Wednesday, March 20, 2024 2:24 PM
To: Dean Vakas; John Bacon; Kevin Gilmore; kgilmore@olatheks.org; Kansas City Chiefs; Kim Hollingsworth; LeEtta Felter; Matthew Schoonover; Marge Vogt; Planning Contact; Robyn Essex
Subject: Property taxes

Follow Up Flag: Follow up
Flag Status: Flagged

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To Olathe Mayor and City Councilpersons;

If the Oddo development is approved at the entrance of Cedar Creek on April 2, 2024, we will be contesting our property tax assessment by 25% in the future. We will also be encouraging the 1,700 other property owners in Cedar Creek to do the same.

Sincerely,

Miles and Julie Whitley
10503 S Highland Ln
Olathe, KS 66061
(913)980-6809
juleswhitle@comcast.net

Anna Gourley

From: Elizabeth Bordenave <emb3001@yahoo.com>
Sent: Sunday, March 24, 2024 2:59 PM
To: Planning Contact
Subject: Cedar Creek Resident Opposition to Oddo Development Plan

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Dear Planning Commission,

I am vehemently opposed to approval of ODDO's rezoning request to a mixed use designation for the subject property in Cedar Creek for multiple reasons which will ultimately degrade the quality of life and property values for Cedar Creek residents.

Sincerely,

Elizabeth

Elizabeth Bordenave
10124 S. Shadow Circle

Anna Gourley

From: Planning Contact
Subject: FW: Oddo Development in Cedar Creek - RZ24-0003 Shadow Glen

From: Bill Ceccoli <bceccoli@yahoo.com>
Sent: Sunday, March 24, 2024 2:18 PM
To: Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; John Bacon <JBacon@OLATHEKS.ORG>
Cc: Charlotte Ceccoli <cceccoli@yahoo.com>
Subject: Oddo Development in Cedar Creek - RZ24-0003 Shadow Glen

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To:

The Honorable Mayor John Bacon
The Honorable Mayor Pro Tem Marge Vogt
And City Council Members:
Robyn Essex
Dean Vakas
LeEtta Felter
Kevin Gilmore
Matthew Schoonover

Dear members of the leadership team of Olathe,

Several years ago, I spoke with the Head of the Planning Department at Johnson County, Dean Palos, and he asked me what I thought was the primary reason people moved to Johnson County. Surprisingly it was not the quality of the excellent schools, the amazing libraries or the well-maintained road system. Their number 1 reason was because of the many natural parks, trails, and recreational options that the county and cities support. These are among the primary things that feed people's souls, enhance their life, and make them want to live here. Like the county and cities, there are several subdivisions that go above and beyond to provide these types of features. Cedar Creek is clearly one of these subdivisions.

As noted in my previous letter to the Zoning Commission, Cedar Creek has created a natural environment that attracts people from all over the greater Kansas City area and beyond. One of the best examples of this natural environment is our primary entrance, Cedar Creek Parkway. Our community has invested a great deal of resources into this ¼ mile section of Cedar Creek Parkway. The parkway includes two large waterfalls that operate year-round, a large monument announcing the Cedar Creek community to visitors, and a beautifully maintained and manicured lawn with multiple flower beds, ending with the 65-acre Shadow Lake, and the Shadow Glen Golf course. No other development in the area can match the impact that this Parkway provides. This park-like area is regularly used as a background for photographers who come to memorialize significant events such as weddings, and other family gatherings. The residents of Cedar Creek are proud of this park-like area within our community and value it as the first impression of Cedar Creek.-

The Proposed Development

This proposed development includes what it describes as a 4 and 5 story apartment building that will be approximately fifty-seven feet tall. The actual height and visibility of these buildings will be significantly taller and tower over Cedar Creek Parkway, be out of character with every other structure within Cedar Creek, and negatively impact the natural park-like environment our community has built. Please consider the following points:

- These buildings include a 2-story parking garage under the apartments – BUT, the developer's revised **Slope Preservation Plan** (shown below) **clearly shows that the garages will not be underground on the west side, the side visible from Cedar Creek Parkway**. Since these garages will add two stories to the buildings the apartments are not 4 & 5 stories tall but, in reality, 6 & 7 stories tall. The revised Slope plan also shows that approximately one-half of these structures will actually tower over the trees from the roadway. In winter, the entire structure would be visible.
- Based on the description provided by the Architect, Henry Clover, at the Zoning Committee meeting on March 11, 2024, apartments like this must have 9-to-10-foot ceilings to qualify for this type of 'luxury apartments', and even taller ceilings on the sought-after upper floors and the first floor to accommodate fitness centers, retail, etc. If there are 5 floors the height of the building, based on a conservatively estimated 10-foot ceiling average, is 50 feet ($5' \times 10' = 50'$). Add to this the height of the two garages under the apartments assuming an average of 12 feet for each garage level and the total is 74 feet ($50' + 24' = 74'$). Additional height above the top floor due to the roof design, estimated at 6 feet for a total of 80 feet ($74' + 6' = 80'$).
- Henry Clover also stated that the buildings will be **127 feet above the road surface due to the slope of the land**. Based on his estimates of the altitude drop on the road drops ninety feet from the north side to the south side of the development (970 feet to 880 feet). **Adding these 90 feet to the actual height of southwest side of the building (80 feet) and the buildings will not be 127 feet above the road surface but rather 170 feet above the road surface ($90' + 80' = 170'$)**. Mr. Clover went on to say that *a vehicle traveling north on the parkway would not see the buildings*.
- To put this in perspective, **consider the new seven story Johnson County Courthouse which is 140 feet tall**, or significantly less tall than the apartments will be above the south side of the Parkway. **Is there any question about whether the Johnson County Courthouse towers over the Olathe City Hall parking lot? This structure, at 170 feet above the parkway, will be even more massive. How could anyone NOT see the structure, regardless of the direction traveled?**

This Is a Major Concern

- As Olathe's Mayor and City Council, would you place this type of apartment building in the park at Lake Olathe? I believe that the preservation of the natural environment at Lake Olathe is something that all our citizens would demand.
- Would Overland Park allow a development like this inside the Overland Park Arboretum?
- Would Johnson County allow a development like this in Shawnee Mission Park?

What reasonable person would agree with this type of development at these locations?

Much like Olathe, Overland Park and Johnson County, Cedar Creek has created a natural, park-like environment that attracts people. Just like these communities, Cedar Creek has poured a great deal of resources into this Parkway and the surrounding area. The primary goal set forth in the Green Book, the guiding principles for Cedar Creek, is to **"Preserve the quality and unique character of Cedar Creek"**. The "quality and unique character" that the Green Book demands be preserved **is precisely the natural beauty and park-like environment of Cedar Creek.**

These qualities are why the leadership of Olathe has referred to Cedar Creek as "The Jewel in the Crown of Olathe", not to mention the enormous tax base that Cedar Creek residents provide the city.

Conclusion

We are not opposed to development. Cedar Creek is committed to appropriate growth while respecting the environment and park-like environment that is fundamental to its unique character. There are multiple business structures within Cedar Creek that do not impact the environment largely because they respect and enhance the natural beauty and park-like features. We are concerned that the current plans for this development are inappropriate for this area. It would be out of keeping with the original and fundamental goals of Cedar Creek and forever mar the "Jewel in Olathe's Crown".

This Oddo development clearly wants to capitalize on the image, reputation, and beauty of Cedar Creek to enhance the image and value of its development. We agree that this is a worthwhile goal. However, we should not permanently diminish the fundamental quality of Cedar Creek in the process. Please help us to come together to create a mutually acceptable plan that retrains the character of our development and improves the area for all parties. Let's keep the park-like qualities of Cedar Creek among the number one reasons people will want to live in Johnson County and Olathe.

Respectfully,

William Ceccoli
26844 W Shadow Circle
Olathe KS 66061

To paraphrase Joni Mitchell "They paved paradise and put up a parking lot (*or in this case a very large apartment building*) Don't it always seem to go, that you don't know what you've got till it's gone".

NOTE: A more appropriately formatted version of this letter is attached. It includes the referenced Oddo Slope Preservation Plan and a picture of the Johnson County Courthouse.

Anna Gourley

From: Planning Contact
Subject: FW: Cedar Creek ODDO Project - OPPOSED

From: Liz Little <lizlittle615@gmail.com>
Sent: Monday, March 25, 2024 2:34 PM
To: John Bacon <JBacon@OLATHEKS.ORG>
Subject: Cedar Creek ODDO Project - OPPOSED

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

In advance of your April 2nd council session, we're writing to ask that you and the Council vote a continuance regarding the proposed mixed-use project by ODDO Development (Shadow Glen Mixed Use Community with the designation, RZ24-0003) so that the concerns of your constituents residing in Cedar Creek can be addressed.

The Concerns

This massive four- and five-story, 300-unit apartment mixed-use complex would be situated *within* the boundaries of the Cedar Creek sub-division, towering above the hilltop at Valley and Cedar Creek Parkways and dramatically altering the entrance to our community. It will inevitably create environmental, stormwater and sewer challenges (to date, no independent studies have been conducted to prove the contrary).

Additionally, traffic congestion will also become a significant issue. As we have seen, traffic studies are performed by consultants hired by the Developer. It's no surprise they somehow confirm that traffic will not be adversely affected. But of course, they aren't required to look beyond the one project, so the huge cumulative effects contributed by other approved projects in the area. Specifically, two ODDO projects on the other side of the K-10 bridge that will add nearly 600 apartments at our interchange. If ODDO's current plan for Cedar Creek is approved, another 300+ apartment dwellers will add additional traffic congestion to the area. The idea that dwellers from nearly 900 units won't dramatically impact the vehicle load and safety at the interchange is ludicrous.

The Frustrations

This proposal benefits ONLY the developer. The overwhelming majority of residents believe it will damage the character of the sub-division known as "Olathe's jewel." The way it appears now, anyone with deep pockets can purchase land in Cedar Creek's non-resident area, disregard the Green Book and the Overlay (both of which clearly outline the future planning for our

community), get ordinances and zoning rewritten to their satisfaction and build whatever they want with no regard to the impact on the people and wildlife living nearby.

The Impacts

More than 1300 Cedar Creek residents will be directly affected by what is built on a property that is *well within our boundaries—and well within eyesight of our homes and anyone who visits our community*. What's more, if the current proposal is approved, the 300+ apartment dwellers will not pay HOA dues and no real reason to respect our community's rules or our boundaries when it comes to walking our streets, using our trails, and accessing our carefully managed lake.

Yes, the land has been bought and paid for, we know this. That said, our “asks” are realistic and within your purview to acknowledge and act upon:

- 1. Slow it down.** The only so-called deadline is an artificial one set by the developer and the Cedar Creek Board. You and the council have the authority (on behalf of your constituents) to vote for a continuance and allow more time for a review of alternative solutions, along with *independently conducted* studies, especially for traffic, environmental impact, and wildlife preservation.
- 2. Mandate a series of open and fair discussions between residents and ODDO.** Insist that our proposal suggestions are reviewed. Require that the meetings are moderated by a professional mediator of the mayor's choosing, and that it be someone *not* connected to ODDO, the Cedar Creek board, or the Cedar Creek HOA.
- 3. Demand serious, well-developed alternative proposals be offered up by ODDO based on discussions with the residents.** Prove you have your constituents' backs by demanding that ODDO present alternative proposals that are not simply and exclusively driven by his need to boost his bottom line. There are numerous alternatives for the 14-acre site that would mesh infinitely better with the character of our community (e.g. low profile 2-story villas, brownstone walkups, or 2-story attached homes with a walking trail that saves the highest percentage of existing trees).

Mayor Bacon and Council, our entrance will be forever impacted by what is built on the site, and we are owed the respect of ODDO and the council to ensure that the site does not negatively impact the very reason most residents choose Cedar Creek – for its open, natural, peaceful, inviting beauty.

We deserve transparency, and to have our voices heard in this matter. Your inboxes have been flooded with emails from our residents as well as from nearby concerned neighbors; you've seen the petition with 1200+ resident signatures; and you know of the large turnout at your Planning Commission session where several residents and an attorney hired through our donations presented facts and figures disputing much of the case presented by ODDO and even

by your Planning Commission advisors. Needless to say, we all left that session perplexed about how easily the “approval to recommend” was passed.

Mayor Bacon, do you and your council want to be known as “the politicians who destroyed Cedar Creek?” We don’t think so.

Thanks to ODDO’s need to build, build, and build up his apartment empire in Olathe (and also in Lenexa) the Cedar Creek interchange will become yet another victim of greed-driven progress, poised to evolve into yet another mass of tall buildings, retail, and gas stations that will bring excessive traffic, increased noise, and unchecked light pollution. It will also give the greenlight to unimpeded commercialization.

These are all the elements that would turn an area of *respite* from city bustle into an area *replete* with city bustle, along with every negative thing that intensive commercial development represents.

We hope you’ll agree based on the above that, clearly, the plan as currently proposed is not a credible option. We request that the council should refrain from making any further decisions on Shadow Glen Mixed Use Community with the designation, RZ24-0003 until more viable alternatives are explored and concerns are addressed.

The residents of Canyon Creek may have lost their battle, but our community still has the chance to preserve the future of Cedar Creek – **if YOU will listen to and act upon our concerns and asks.**

Respectfully,
Liz Little
Cedar Creek Resident

Subject: FW: Cedar Creek Area Rezoning RZ24-0003

From: gretchenaha@sbcglobal.net

Date: February 28, 2024 at 9:55:45 AM CST

To: JBacon@olatheks.org, mvogt@olatheks.org, RREssex@olatheks.org, DVakas@olatheks.org, LFelter@olatheks.org, kpgilmore@olatheks.org, MSchoonover@olatheks.org, CDBelcher@olatheks.org

Cc: Rick Oddo <roddo@oddodev.com>

Subject: Cedar Creek Area Rezoning RZ24-0003

Olathe City Council,

My name is Gretchen Haugh- my husband and I have lived in Cedar Creek for over 13 years. We are asking that you grant Rick Oddo the rezoning change he has requested. I know you have heard many loud voices of negativity and anger surrounding this project; but I would like you to hear my soft, rational voice concerning this rezoning request.

First, I would like to give you a 'directional' prospective on where I live and how this development will affect my family. As I type this letter, I am looking out my back windows, where I will be able to 'see' the planned development. Many of the angry voices you hear, will not be able to see any of the development from their homes- they will just be driving past the development on their way home. So, my husband and I have more 'skin in the game' with this project. Our voices needs to be heard.

When we moved into the neighborhood, we knew the land surrounding us was for sale. We have enjoyed the secluded views it has provided us. While my husband and I would prefer the land for this project stay vacant- we know it is not realistic. We have seen firsthand, the booming growth in Olathe and Cedar Creek- houses are popping up in every direction. Growth is inevitable and we would like to approach this project in a rational manner- especially for those of us who will be directly affected.

During the original meeting with Rick Oddo, our neighborhood voiced their concerns. Unfortunately many of our residents were rude and out of control- yet Rick Oddo made some changes to the project that would lessen the visual impact. My husband, myself, and several of our neighbors were thankful that Mr. Oddo would work with us and propose solutions to our concerns. And still, we have a handful of Cedar Creekers that remain angry and obstinate. They refuse to look at any compromises. I ask that you do not allow those voices to affect your decision- they will be impossible to please.

My husband and I support the rezoning for the Oddo project and hope that Mr. Oddo will continue to work with us to create a great community.

Gretchen and David Haugh
10195 S. Northlake Ave.
Olathe, KS 66061
913-226-8443

Anna Gourley

Subject: FW: Proposed Shadow Glen Mixed Use Community with designation RZ24-0003

From: Diana Van Hoet <diana@vanhoetcpa.com>

Sent: Tuesday, March 26, 2024 10:34 AM

To: John Bacon <JBacon@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Dean Vakas <DVakas@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Marge Vogt <MVogt@OLATHEKS.ORG>

Subject: Proposed Shadow Glen Mixed Use Community with designation RZ24-0003

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RE: Proposed Shadow Glen Mixed Use Community RZ24-0003

Dear Mayor Bacon and City Council members:

You have received hundreds of emails in opposition to this proposed mixed-use project by ODDO Development consisting of a massive apartment complex at the entrance of our Cedar Creek community. You have heard and read all the communities' concerns, frustrations, and the impacts to not only our community, but I believe, to the reputation of Olathe as a whole.

You have heard from hundreds of Olathe residents asking to slow this process down with hundreds turning out to the Olathe Planning Commission meeting March 11th, but to no avail..... Until.... ODDO himself asks for a postponement of the April 2nd date for the full City Council vote on this matter. BINGO, date postponed to April 16th. WOW – could it be more apparent the residents of Olathe are being ignored? Speaking of this vote – it was very confusing at the March Planning Commission meeting on whether this is a vote for rezoning alone or a vote for BOTH rezoning and his development proposal of this hideous apartment plan?

I will admit that when we moved to Cedar Creek in 2010 that we knew these areas were zoned C-2. Specifically, the area along West Valley Parkway (past “The Links” and on the way to our house in the “Villas of Shadow Glen”) and the area that ODDO wants to develop at the Cedar Creek entrance. What my ignorance failed to realize is that C-2 commercial includes residential apartments – go figure.... We always believed that these areas would be true commercial – like the existing office buildings (which, by the way, fit beautifully within the architecture and landscape of the community) or a true Town Center with shops for the residents of the Cedar Creek community. A TRUE Town Center is, what we believe, was truly envisioned for the Cedar Creek Community evidenced by the “Green Book” which took years of research and planning. To throw the Green Book down the toilet now would be an insult to all who spent years on its development!

The fact that this ODDO project is being called a Town Center is laughable, ludicrous and downright patronizing to the Cedar Creek residents.

The architectural and maintenance standards of Cedar Creek are VERY HIGH and we residents spend millions of dollars to build by those standards and spend millions of dollars each year to abide by those standards. This ODDO project DOES NOT follow the Cedar Creek architecture standards nor can Cedar Creek enforce any type of standards upon this project within our community. This thought is nauseating.

Our residents spend millions of dollars to keep up general landscaping of parks and other common areas within the Cedar Creek Community that most communities leave to the City of Olathe to pay for.

I can assure you that if our community is encroached upon by a massive hideous project at our entrance that has absolutely no benefit to the Cedar Creek residents, our community will think twice about paying to keep this area as beautiful as it currently is because it will cost us more than ever and will be a losing battle. The cost of keeping the green space and common area parks may have to revert back to the City of Olathe.

A couple of years back the zoning along West Valley Parkway (west of the four-way stop at our entrance) was rezoned by the City of Olathe. The developer went before the Olathe City Council for that rezoning and was asked many hard questions about his development. Although this development has yet to be built, what came out of that public hearing was that the City Council cared about the "Green Book" and the architectural and other standards that Cedar Creek has.

That developer made a statement at that public hearing as follows: "so whatever gets built out there has to be the highest quality this metro demands regardless of whether it is a single builder or multiple builders... whatever, you and I both know that to comply with the "Green Book" we have the highest watermark ever established in this metro and we will comply with it like we have in every other part of that development."

Chairman (at the time Dean Vakas): "Absolutely. Yes Sir."

That was music to my ears!

Honestly, now I currently don't know if Olathe is turning into the Banana Republic or am I in an episode of the Twilight Zone?

Please listen to your constituents.

Please keep Cedar Creek as envisioned.

Please keep the "crown jewel" of Olathe.

Please say "**NO**" to this project.

Sincerely,

Diana Van Hoet

26929 W Shadow Cir

Olathe, KS 66061

Diana Van Hoet, CPA

Van Hoet & Company, Chartered

913-696-1896 Work

913-424-8433 Cell

diana@vanhoetcpa.com

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Thank You.

From: [David W. Payne](#)
To: [Kim Hollingsworth](#)
Subject: Cedar Creek rezoning
Date: Tuesday, March 26, 2024 8:39:18 PM

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Dear Mayor Bacon and City Council members:

In advance of your April 2nd council session, we're writing to ask that you and the Council vote a continuance regarding the proposed mixed-use project by ODDO Development (Shadow Glen Mixed Use Community with the designation, RZ24-0003) so that the concerns of your constituents residing in Cedar Creek can be addressed.

The Concerns

This massive four- and five-story, 300-unit apartment mixed-use complex would be situated *within* the boundaries of the Cedar Creek sub-division, towering above the hilltop at Valley and Cedar Creek Parkways and dramatically altering the entrance to our community. It will inevitably create environmental, stormwater and sewer challenges (to date, no independent studies have been conducted to prove the contrary).

Additionally, traffic congestion will also become a significant issue. As we have seen, traffic studies are performed by consultants hired by the Developer. It's no surprise they somehow confirm that traffic will not be adversely affected. But of course, they aren't required to look beyond the one project, so the huge cumulative effects contributed by other approved projects in the area. Specifically, two projects on the other side of the K-10 bridge that will add nearly 600 apartments at our interchange. If ODDO's current plan for Cedar Creek is approved, another 300+ apartment dwellers will add additional traffic congestion to the area. The idea that dwellers from nearly 900 units won't dramatically impact the vehicle load and safety at the interchange is ludicrous.

The Frustrations

This proposal benefits *ONLY* the developer. The overwhelming majority of residents believe it will damage the character of the sub-division known as "Olathe's jewel." The way it appears now, anyone with deep pockets can purchase land in Cedar Creek's non-resident area, disregard the Green Book and the Overlay (both of which clearly outline the future planning for our community), get ordinances and zoning rewritten to their satisfaction and build whatever they want with no regard to the impact on the people and wildlife living nearby.

The Impacts

More than 1300 Cedar Creek residents will be directly affected by what is built on a property that is *well within our boundaries—and well within eyesight of our homes and anyone who visits our community*. What's more, if the current proposal is approved, the 300+ apartment dwellers will not pay HOA dues and no real reason to respect our community's rules or our boundaries when it comes to walking our streets, using our trails, and accessing our carefully managed lake.

Yes, the land has been bought and paid for, we know this. That said, our “asks” are realistic and within your purview to acknowledge and act upon:

1. **Slow it down.** The only so-called deadline is an artificial one set by the developer and the Cedar Creek Board. You and the council have the authority (on behalf of your constituents) to vote for a continuance and allow more time for a review of alternative solutions, along with *independently conducted* studies, especially for traffic, environmental impact, and wildlife preservation.
2. **Mandate a series of open and fair discussions between residents and ODDO.** Insist that our proposal suggestions are reviewed. Require that the meetings are moderated by a professional mediator of the mayor's choosing, and that it be someone *not* connected to ODDO, the Cedar Creek board, or the Cedar Creek HOA.
3. **Demand serious, well-developed alternative proposals be offered up by ODDO based on discussions with the residents.** Prove you have your constituents' backs by demanding that ODDO present alternative proposals that are not simply and exclusively driven by his need to boost his bottom line. There are numerous alternatives for the 14-acre site that would mesh infinitely better with the character of our community (e.g. low profile 2-story villas, brownstone walkups, or 2-story attached homes with a walking trail that saves the highest percentage of existing trees).

Mayor Bacon and Council, our entrance will be forever impacted by what is built on the site, and we are owed the respect of ODDO and the council to ensure that the site does not negatively impact the very reason most residents choose Cedar Creek – for its open, natural, peaceful, inviting beauty.

We deserve transparency, and to have our voices heard in this matter. Your inboxes have been flooded with emails from our residents as well as from nearby concerned neighbors; you've seen the petition with 1200+ resident signatures; and you know of the large turnout at your Planning Commission session where several residents and an attorney hired through our donations presented facts and figures disputing much of the case presented by ODDO and even by your Planning Commission advisors. Needless to say, we all left that session perplexed about how easily the “approval to recommend” was passed.

Mayor Bacon, do you and your council want to be known as “the politicians who

destroyed Cedar Creek?” We don’t think so.

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These are all the elements that would turn an area of *respite* from city bustle into an area *replete* with city bustle, along with every negative thing that intensive commercial development represents.

We hope you’ll agree based on the above that, clearly, the plan as currently proposed is not a credible option. We request that the council should refrain from making any further decisions on Shadow Glen Mixed Use Community with the designation, RZ24-0003 until more viable alternatives are explored and concerns are addressed.

The residents of Canyon Creek may have lost their battle, but our community still has the chance to preserve the future of Cedar Creek – **if YOU will listen to and act upon our concerns and asks.**

Respectfully,

David W. Payne
10375 Hollis Lane
Olathe, KS. 66061

From: [naomi barber](#)
To: [John Bacon](#); [Marge Vogt](#); [Robyn Essex](#); [Dean Vakas](#); [LeEtta Felter](#); [Kevin Gilmore](#); [Matthew Schoonover](#); [Kim Hollingsworth](#); [Nathan Jurey](#)
Subject: Shadow Glen Mixed Use Community with the designation, RZ24-0003
Date: Tuesday, March 26, 2024 6:39:47 PM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

In advance of your April 2nd council session, we're writing to ask that you and the Council vote a continuance regarding the proposed mixed-use project by ODDO Development (Shadow Glen Mixed Use Community with the designation, RZ24-0003) so that the concerns of your constituents residing in Cedar Creek can be addressed.

The Concerns

This massive four- and five-story, 300-unit apartment mixed-use complex would be situated *within* the boundaries of the Cedar Creek sub-division, towering above the hilltop at Valley and Cedar Creek Parkways and dramatically altering the entrance to our community. It will inevitably create environmental, stormwater and sewer challenges (to date, no independent studies have been conducted to prove the contrary).

Additionally, traffic congestion will also become a significant issue. As we have seen, traffic studies are performed by consultants hired by the Developer. It's no surprise they somehow confirm that traffic will not be adversely affected. But of course, they aren't required to look beyond the one project, so the huge cumulative effects contributed by other approved projects in the area. Specifically, two projects on the other side of the K-10 bridge that will add nearly 600 apartments at our interchange. If ODDO's current plan for Cedar Creek is approved, another 300+ apartment dwellers will add additional traffic congestion to the area. The idea that dwellers from nearly 900 units won't dramatically impact the vehicle load and safety at the interchange is ludicrous.

The Frustrations

This proposal benefits *ONLY* the developer. The overwhelming majority of residents believe it will damage the character of the sub-division known as "Olathe's jewel." The way it appears now, anyone with deep pockets can purchase land in Cedar Creek's non-resident area, disregard the Green Book and the Overlay (both of which clearly outline the future planning for our community), get ordinances and zoning rewritten to their satisfaction and build whatever they want with no regard to the impact on the people and wildlife living nearby.

The Impacts

More than 1300 Cedar Creek residents will be directly affected by what is built on a property that is *well within our boundaries—and well within eyesight of our homes and anyone who visits our community*. What's more, if the current proposal is approved, the 300+ apartment dwellers will not pay HOA dues and no real reason to respect our community's rules or our boundaries when it comes to walking our streets, using our trails, and accessing our carefully managed lake.

Yes, the land has been bought and paid for, we know this. That said, our “asks” are realistic and within your purview to acknowledge and act upon:

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Respectfully,

Naomi Barber
24760 W. 103rd Terr.
Olathe, KS. 66061

From: [Amy Grif](#)
To: [John Bacon](#); [Marge Vogt](#); [Robyn Essex](#); [Dean Vakas](#); [LeEtta Felter](#); [Kevin Gilmore](#); [Matthew Schoonover](#); [Kim Hollingsworth](#); [Nathan Jurey](#)
Subject: Shadow Glen mixed use project
Date: Monday, March 25, 2024 5:22:35 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

In advance of your April 2nd council session, we're writing to ask that you and the Council vote a continuance regarding the proposed mixed-use project by ODDO Development (Shadow Glen Mixed Use Community with the designation, RZ24-0003) so that the concerns of your constituents residing in Cedar Creek can be addressed.

The Concerns

This massive four- and five-story, 300-unit apartment mixed-use complex would be situated within the boundaries of the Cedar Creek sub-division, towering above the hilltop at Valley and Cedar Creek Parkways and dramatically altering the entrance to our community. It will inevitably create environmental, stormwater and sewer challenges (to date, no independent studies have been conducted to prove the contrary).

Additionally, traffic congestion will also become a significant issue. As we have seen, traffic studies are performed by consultants hired by the Developer. It's no surprise they somehow confirm that traffic will not be adversely affected. But of course, they aren't required to look beyond the one project, so the huge cumulative effects contributed by other approved projects in the area. Specifically, two ODDO projects on the other side of the K-10 bridge that will add nearly 600 apartments at our interchange. If ODDO's current plan for Cedar Creek is approved, another 300+ apartment dwellers will add additional traffic congestion to the area. The idea that dwellers from nearly 900 units won't dramatically impact the vehicle load and safety at the interchange is ludicrous.

The Frustrations

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The Impacts

More than 1300 Cedar Creek residents will be directly affected by what is built on a property that is well within our boundaries—and well within eyesight of our homes and anyone who visits our community. What's more, if the current proposal is approved, the 300+ apartment dwellers will not pay HOA dues and no real reason to respect our community's rules or our boundaries when it comes to walking our streets, using our trails, and accessing our carefully managed lake.

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Respectfully,
David & Amy Griffiths
27232 W 103rd Terrace Olathe, KS 66061

From: [Becky Lane](#)
To: [John Bacon](#); [Marge Vogt](#); [Robyn Essex](#); [Dean Vakas](#); [LeEtta Felter](#); [Kevin Gilmore](#); [Matthew Schoonover](#); [Kim Hollingsworth](#); [Nathan Jurey](#)
Subject: Cedar Creek
Date: Monday, March 25, 2024 9:26:41 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

In advance of your April 2nd council session, we're writing to ask that you and the Council vote a continuance regarding the proposed mixed-use project by ODDO Development (Shadow Glen Mixed Use Community with the designation, RZ24-0003) so that the concerns of your constituents residing in Cedar Creek can be addressed.

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Respectfully,

Michael and Rebecca Lane

From: Deb Denavs
To: Kim Hollingsworth
Subject: Fwd: Strongly Opposed to Rz24-0003 Shadow Ridge Mixed Use
Date: Monday, March 25, 2024 9:49:05 AM
Attachments: [Planning Commission video 1.jpg](#)
[Planning Commission video 2.jpg](#)

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----- Forwarded message -----

From: Deb Denavs <debdenavs@gmail.com>
Date: Mon, Mar 25, 2024 at 9:47 AM
Subject: Strongly Opposed to Rz24-0003 Shadow Ridge Mixed Use
To: <jbacon@olatheks.gov>, <mvogt@olatheks.gov>, <tressesx@olatheks.gov>, <dvakas@olatheks.gov>, <lfelter@olatheks.gov>, <kpgilmore@olatheks.gov>, <mschoonover@olatheks.gov>, <kahollingsworth@olatheks.gov>, <nwjurey@olatheks.gov>

Dear Mayor and Members of the City Council,

My husband and I are longtime residents of Cedar Creek having lived here for over 23 years. We are writing to oppose RZ 24-0003.

We attended the Planning Commission Meeting March 11 and attached find two video examples demonstrating the inadequacy of the Planning Commission's 'decision'.

Cedar Creek presentations and requests were respectful and well-informed at this meeting. As a point of order, the presence of armed police made Cedar Creek residents feel like a third world country! The developer, Rick Oddo, failed to even show for this event!

Besides multiple surveys that cannot be produced and have failed to be even been applied for by the developer (including an environmental impact survey), there is the Golden Rule of Character of Cedar Creek. By Nathan Jurey's own account he agrees (see video), this development is 'out of character'. The Cedar Creek Green Book on page 9 states it is imperative to preserve the quality and character of Cedar Creek.

This development lacks a 'Town Square' or 'Main Street'. Simply pointing to Valley Parkway as a 'Main Street' is smoke and mirrors. I trust the council understands this. This development is simply a PRIVATE apartment complex of 300+ apartments scaled to 6.5 stories. More than 150 feet. It lacks Town Square characteristics such as Public Squares for Cedar Creek residents, ground floor retail/commercial with SINGLE FAMILY residence of 3-4 dwellings above and other building features and materials that are not in keeping with the Green Book ordinance. The Green Book Overlay that was crafted by the City of Olathe and Cedar Creek. To add, quite frankly, to call this a 'green building' to achieve another story, is laughable.

We ask: 1) The Council NOT consider any developer plan because the Planning Commission has not properly voted 2) The Council remand the project and the proposal back to the Planning Committee and deny the proposed plan. 3) Demand all studies including, but not limited to, environmental, noise, and water be completed before the development is addressed

again.

Perhaps nothing surpasses the iconic entrance that this development would impair. Olathe once called this the jewel of the city. This is now at risk for the city and the residents. We need a plan that the city and homeowners can be proud of.

Respectfully,

Deb and Indy Denavs

From: [Eileen Alsbrooks](#)
To: [John Bacon](#); [Marge Vogt](#); [Robyn Essex](#); [Dean Vakas](#); [LeEtta Felter](#); [Kevin Gilmore](#); [Matthew Schoonover](#); [Kim Hollingsworth](#); [Nathan Jurey](#)
Subject: April 2nd Council session
Date: Monday, March 25, 2024 1:07:37 PM
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

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Additionally, **traffic congestion will also become a significant issue.** As we have seen, traffic studies are performed by consultants hired by the Developer. It's no surprise they somehow confirm that traffic will not be adversely affected. But of course, they aren't required to look beyond the one project, so the huge cumulative effects contributed by other approved projects in the area. Specifically, two ODDO projects on the other side of the K-10 bridge that will add nearly 600 apartments at our interchange. If ODDO's current plan for Cedar Creek is approved, another 300+ apartment dwellers will add additional traffic congestion to the area. **The idea that dwellers from nearly 900 units won't dramatically impact the vehicle load and safety at the interchange is ludicrous. Currently the entrance/exit ramps to/from K-10 to Cedar Creek are extremely dangerous.**

More than 1300 Cedar Creek residents will be directly affected by what is built on a property that is well within our boundaries. What's more, if the current proposal is approved, **the 300+ apartment dwellers will not pay HOA dues and no real reason to respect our community's rules or our boundaries when it comes to walking our streets, using our trails, and accessing our carefully managed lake.** A clause in a lease agreement is not going to stop anyone from utilizing our trail system and damage the lake. Please consider the following:

1. Slow it down. You and the council have the authority (on behalf of your constituents) to vote for a continuance and allow more time for a review of alternative solutions, along with independently conducted studies, especially for traffic, environmental impact, and wildlife preservation.
2. Mandate a series of open and fair discussions between residents and ODDO. Insist that our proposal suggestions are reviewed. Require that the meetings are moderated by a professional mediator of the mayor's choosing, and that it be someone not connected to ODDO, the Cedar Creek board, or the Cedar Creek HOA.

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Respectfully,

Eileen Alsbrooks
27174 W 100th Ter
Olathe KS 66061



Eileen Alsbrooks
Chief Financial Officer
Durrie Vision
8300 College Blvd., Suite 201
Overland Park, KS 66210
Phone 913-234-6312
Fax 913-234-4112
ealsbrooks@durrievision.com



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subject you to criminal or civil penalties. If you received this transmission in error, please contact the sender immediately by replying to this e-mail and delete the material from any computer.

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From: [Jill Rangarajan](#)
To: [John Bacon](#); [Marge Vogt](#); [Robyn Essex](#); [Dean Vakas](#); [LeEtta Felter](#); [Kevin Gilmore](#); [Matthew Schoonover](#); [Kim Hollingsworth](#); [Nathan Jurey](#)
Subject: Opposition to ODDO Development--Cedar Creek
Date: Tuesday, March 26, 2024 7:04:47 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

In advance of your April 2nd council session, we're writing to ask that you and the Council vote a continuance regarding the proposed mixed-use project by ODDO Development (Shadow Glen Mixed Use Community with the designation, RZ24-0003) so that the concerns of your constituents residing in Cedar Creek can be addressed.

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More than 1300 Cedar Creek residents will be directly affected by what is built on a property that is *well within our boundaries—and well within eyesight of our homes and anyone who visits our community*. What's more, if the current proposal is approved, the 300+ apartment dwellers will not pay HOA dues and no real reason to respect our community's rules or our boundaries when it comes to walking our streets, using our trails, and accessing our carefully managed lake.

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1. **Slow it down.** The only so-called deadline is an artificial one set by the developer and the Cedar Creek Board. You and the council have the authority (on behalf of your constituents) to vote for a continuance and allow more time for a review of alternative solutions, along with *independently conducted* studies, especially for traffic, environmental impact, and wildlife preservation.
2. **Mandate a series of open and fair discussions between residents and ODDO.** Insist that our proposal

suggestions are reviewed. Require that the meetings are moderated by a professional mediator of the mayor's choosing, and that it be someone *not* connected to ODDO, the Cedar Creek board, or the Cedar Creek HOA.

3. **Demand serious, well-developed alternative proposals be offered up by ODDO based on discussions with the residents.** Prove you have your constituents' backs by demanding that ODDO present alternative proposals that are not simply and exclusively driven by his need to boost his bottom line. There are numerous alternatives for the 14-acre site that would mesh infinitely better with the character of our community (e.g. low profile 2-story villas, brownstone walkups, or 2-story attached homes with a walking trail that saves the highest percentage of existing trees).

Mayor Bacon and Council, our entrance will be forever impacted by what is built on the site, and we are owed the respect of ODDO and the council to ensure that the site does not negatively impact the very reason most residents choose Cedar Creek – for its open, natural, peaceful, inviting beauty.

We deserve transparency, and to have our voices heard in this matter. Your inboxes have been flooded with emails from our residents as well as from nearby concerned neighbors; you've seen the petition with 1200+ resident signatures; and you know of the large turnout at your Planning Commission session where several residents and an attorney hired through our donations presented facts and figures disputing much of the case presented by ODDO and even by your Planning Commission advisors. Needless to say, we all left that session perplexed about how easily the "approval to recommend" was passed.

Mayor Bacon, do you and your council want to be known as "the politicians who destroyed Cedar Creek?" We don't think so.

Thanks to ODDO's need to build, build, and build up his apartment empire in Olathe (and also in Lenexa) the Cedar Creek interchange will become yet another victim of greed-driven progress, poised to evolve into yet another mass of tall buildings, retail, and gas stations that will bring excessive traffic, increased noise, and unchecked light pollution. It will also give the greenlight to unimpeded commercialization. **These are all the elements that would turn an area of *respite* from city bustle into an area *replete* with city bustle, along with every negative thing that intensive commercial development represents.**

We hope you'll agree based on the above that, clearly, the plan as currently proposed is not a credible option. We request that the council should refrain from making any further decisions on Shadow Glen Mixed Use Community with the designation, RZ24-0003 until more viable alternatives are explored and concerns are addressed.

The residents of Canyon Creek may have lost their battle, but our community still has the chance to preserve the future of Cedar Creek – **if YOU will listen to and act upon our concerns and asks.**

Respectfully,

Jill and Krishna Rangarajan
27581 W Highland Circle
Olathe, KS. 66061
(North Shore Estates residence since 2015)

Jill Rangarajan
Mother, School Psychologist, Multi-Tasker

From: [Laurie Peck](#)
To: [John Bacon](#); [Marge Vogt](#); [Robyn Essex](#); [Dean Vakas](#); [LeEtta Felter](#); [Kevin Gilmore](#); [Matthew Schoonover](#); [Kim Hollingsworth](#); [Nathan Jurey](#)
Subject: ODDO Development in Cedar Creek,
Date: Tuesday, March 26, 2024 3:25:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

While I could copy and paste what my fellow neighbors in Cedar Creek have sent, I thought I would take a small bit of your time to help you to understand my background and why I am against the ODDO development.

I moved to Olathe from New York back in 1981. I attended Indian Trail Middle School and then Olathe South where I met my future husband and have been married to for over 30 years. We both attended KU, attended graduate school in Chicago and then moved onto San Francisco and Los Angeles. 9/11 happened and the dot com era was over forcing us to decide what was most important to us. We left our jobs and headed back to Kansas without really knowing what was next other than we knew that the quality of life and family values that Kansas had to offer was what we were seeking most.

After much searching for what city and neighborhood that we wanted to call home and raise our children in, we immediately felt Cedar Creek was exactly what we were looking for. We have lived here since 2002 and both of our boys are graduates of the Olathe School District. Cedar Creek is our home and has become a safe haven AWAY from typical city noise and life.

Allowing ODDO to develop a 5+ story apartment complex within the entrance of Cedar Creek is incomprehensible. Why would you want to ruin what is well known as the "jewel" of Olathe? When people are looking to move to the Kansas City area, the 3 most mentioned neighborhoods to look into are Hallbrook, Lock Lloyd and Cedar Creek. Would an apartment complex be allowed in Hallbrook or Lock Lloyd? Mission Hills? Mayor Bacon - you want this complex in YOUR neighborhood?

I have walked Cedar Creek twice daily since moving here. Did you know that bald eagles are known to inhabit the land that ODDO wants to build on? Ironically a picture of Cedar Creek Lake was on the front cover of the Olathe City newsletter with a bald eagle soaring above the lake.

What I would like to stress to each and every one of you is that Cedar Creek will no longer be the "crown jewel" in Olathe if the ODDO apartments are allowed. Home and yard upkeep will deteriorate. What would make a homeowner follow all the HOA rules, when obviously this neighborhood is not for the residents? If I had seen an apartment complex when entering Cedar Creek back in 2002, I would have chosen a different neighborhood. Apartments NEVER age well. Why would you allow this? Not here, not ever.

There are so many other areas where apartments make sense. Again, why would this ever even be considered in a neighborhood such as ours? Please stop this!

Kindest Regards,
Laurie Peck

|| ROUSE FRETS WHITE GOSS
|| GENTILE RHODES, P.C.

R. SCOTT BEELER
sbeeler@rousepc.com
913-209-5134

March 21, 2024

VIA ELECTRONIC MAIL

Mayor John Bacon
Members of Olathe City Council

Re: Proposed Oddo Apartment Complex Development at the Entrance of Cedar Creek

Dear Mayor Bacon and Members of the Olathe City Council:

I am pleased to be representing a very large group of Cedar Creek homeowners who stand united in opposition against the proposed rezoning and plan approval of a 300+ apartment development standing 6-1/2 stories tall at the main entrance to the Cedar Creek subdivision. The client is Protect Our Neighborhood, Inc. ("PON").

Point of Order

First, I would respectfully submit that the development plan attached to the Oddo rezoning application is not properly before the Council for consideration. I am attaching hereto two video clips from the City of Olathe Planning Commission meeting held on March 11, 2024. You will note in the first clip that just prior to accepting a motion from the Commission on the application, Chairman Janner states to the public and to the Commission, that the only thing the Commission is voting on is a rezoning from C-2 to CC. In short, he is clarifying to the public and the Commission that no vote is being taken on the proposed development plan . . . only the rezoning. When the motion for a recommendation of approval was made, there was no reference to the development plan, at all. In sum, the Planning Commission has yet to take a vote on a recommendation of the proposed development plan, and the matter is not properly before the Council.

Second, I respectfully renew here my objection made at the public hearing before the Planning Commission, to being limited to five minutes to present issues and opposition on behalf of literally hundreds of people. I made an advance request to speak for 15-20 minutes in lieu of individuals taking five minutes each and that request was denied. That limitation effectively meant affected parties were denied the opportunity for legal representation and were forced to present for themselves or not present at all.

**Proposed Development Plan Violates
The Green Book/Area Plan and Regulations**

In addition, the video clip referred above and a second clip, which I am also attaching, makes crystal clear that while a change to CC zoning might, in and of itself, be warranted, the

proposed development plan which should be attached at the hip to that rezoning . . . should be and could be “much better.” Forty seconds into the first video slip, Chairman Janner references multiple problems with the proposed development including:

- Whether the project is a true “Town Center” or “Mainstreet”
- Need for further studies of the project and its impact on the unique character of the Cedar Creek Development
- A needed analysis of the proper use of the subject property

And he emphasized:

- The importance of Cedar Creek to the overall Olathe community; and
- Referenced Cedar Creek being the City’s “jewel”

Planning Commissioner Creighton (in the first video clip) specifically states that this should be a “two-step” process . . . first, rezoning . . . then, the development plan. Commissioner Creighton concluded that a change to CC zoning was appropriate but, . . . as to the plan, he stated, “we can do better.” Multiple other Commissioners referenced the fact that the public hearing created more questions than it provided answers. A number of these points will be addressed via presentations at Council but there are significant underlying misnomers, and, in fact, incorrect legal interpretations, which must be addressed on the front end.

Planning staff admits that the 2012 Green Book, which took four years of study to create and approve, specifically lays out what Cedar Creek, as a whole, should look like. It defines the unique nature of high end single-family residential character, constructed in harmony with densely wooded, prairie-like and recreational water features. In the second video clip, staff openly admits that the proposed development application is of a completely different character than existing Cedar Creek development and, different than what is mandated by the Green Book comprehensive layout.

Moreover, we respectfully submit that Planning staff has misidentified this proposed project use as a “Town Center” or “Mainstreet” use of property. Quite simply . . . it is not. Please recognize that this proposed use of property is for a **PRIVATE** apartment development. It contains 300+ apartments scaling up to 6-1/2 stories. From the pavement of Cedar Creek Parkway up to the finished roofline of this enormous complex, is a distance greater than 150 feet.

To state the obvious . . . a Town Center or a Mainstreet is a place which draws the general public to gather, shop and socialize in a central business district. Even Wikipedia has a Mainstreet definition:

Main Street is a metonym used to denote a primary retail street of a village, town or small city in many partes of the world. It is usually a focal point for shops and retailers in the central business district, and is most often used in reference to retailing, socializing, and the place to go to find ‘common concerns.’

Once again, the Green Book and the Cedar Creek Area Plan **REQUIRE** that any Town Center have a range of features. A number of the features noted in the Area Plan mirror the above-referenced definition. Features such as:

- **Mainstreet** – yet there is no meaningful mainstreet or central business district in this plan, nor any public space for socializing or common public concerns.
- **Public plazas** – yet completely absent from the plan.
- **Public squares for Cedar Creek residents to gather** – yet completely absent.
- **Streets of ground floor retail/commercial store fronts** – yet completely absent other than two small restaurant buildings and an additional building with only three potential tenants.
- **Amenities planned for use of the Cedar Creek public** – yet completely absent.
- **Single family residential built above first floor of retail street fronts** – yet completely absent.

The original Green Book (prior to the 2012 codified Area Plan) anticipated a potential of apartments and condominiums. Importantly . . . those terms were removed from the updated Area Plan regulations. Since 2012, and the codification of the Area Plan, any multi-family dweller is referenced as an “owner.” The term “multi-family” appears in the definition sections of the Area Plan at page 4.17. It defines the intention of multi-family term to be “three or more dwelling units.” There is no definition or other reference to “multi-family” anywhere else in the entirety of the hundreds of pages of the Area Plan.

With due respect, staff has taken a reference to “three or more dwelling units,” which we believe pertains only to small single-family owners, and has extrapolated that to conclude that a six story building with more than 300 apartment units for rental meets the definition. That extrapolation by staff violates the letter, and moreover, the spirit and intention, of the Area Plan definition. Again, with due respect, an expansion factor of 100-fold against the stated definition, is not a reasonable interpretation. The regulations and Area Plan currently prohibit all multi-family **unless**, that multi-family is on “upper floors” over a ground floor that is designed entirely for commercial use. The proposed plan does not meet those design tenets in either C-2 or CC, and as a result, is illegal on its face.

Other Violations

There are multiple other violations of design and regulatory requirements of the Area Plan. For reasons unknown, the staff report has ignored those violations. For example:

- Regulations require each “upper floor” to be differentiated and have separate banding for each level. The proposed development does not have that differentiation.
- Any Town Center development (again, this is not a Town Center development) which spans above three stories must have additional setbacks for each story. The proposed development does not include the additional setbacks required.
- There are to be visible breaks along the street façade. The proposed development does not reflect such breaks.
- Any residential use constructed above commercial or retail must have pedestrian through-access to parking. The proposed development does not include pedestrian through-access.
- Facades with frontages of more than 50 feet are to be broken up by building design. The proposed development does not include those breaks.
- Each 50 foot section of building frontage is to be designed in a manner to appear like a different building. The proposed development does not include that design.
- Any Town Center is to be “pedestrian-friendly.” Again, this proposal is a private apartment complex. The only invitation to pedestrian traffic is the typical sidewalks that would be on any city street. We emphasize that private/apartment courtyards are not invitations for public pedestrian activity. The apartment amenities will be exclusive to the apartment renters . . . not Cedar Creek residents.

Cedar Creek is defined in the Area Plan to be a “garden-like living environment.” The Area Plan requires the dominant visual feature to be “green and/or open space versus structures, which may be entirely hidden from view due to the density of vegetation. This is in keeping with the original master plan concept of the development”

The proposed plan before the Council (although not properly before the Council) would place a six story apartment block building up over 150 feet in elevation from Cedar Creek Parkway (and it is some 80 feet above portions of the grade on the bluff where the project will be placed). A number of the visuals you will be provided in the various presentations will show that the apartments will tower over existing tree lines, and thus directly violate the Area Plan requiring buildings to be disguised, camouflaged and even hidden by existing foliage. The current Cedar

Creek density is 1.87 dwelling units per acre. The proposed development has a density of 22 dwelling units per acre. It is beyond the pale to suggest that a ten times density multiple is in keeping with the existing character and nature of Cedar Creek, all as required by the Area Plan.

It is particularly concerning that the applicant and staff continually reference a height limitation of 50 feet and a proposed height variance of approximately 7.5 additional feet. Those numbers ignore reality. Regulations refer to measuring building height from a front entrance. It is beyond ironic that the plan design places a front door to this enormous building at a grade elevation which “only” results in a total building height of 57.3 feet. Reality is . . . due to the sloping grade of the site, this apartment block building, which measures almost 665 feet long, has an **80 foot** height to its exposed six plus story exposed elevation. Ignoring the mass of the building size and its actual height is an unreasonable interpretation of code and regulation.

In addition, staff gave height variance approvals for alleged “green building” additions by the developer. Again, with due respect, the alleged additions do not meet muster with any acknowledged green building requirements. The developer emphatically stated to the Planning Commission that they did not intend to build this project pursuant to the acknowledged green standards of LEED. Even without LEED requirements, the proposed development has no:

- Net zero plan
- Geothermal plan
- Sustainable materials list
- Permeable hardscape
- Passive cooling/heating
- Wastewater diversion plan
- Recycled building materials plan
- Low VOC plan materials and fittings
- Installed solar
- Rainwater conservation diversion and storage

Conclusion

In conclusion . . . :

- The proposed development plan is not properly before the Council.
- The staff report misinterprets existing Area Plan, code and regulatory requirements and a vote to approve this development plan would violate those Area Plan, code and regulatory requirements.
- The proposed development is not a Town Center as described under the Area Plan, development code, or under any other reasonable definition.
- The proposed development contains no main street or main street uses, as those terms are commonly defined.
- The proposed development is 90% apartments and not a true mix of uses. Two small restaurants and a three tenant store front meets no reasonable test against the letter, spirit and intent of the Area Plan.
- Complete traffic studies detailing the expected (and already experienced) traffic impacts on the K-10 interchange and impacts of traffic from the major developments underway in the City of Lenexa to the North and across and onto Cedar Creek Parkway, have not been conducted. By applicants own admission, the only traffic study was to the next intersection away from the proposed development. Once again, that is effectively putting on blinders and ear muffs to the traffic problems existing and expected in the near term at locations close by.
- All parties admit that Cedar Creek is an extremely unique development with extensive involvement of waterways, recreational lakes, woods, prairie and other substantial wildlife habitat. **ZERO** studies have been conducted to determine how the existing sensitive habitat will be impacted by this project.
- Lastly, this 300+ apartment unit project is proposed to be built up on a bluff, with a finished roofline spanning 150 feet above the pavement of Cedar Creek Parkway, the main entrance to Cedar Creek. In the words of former Mayor Mike Copeland, this is the major "GATEWAY" entrance to the city of Olathe. The Green Book and Area Plan refer to Cedar Creek as a true "jewel" of the city. Placing this massive development at the gateway of the jewel of the city completely ignores four years of effort to create the Green Book/Area Plan codification, the dreams and financial investment of some 1,700 homeowners already residing in Cedar Creek with a total property valuation of over one billion dollars, and most of all, the decades of stewardship of the original visionaries to build the Cedar Creek community in such a

unique manner and those who have worked to protect the integrity of this community over these many years.

On behalf of my clients, PON (Protect Our Neighborhood, Inc.), we respectfully request that:

1. **The Council not consider the proposed development plan because it has not been properly voted on by the Planning Commission; or**
2. **The zoning change from C-2 to CC be bifurcated from the proposed development plan and considered by the Council separately; and**
3. **The Council override the recommendation of the Planning Commission (if it is determined that the Commission did vote on the development plan) and deny the proposed plan;**
4. **At a minimum, that the Council remand the project and proposal back to the Planning Commission for reconsideration and with specific direction that they address the points contained herein and any and all other questions or issues deemed appropriate by the Council.**

We very much appreciate your reasoned consideration and action.

Respectfully submitted,

ROUSE FRETS WHITE GOSS
GENTILE RHODES, P.C.

R. Scott Beeler

RSB:vaw
Attachments

Anna Gourley

From: Planning Contact
Subject: FW: Subject: Proposed Shadow Glen Mixed Use Community with designation RZ24-0003 RE: Proposed Shadow Glen Mixed Use Community RZ24-0003

From: Gary Milligan <garymilligan@reecenichols.com>
Sent: Tuesday, March 26, 2024 10:38 PM
To: John Bacon <JBacon@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Dean Vakas <DVakas@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Marge Vogt <MVogt@OLATHEKS.ORG>
Subject: Subject: Proposed Shadow Glen Mixed Use Community with designation RZ24-0003 RE: Proposed Shadow Glen Mixed Use Community RZ24-0003

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

By this time, each of you have received hundreds of emails in opposition to this proposed mixed-use project by ODDO Development consisting of a massive apartment complex INSIDE the entrance of our Cedar Creek community. You have heard and read all the communities' concerns, frustrations, and the impacts to not only our community, but I believe, to the reputation of Olathe as a whole. The developers of Cedar Creek have now sent in a protest petition against this project.

So now, it is up to you to do what is right for the Cedar Creek community and for the City of Olathe. This massive project of 300 apartments on 14.3 acres does not fit the character of Cedar Creek. In addition, it will forever negatively change the iconic entrance to Cedar Creek. Our request is for you to deny this requested zone change and then send this project back to the planning department with instructions to reduce the height of the buildings so they will be tucked into the trees like every other building in Cedar Creek and to reduce the density to less than 10 apartments per acre.

Thank you for your consideration.

Gary Milligan
26340 W Cedar Niles Circle

Anna Gourley

From: Planning Contact
Subject: FW: NO NO ODDO; PLEASE DON'T LET HIM DESTROY CEDAR CREEK

From: Sharon Milligan <mizm77@gmail.com>
Sent: Tuesday, March 26, 2024 8:41 PM
To: Dean Vakas <DVakas@OLATHEKS.ORG>
Subject: NO NO ODDO; PLEASE DON'T LET HIM DESTROY CEDAR CREEK

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Vakas:

You have received hundreds of emails in opposition to this proposed mixed-use project by ODDO Development consisting of a massive apartment complex at the entrance of our Cedar Creek community. You have heard and read all the communities' concerns, frustrations, and the impacts to not only our community, but I believe, to the reputation of Olathe as a whole. This massive project will forever change the look of Cedar Creek, one of the premier communities of Olathe. Mr. Oddo has been ruthless and threatening from the get-go. At the Cedar Creek meeting, we were basically told if we didn't go along with this change of zoning he would build something based on the current zoning and take out as many trees as was allowed. We were all horrified. One of the great things about Cedar Creek is the park-like setting. When we are driving home, I usually say it is like we live in a park.

You have heard from hundreds of Olathe residents asking to slow this process down with hundreds turning out to the Olathe Planning Commission meeting March 11th, but to no avail. The planning commission staff was rude and condescending when a couple of our representatives met with them. We knew the zoning but trusted that the Green Book and original plans would be followed. Mr. Oddo wants to put a monstrosity group of apartments **IN** Cedar Creek at our entrance. The zoning of commercial, while including apartments is **NOTHING** like Mr. Oddo wants to build. He wants to build 300 apartments and retail on **UNDER 15 ACRES**. To throw the Green Book down the toilet now would be an insult to all who spent years on its development! The fact that this ODDO project is being called a Town Center is laughable, ludicrous and downright patronizing to the Cedar Creek residents. To say a 200 foot road is a main street takes some real manipulations and imagination. At the zoning meeting, they struggled to make it work but they took a lot of liberty to "get it to where they wanted it".

The architectural and maintenance standards of Cedar Creek are **VERY HIGH** and we residents spend millions of dollars to build by those standards and spend millions of dollars each year to abide by those standards. This ODDO project **DOES NOT** follow the Cedar Creek architecture standards nor can Cedar Creek enforce any type of standards upon this project within our community. This thought is nauseating. Our residents spend millions of dollars to keep up general landscaping of parks and other common areas within the Cedar Creek Community that most communities leave to the City of Olathe to pay for. I can assure you that if our community is encroached upon by a massive hideous project at our entrance that has absolutely no benefit to the Cedar Creek residents, our community will think twice about paying to keep this area as beautiful as it currently is because it will cost us more than ever and will be a losing battle. The apartment dwellers will have no vested interest in keeping Cedar Creek maintained. There is absolutely no way to keep the residents from using our

trails and other amenities, such as our lake. To say that the apartments will have a dog park is a joke. My 80 year old neighbor walks his dog twice a day, two to three miles. So the apartment people will confine their pets to a small little area? I don't think so.

A couple of years back the zoning along West Valley Parkway (west of the four-way stop at our entrance) was rezoned by the City of Olathe. The developer went before the Olathe City Council for that rezoning and was asked many hard questions about his development. Although this development has yet to be built, what came out of that public hearing was that the City Council cared about the "Green Book" and the architectural and other standards that Cedar Creek has. That developer made a statement at that public hearing as follows: "so whatever gets built out there has to be the highest quality this metro demands regardless of whether it is a single builder or multiple builders... whatever, you and I both know that to comply with the "Green Book" we have the highest watermark ever established in this metro and we will comply with it like we have in every other part of that development." Chairman (at the time Dean Vakas): "Absolutely. Yes Sir."

I get sick to my stomach when I think about this awful project destroying Cedar Creek. **Please listen to your constituents. Please keep Cedar Creek as envisioned. Please keep the "crown jewel" of Olathe. Please say "NO" to this project.**

Thank you,
Sharon L. Milligan
26340 W. Cedar Niles Circle
Olathe, KS 66061
MizM77@gmail.com
(913) 219-2118



ReplyForward
Add reaction

Anna Gourley

From: Planning Contact
Subject: FW: Cedar Creek rezoning

From: David W. Payne <dwpassoc@comcast.net>
Sent: Tuesday, March 26, 2024 8:29 PM
To: Dean Vakas <DVakas@OLATHEKS.ORG>
Subject: Cedar Creek rezoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Bacon and City Council members:

In advance of your April 2nd council session, we're writing to ask that you and the Council vote a continuance regarding the proposed mixed-use project by ODDO Development (Shadow Glen Mixed Use Community with the designation, RZ24-0003) so that the concerns of your constituents residing in Cedar Creek can be addressed.

The Concerns

This massive four- and five-story, 300-unit apartment mixed-use complex would be situated *within* the boundaries of the Cedar Creek sub-division, towering above the hilltop at Valley and Cedar Creek Parkways and dramatically altering the entrance to our community. It will inevitably create environmental, stormwater and sewer challenges (to date, no independent studies have been conducted to prove the contrary).

Additionally, traffic congestion will also become a significant issue. As we have seen, traffic studies are performed by consultants hired by the Developer. It's no surprise they somehow confirm that traffic will not be adversely affected. But of course, they aren't required to look beyond the one project, so the huge cumulative effects contributed by other approved projects in the area. Specifically, two projects on the other side of the K-10 bridge that will add nearly 600 apartments at our interchange. If ODDO's current plan for Cedar Creek is approved, another 300+ apartment dwellers will add additional traffic congestion to the area. The idea that dwellers from nearly 900 units won't dramatically impact the vehicle load and safety at the interchange is ludicrous.

The Frustrations

This proposal benefits *ONLY* the developer. The overwhelming majority of residents believe it will damage the character of the sub-division known as "Olathe's jewel." The way it appears now, anyone with deep pockets can purchase land in Cedar Creek's non-resident area, disregard the Green Book and the Overlay (both of which clearly outline the future planning for our community), get ordinances and zoning rewritten to their satisfaction and build whatever they want with no regard to the impact on the people and wildlife living nearby.

The Impacts

More than 1300 Cedar Creek residents will be directly affected by what is built on a property that is well within our boundaries—and well within eyesight of our homes and anyone who visits our community. What's more, if the current proposal is approved, the 300+ apartment dwellers will not pay HOA dues and no real reason to respect our community's rules or our boundaries when it comes to walking our streets, using our trails, and accessing our carefully managed lake.

Yes, the land has been bought and paid for, we know this. That said, our “asks” are realistic and within your purview to acknowledge and act upon:

1. **Slow it down.** The only so-called deadline is an artificial one set by the developer and the Cedar Creek Board. You and the council have the authority (on behalf of your constituents) to vote for a continuance and allow more time for a review of alternative solutions, along with *independently conducted* studies, especially for traffic, environmental impact, and wildlife preservation.
2. **Mandate a series of open and fair discussions between residents and ODDO.** Insist that our proposal suggestions are reviewed. Require that the meetings are moderated by a professional mediator of the mayor's choosing, and that it be someone *not* connected to ODDO, the Cedar Creek board, or the Cedar Creek HOA.
3. **Demand serious, well-developed alternative proposals be offered up by ODDO based on discussions with the residents.** Prove you have your constituents' backs by demanding that ODDO present alternative proposals that are not simply and exclusively driven by his need to boost his bottom line. There are numerous alternatives for the 14-acre site that would mesh infinitely better with the character of our community (e.g. low profile 2-story villas, brownstone walkups, or 2-story attached homes with a walking trail that saves the highest percentage of existing trees).

Mayor Bacon and Council, our entrance will be forever impacted by what is built on the site, and we are owed the respect of ODDO and the council to ensure that the site does not negatively impact the very reason most residents choose Cedar Creek – for its open, natural, peaceful, inviting beauty.

We deserve transparency, and to have our voices heard in this matter. Your inboxes have been flooded with emails from our residents as well as from nearby concerned neighbors; you've seen the petition with 1200+ resident signatures; and you know of the large turnout at your Planning Commission session where several residents and an attorney hired through our donations presented facts and figures disputing much of the case presented by ODDO and even by your Planning Commission advisors. Needless to say, we all left that session perplexed about how easily the “approval to recommend” was passed.

Mayor Bacon, do you and your council want to be known as “the politicians who destroyed Cedar Creek?” We don't think so.

Thanks to ODDO's need to build, build, and build up his apartment empire in Olathe (and also in Lenexa) the Cedar Creek interchange will become yet another victim of greed-driven progress, poised to evolve into yet another mass of tall buildings, retail, and gas stations that will bring excessive traffic, increased noise, and unchecked light pollution. It will also give the greenlight to unimpeded commercialization.

These are all the elements that would turn an area of *respite* from city bustle into an area *replete* with city bustle, along with every negative thing that intensive commercial development represents.

We hope you'll agree based on the above that, clearly, the plan as currently proposed is not a credible option. We request that the council should refrain from making any further decisions on Shadow Glen Mixed Use Community with the designation, RZ24-0003 until more viable alternatives are explored and concerns are addressed.

The residents of Canyon Creek may have lost their battle, but our community still has the chance to preserve the future of Cedar Creek – **if YOU will listen to and act upon our concerns and asks.**

Respectfully,

David W. Payne
10375 Hollis Lane
Olathe, KS. 66061

Sent from my iPhone

Get [Outlook for iOS](#)

Anna Gourley

From: Planning Contact
Subject: FW: Hearing April 16th Oddo development

From: Linda ONeil <hhbeach13@gmail.com>
Sent: Tuesday, March 26, 2024 6:42 PM
To: John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>
Subject: Hearing April 16th Oddo development

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Hello-I am a Cedar Creek resident. I would like to go on record to voice my extreme opposition to the above referred development by Oddo.

On March 11th, my elderly 24 year resident of Cedar Creek neighbor and I, a six year resident and also a senior, left our homes at 5:30 pm to attend the Planning Commission meeting. We returned home after 11pm. We listened as many, many, maybe 50 of our neighbors walked to the podium in their 5 minutes of allotted time to passionately articulate to the Planning Commission what living in Cedar Creek meant and asking that the Planning Commission not approve Oddo's request for a zoning change. For folks who live in Cedar Creek, it is and always has been an intentional decision. Cedar Creek is a trek to the nearest grocery store, gas station, dining, hospitals, etc. It is the green space and tranquility that residents seek that sets Cedar Creek apart from any other development.

The Planning Commission despite these impassioned reasons, approved the zoning change 4-3. HUNDREDS of residents signed petitions opposing this development. ONE man's request found favor over the voices of hundreds who call Cedar Creek home, hundreds.

Our government in action.

Mr. Oddo plans on jamming over 300 apartments into this small tract by scaling upward. Residents were told this vertical design towering way above the tree line was purposeful to make it cost effective for Oddo. In doing so, he will completely defile the entrance to Cedar Creek which is the crowning jewel of Cedar Creek. Mr. Oddo is purposely naming his development Cedar Ridge to capitalize on the reputation of Cedar Creek, to which he has not ever been a part of or contributed to monetarily. Ask Mr. Oddo who lives in Hallbrook, if he would have any objection to 300 apartments being built at the entrance to Hallbrook? The difference, Leawood City Council would not allow it.

Why apartments? Why not villas, owner occupied, privately owned? At least homeowners would have a vested interest in maintaining their properties. Apartment dwellers have none. As the elderly lady said who sat next to me at the bombshell meeting at the clubhouse that Mr. Oddo presided over, "I moved out here 25 years ago to get away from all that!" By the way, Mr. Oddo has cowardly not attended any further public meetings, only his paid attorney and staff.

Oddo has not done any type of surveys to determine the impact on green space or the environment. I live but a block and a half from this site. I walk it most days. I cannot tell you the number of wild life that frequent this space-deer, coyotes, raccoons, fox and an abundance of wild birds. The blue heron are spectacular.

Hundreds of residents are looking to you individually and as a Body to consider the negative ramifications to the resident tax payers and voters if this Oddo development is approved.

I respectfully ask you vote no to Oddo.

Linda ONeil

10340 S Clubside Ct
Olathe, Ks 66061

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Anna Gourley

From: hswyden@gmail.com
Sent: Thursday, March 28, 2024 4:16 PM
To: John Bacon; Marge Vogt; Robyn Essex; Dean Vakas; LeEtta Felter; Kevin Gilmore; Matthew Schoonover; Planning Contact
Subject: Proposed Shadow Glen Mixed Use Community with designation RZ24-0003 RE: Proposed Shadow Glen Mixed Use Community RZ24-0003

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Mayor Bacon and City Council members:

You have received hundreds of emails in opposition to this proposed mixed-use project by ODDO Development consisting of a massive apartment complex at the entrance of our Cedar Creek community. You have heard and read all the communities' concerns, frustrations, and the impacts to not only our community, but I believe, to the reputation of Olathe as a whole.

You have heard from hundreds of Olathe residents asking to slow this process down with hundreds turning out to the Olathe Planning Commission meeting March 11th, but to no avail... Until.. MR. ODDO himself asks for a postponement of the April 2nd date for the full City Council vote on this matter. BINGO, date postponed to April 16th. WOW - could it be more apparent the residents of Olathe are being ignored?

Speaking of this vote - it was very confusing at the March Planning Commission meeting on whether this is a vote for rezoning alone or a vote for BOTH rezoning and his development proposal of this hideous apartment plan? I will admit that when we moved to Cedar Creek in 2017 that we knew these areas were zoned C-2. Specifically, the area along West Valley Parkway (past "The Links" and on the way to "Villas of Shadow Glen") and the area that ODDO wants to develop at the Cedar Creek entrance. What my ignorance failed to realize is that C-2 commercial includes residential apartments - go figure.. We always believed that these areas would be true commercial - like the existing office buildings (which, by the way, fit beautifully within the architecture and landscape of the community) or a true Town Center with shops for the residents of the Cedar Creek community. A TRUE Town Center is, what we believe, was truly envisioned for the Cedar Creek Community evidenced by the "Green Book" which took years of research and planning. To throw the Green Book down the toilet now would be an insult to all who spent years on its development! The fact that this ODDO project is being called a Town Center is laughable, and downright patronizing to the Cedar Creek residents. The architectural and maintenance standards of Cedar Creek are VERY HIGH and we residents spend millions of dollars to build by those standards and spend millions of dollars each year to abide by those standards.

This ODDO project DOES NOT follow the Cedar Creek architecture standards, nor can Cedar Creek enforce any type of standards upon this project within our community. This thought is nauseating. Our residents spend millions of dollars to keep up general landscaping of parks and other common areas within the Cedar Creek Community that most communities leave to the City of Olathe to pay for. I can assure you that if our community is encroached upon by a massive hideous project at our entrance that has absolutely no benefit to the Cedar Creek residents, our community will think twice about paying to keep this area as beautiful as it currently is because it will cost us more than ever and will be a losing battle. The cost of keeping the green space and common area parks may have to revert back to the City of Olathe.

A couple of years back the zoning along West Valley Parkway (west of the four-way stop at our entrance) was rezoned by the City of Olathe. The developer went before the Olathe City Council for that rezoning and was asked many hard questions about his development. Although this development has yet to be built, what came out of that public hearing

was that the City Council cared about the "Green Book" and the architectural and other standards that Cedar Creek has. That developer made a statement at that public hearing as follows: "so whatever gets built out there has to be the highest quality this metro demands regardless of whether it is a single builder or multiple builders. whatever, you and I both know that to comply with the "Green Book" we have the highest watermark ever established in this metro and we will comply with it like we have in every other part of that development." Chairman (at the time Dean Vakas): "Absolutely. Yes Sir."

Please listen to your constituents. Please keep Cedar Creek as envisioned.
Please keep the "crown jewel" of Olathe.
Please say "NO" to this project.

Sincerely,
Holly M. Swyden and Robert A. John
24676 West 112th Ter. Olathe, KS 66061

hswyden@gmail.com robert.a.john68@gmail.com

Anna Gourley

From: Planning Contact
Subject: FW: Cedar Creek Oddo Project

From: mscey1973@gmail.com <mscey1973@gmail.com>
Sent: Monday, April 1, 2024 10:24 AM
To: Dean Vakas <DVakas@OLATHEKS.ORG>
Subject: Cedar Creek Oddo Project

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Dear Dean:

I am opposed to Oddo's project as it now stands. Not only would it spoil the entrance aesthetics, but the traffic congestion getting on and off the K-10 ramps from either direction will be a nightmarish situation, given the fact that Lenexa has already approved 600 new apartments directly to the north of Cedar Creek. The two lanes going north and south under K-10 CANNOT be widened to four lanes and apparently the State has no plans to revamp the K-10 bridge until 2045. As you well know, residents of Cedar Creek were given little notice of the project before it went before the Planning Commission. Three of the seven people on the Planning Commission voted AGAINST the Oddo's current plan. Had two individuals on Planning Commission been present, perhaps the vote would have been vetoed. The one thing that was brought up several times in that Planning Commission meeting was that the apartment dwellers will, OF COURSE, feel as though they are free to use our common ground and our facilities. Why wouldn't they? We residents of Cedar Creek are paying close to \$1500 per household each year for the maintenance of those areas. Gates with codes DO NOT keep people from using the grounds or facilities. We were told at the meeting that Oddo, in his leases, would tell the apartment dwellers that they were not to be on Cedar Creek property—like that will deter them?!?! Further, at the Planning Commission meeting last month, an ODDO TOWN CENTER was discussed and that it would be for the benefit of Cedar Creek residents!! Has even ONE resident of Cedar Creek called City Hall to say they/we want a TOWN CENTER?!?! We moved to Cedar Creek away from commercial development because we WANTED to be away from commercial development!! Additional commercial development in this area will increase the traffic congestion exponentially and WITHOUT ANY immediate plans for improvement of roads or the addition of traffic signals.

What we are asking for tomorrow night is MORE TIME. Please table your decision for 6 months. Give the residents of Cedar Creek more time to deal with the many issues that are involved with this project.

Respectfully yours,

Susan Younger
10151 S Shadow Circle
Olathe, KS. 66061

Cell: 913-485-4405

[Sent from Yahoo Mail for iPhone](#)

Anna Gourley

From: Planning Contact
Subject: FW: RZ24-0003 - Cedar Creek Re-zoning Proposal

From: Heather Meyer <heatherdavemeyer@att.net>
Sent: Wednesday, April 3, 2024 1:31 PM
To: John Bacon <JBacon@OLATHEKS.ORG>; Dean Vakas <DVakas@OLATHEKS.ORG>
Subject: RZ24-0003 - Cedar Creek Re-zoning Proposal

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Mayor Bacon & Councilmember Vakas,

I'm writing to express my strong opposition to the above re-zoning proposal to be taken up by the Olathe City Council. I've been a resident of Olathe, Kansas, specifically Cedar Creek, since October 2002. My wife and I relocated to Olathe from Prairie Village, Kansas and have raised our three children in our home at 10755 S. Oakcrest Ln in Cedar Creek's Shadow Highlands neighborhood. All three have been or continue to be educated in the Olathe School District (Cedar Creek Elementary School, Mission Trail Middle School and Olathe West High School). We are also members of Shadow Glen Golf Club. Finally, we own a lot in Cedar Creek's Reserve at Shadow Lake neighborhood (27545 W. 108th Street) and are currently evaluating potential construction of a new home on that lot. I share this background simply to reinforce the point - I care about Olathe, its importance to my family and its future as a place to reside.

I also work for the original developer of Cedar Creek and Shadow Glen Golf Club. Nothing about this request reflects the vision that Ash Grove Cement Company, through its subsidiary Cedar Creek Properties, had for the development of the neighborhood and the golf club. Since its inception, that vision revolved around the beauty of the development site, its resort style atmosphere and amenities and a unique blending of nature and residential development. This vision culminated in what I would argue is not only the crown jewel of Olathe, Kansas residential development but also the entire Kansas City metropolitan area and the Midwest.

Olathe should be proud of the fact that Cedar Creek is a preeminent residential neighborhood. I believe this proposed development and related re-zoning request from Oddo Development are bad for our community, bad for Cedar Creek specifically and bad for the future of our city. This re-zoning request will forever change the experience as one drives into the neighborhood on Cedar Creek Parkway. It will impact property values and property taxes, negatively impacting the desirability of Cedar Creek for current and future residents. It will disrupt the blending of nature and residential development that has set Cedar Creek apart from other neighborhoods. And, it will further complicate the already congested transportation situation on K-10.

I fully appreciate that the developer can work within the existing zoning requirements, as set forth in Cedar Creek's Master Plan and in accordance with the Protective Overlay District. Hopefully this would also entail doing what's right for not only the developer, but also the City of Olathe and Cedar Creek. Under those circumstances, then so be it. However, I believe it speaks volumes about the developer with their threatening speak - if you don't support my re-zoning request, I'll simply build as currently zoned, preserving less green space and without future public hearings.

I for one would prefer a developer who attempts to build consensus, address concerns and ultimately achieve a win-win situation. I will be disappointed and dismayed if the city entrusts a developer, with that approach, with a re-zoned property at the entrance to Cedar Creek.

Thank you for your consideration and support and for all you do for Olathe, Kansas. I hope my children see the desirability to return to Olathe one day to raise their families.

Best regards,

David Meyer

Anna Will

From: Brian Schmeidler <bschmeidler@gmail.com>
Sent: Tuesday, April 30, 2024 1:57 PM
To: Planning Contact; City Clerk's Office; John Bacon; Marge Vogt; Robyn Essex; Dean Vakas; LeEtta Felter; Kevin Gilmore; Matthew Schoonover; jwilkes@olatheks.gov; Susan Sherman
Cc: Steve Frets; Jennifer Hughes; Lydia Saunders; John Austin; Selina Redeker; laconrad55@gmail.com; Heather Carter; gerard@vanhoetcpa.com; Mike Schreiber; Jon Laster; Bob Zane; Ann Horner; Donna Mcdougall; Deb Eveans; ggmurray@att.net
Subject: RZ24-0003: Request for Rezoning with Preliminary Site Development Plan for Cedar Ridge Mixed Community Use
Attachments: Letter CC Village I to Olathe City Council.pdf

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Ladies and Gentlemen,

Please review and give your earnest consideration to the attached letter from the Neighborhood Representatives of Cedar Creek Village I, Inc. regarding RZ24-0003: Request for Rezoning from C-2 to CC with Preliminary Site Development Plan for Cedar Ridge Mixed Community Use.

We also request inclusion of the letter in the published City Council agenda packet for the upcoming May 7, 2024 meeting.

Thank you for your time.



April 29, 2024

Mayor John Bacon, Mayor Pro Tem Marge Vogt; City Councilmembers Robyn Essex, LeEtta Felter, Kevin Gilmore, Matthew Schoonover and Dean Vakas

Planning Commission Chair Wayne Janner, Planning Commission Vice Chair Taylor Breen; Planning Commissioners Tony Bergida, Keith Brown, Ken Chapman, Chip Corcoran, Jeffery Creighton, Megan Lynn and Jim Terrones

City Manager Michael Wilkes and Deputy City Manager Susan Sherman

Olathe City Hall
100 East Santa Fe
Olathe, KS 66061

Subject: RZ24-0003: Request for Rezoning from C-2 to CC with a Preliminary Site Development Plan for Cedar Ridge Mixed Use Community

Ladies and Gentlemen,

This letter confirms our strong opposition to the plan as currently presented. It is our belief that the Preliminary Site Development Plan, as submitted by the applicant, Oddo Development, recommended by the Olathe City Planning staff and subsequently approved by the slimmest of margins (4-3) by the Olathe City Planning Commission and the most recent revision to the site plan submitted by the applicant on April 19, 2024, are in violation of the Cedar Creek Protective Overlay District.

The protective overlay is termed the Cedar Creek Area Plan (CCAP.) It was formally enacted by the City Council in 2012 and is enforced by an actual CCAP City Ordinance. This initiative was funded jointly in 2008 by residents, Cedar Creek Development, LLC, and the City of Olathe. Residents paid \$40,000 to help hire a highly qualified consultant in order to prepare the plan. The CCAP is intended to help ensure throughout the future that Cedar Creek will be developed to high standards in accordance with the original community vision. That vision was set forth as a development master planning guide published in the mid-80's "Green Book."

The original Green Book is incorporated in total in the CCAP, and the CCAP is entitled the Green Book. They are one and the same, but the CCAP includes specific measurables that can be enforced – regulations to "preserve, protect, and enhance the character of the Cedar Creek area" with focus on safeguarding development quality and compatibility.

The CCAP was initiated by the City Council in the belief that Cedar Creek is unique within the entire KC metro area. It is Olathe's executive residential neighborhood, and it serves as a vital component of Olathe's economic development strategy. The Chamber of Commerce recruits new businesses to Olathe and offering premier executive housing is a part of the process. From its inception, the City Council has termed Cedar Creek

the “jewel of Olathe.” Business leaders looking to relocate fall in love with the Olathe School District and Cedar Creek. Cedar Creek’s quality of living is a key economic advantage helping to underpin Olathe’s continuing explosive growth.

Loch Lloyd and Hallbrook pale in comparison largely because of Cedar Creek’s fundamental commitment to the preservation and enhancement of greenspace. We all know Olathe means “beautiful” in the Shawnee language. Cedar Creek offers the most beautiful panoramas in Olathe because of the uncluttered sweeping vistas of native forest, open greenspace, topographical variation, and an interconnected lake system.

Building guidelines are specific. The “built” environment is expected to nestle within tree lines, blend-in with the landscape, and to the maximum extent possible be one with nature. As Cedar Creek continues to develop fully, 50% of this 2,000-acre master-planned community will remain free of manmade construction. Future construction should compliment and be integrated within the natural environment.

The main entrance to Cedar Creek is off K-10. It is here that you first drive on Cedar Creek Parkway. It is here where you are immersed in the warm embrace of trees sloping up the rocky sides of the parkway, flowing waterfalls and a wide meticulously landscaped island running the length of the parkway. As some of the development marketing material states, “A visit to Cedar Creek leaves a lasting impression... Beginning with the winding Cedar Creek Boulevard and its widely sweeping and intensely landscaped medians adorned by a signature entry monument and landmark waterfall, the entrance to the community is inspiring” and “The first thing you’ll notice driving down Cedar Creek Parkway is the beautiful landscaping complete with natural rock formations and waterfalls. But Cedar Creek has always been more than just a place to live; it’s a community whose biggest asset is the native Kansas environment. Hundreds of acres will always remain in their natural state and preserved for generations.”

The development application proposes six-story apartments on the highest ground overtopping the East side of the parkway and extending two football fields alongside the parkway. The apartments are totally out of scale. They overpower and dominate the entrance and the entire drive into Cedar Creek. They reduce the parkway to an apartment alley. The planning department has completely misapplied the Golden Rules claiming the apartments have no adverse impact to the surrounding area. These apartments as currently sited, will destroy Cedar Creek’s unique entrance.

We recognize the applicant’s land within the Corporate Park is currently zoned C-2 and the application for development includes re-zoning to CC. Either zoning classification allows for mixed use. The original Green Book did not envision apartments in the Corporate Park. Mixed-use was office, retail, and an appropriately scaled conference center, all sited consistent with Overland Park’s Corporate Woods. The updated Green Book that is now the CCAP appropriately opens the door for apartments as a part of the creation of a mixed-use town center in this area.

The Preliminary Site Development Plan is being presented as a "town center," but clearly it is not. The CCAP specifies: "Public spaces in town centers are designed for community scale events." There are no dedicated public spaces of this scale within this development application. A town center must include: "Civic plazas or squares which are focal points of the development, developed with amenities such as seating, fountains, public art, landscaping and shade." None of this exists in the application, other than the private amenities restricted for the use of apartment tenants. The applicant and planning department has chosen to view a private drive entering the apartment complex as a town center main street, but it is not a public street. It is an unnamed private drive.

To make matters worse, planning staff recommendations allow this project to be constructed in phases. Phase One is all the apartments, plus the issuance of a building permit for a restaurant. All the other commercial space, plus the 11 row homes are postponed to Phase Two. There is no triggering mechanism for Phase Two. The applicant has no obligation to build Phase Two. And this applicant has a demonstrated history of requesting changes to subsequent phases in other developments within Johnson County.

Put simply, planning staff recommendations allow for the construction of a massive apartment complex with no guarantee the other components of mixed use will ever be constructed.

The applicant's request to re-zone to CC makes good sense but the site plan as currently presented is unacceptable. This project should not be rejected by a formal city council vote. Specifically, the site plan should be returned to planning staff for significant rework. We should not "sell out" Cedar Creek for the sake of a large apartment complex. We must take the time to design a mixed-use site plan that embraces a true town center, maintains the character of Cedar Creek by moving the buildings further east, staggering their heights so as to be nestled amongst the trees and blend in with the native landscape. Let's take the time to get this right!

The CCAP is of no value if City Hall has consciously decided to not enforce its own ordinance, i.e., to violate its own law. For the good of Olathe, we ask that you all pause to consider the significance of this city-enacted protective overlay district and supervise its application as originally intended.

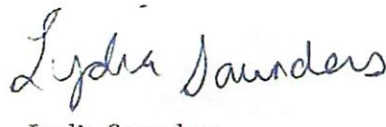
Again, the current Preliminary Site Development Plan is inappropriate and must be revised. We, the Neighborhood Representatives elected by vote of owner-units as detailed in the bylaws of Cedar Creek Village I Association, Inc., are signing this letter on behalf of 1,131 Cedar Creek homeowners living in our 15 neighborhoods.

Sincerely,

The Neighborhood Representatives of Cedar Creek
signature page follows



Jenny Hughes
Cedar Glen I



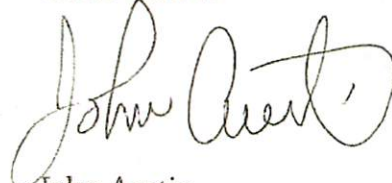
Lydia Saunders
Cedar Glen II



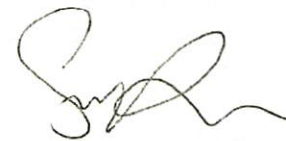
Brian Schmeidler
North Shore Estates



Steve Frets
Shadow Highlands I



John Austin
Shadow Highlands II



Selina Redeker
Southglen I



Larry Conrad
Southglen II



Donna McDougall
The Cottages



Deb Eveans
The Estates of Shadow Lake



Gerard Van Hoet
The Villas of Shadow Glen



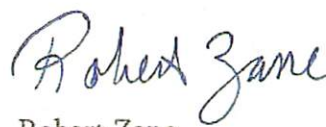
Heather Jones
The Woods of Southglen



Mike Schreiber
Clubside



Jon Laster
The Crossings of Southglen



Robert Zane
North Lake Ridge
Hidden Lakes North



Gloria Murray
North Lake Ridge

Anna Will

From: Planning Contact
Subject: FW: Oddo Apartments in Cedar Creek

From: Rod Martin <rodmartin@att.net>
Sent: Tuesday, April 30, 2024 2:24 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>; Dean Vakas <DVakas@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; John Bacon <JBacon@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>
Subject: Re: Oddo Apartments in Cedar Creek

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[Sent from AT&T Yahoo Mail for iPhone](#)

On Tuesday, April 30, 2024, 2:06 PM, Rod Martin <rodmartin@att.net> wrote:

Regardless of what our HOA representation has told you ... an overwhelming majority of Cedar Creek residents remain in strong opposition to this plan. Our multilayered HOA Board likes to say it represents the residents of Cedar Creek. It most definitely does not! In fact it works behind closed doors ... non-receptive to input from neighborhood representatives ... in pursuit of only one goal: to promote the interests of Ron Mather and his development group ... not the current home-owning tax base of Cedar Creek. For this reason homeowners have banded together to find their own voice in this battle. We've hired legal representation and we will show up in force at the upcoming council meeting May 7th. "A small minority of residents are still opposed" ... as stated in a recent communication from our so called board. That's a total lie and they know it! STOP THE LIES!!

Rod Martin
10109 S Shadow Circle
The Links of Cedar Creek
Olathe KS

[Sent from AT&T Yahoo Mail for iPhone](#)

Anna Will

From: Mary Jo Fox <maryjofox612@gmail.com>
Sent: Tuesday, April 30, 2024 8:30 PM
To: Planning Contact
Subject: Cedar Creek Please Vote NO

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Dear Planning Commission,

I am writing because I am a Cedar Creek resident who is completely against the zoning change being proposed that would allow multi-story apartment buildings to be built at the entrance to our neighborhood. When I purchased our lot twenty-eight years ago we made that decision with the understanding that Cedar Creek was a carefully planned community with a strong Home Owners' Association that had guidelines that would protect our investment. We chose to live in Olathe because it too had a reputation for excellence and concern for maintaining its high quality.

Please reject the zoning proposal and help us to continue to enjoy the natural beauty of Cedar Creek.

Sincerely,

Mary Jo Fox

26620 W. 109th Street, Olathe, 66061

maryjofox612@gmail.com

913-526-7483

From: Planning Contact
Subject: FW: RZ24-0003: Request for Rezoning from C-2 to CC with a Preliminary Site Development Plan for Cedar Ridge Mixed Use Community
Attachments: image001.png; image002.png; image003.png; Shadow Highlands Opposition Letter.pdf

From: John Austin <jaustin2381@gmail.com>
Sent: Tuesday, April 30, 2024 4:22 PM
To: John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>; Dean Vakas <DVakas@OLATHEKS.ORG>
Cc: Michael Wilkes <JMWilkes@OLATHEKS.ORG>; Susan Sherman <SSherman@OLATHEKS.ORG>; WJanner@olatheks.gov; TBreen@olatheks.gov; KBrown@olatheks.gov; TBergida@olatheks.gov; Ken Chapman <k-chapman58@comcast.net>; CCorcoran@olatheks.gov; Jeffrey Creighton <JCreighton@olatheks.org>; Megan Lynn <Megan.Lynn007@gmail.com>; JTerrones@olatheks.gov
Subject: RZ24-0003: Request for Rezoning from C-2 to CC with a Preliminary Site Development Plan for Cedar Ridge Mixed Use Community

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Ladies and Gentlemen,

Please find attached a letter representing 184 homes in the Shadow Highlands subdivision of Cedar Creek that opposes the Request for Rezoning referenced above as it is currently submitted. We request your consideration of the issues and concerns outlined in our letter.

We also request this letter be included in the published City Council agenda packet for the upcoming May 7, 2024 meeting.

Respectfully,

John Austin
26561 W 109th Street

April 23, 2024

Mayor John Bacon, Mayor Pro Tem Marge Vogt; City Councilmembers Robyn Essex, LeEtta Felter, Kevin Gilmore, Matthew Schoonover and Dean Vakas

Planning Commission Chair Wayne Janner, Planning Commission Vice Chair Taylor Breen; Planning Commissions Tony Bergida, Keith Brown, Ken Chapman, Chip Corcoran, Jeffery Creighton, Megan Lynn and Jim Terrones

City Manager Michael Wilkes and Deputy City Manager Susan Sherman

Olathe City Hall
100 East Santa Fe
Olathe, KS 66061

Subject: RZ24-0003: Request for Rezoning from C-2 to CC with a Preliminary Site Development Plan for Cedar Ridge Mixed Use Community

Ladies and Gentlemen,

This letter confirms our strong opposition to the plan as currently presented. It is our belief that the Preliminary Site Development Plan, as submitted by the applicant, Oddo Development, recommended by the Olathe City Planning staff and subsequently approved by the slimnest of margins (4-3) by the Olathe City Planning Commission and the most recent revision to the site plan submitted by the applicant on April 19, 2024 are in violation of the Cedar Creek Protective Overlay District.

The protective overlay is termed the Cedar Creek Area Plan (CCAP.) It was formally enacted by the City Council in 2012 and is enforced by an actual CCAP City Ordinance. This initiative was funded jointly in 2008 by residents, Cedar Creek Development, LLC, and the City of Olathe. Residents paid \$40,000 to help hire a highly qualified consultant in order to prepare the plan. The CCAP is intended to help ensure throughout the future that Cedar Creek will be developed to high standards in accordance with the original community vision. That vision was set forth as a development master planning guide published in the mid-80's "Green Book."

The original Green Book is incorporated in total in the CCAP, and the CCAP is entitled the Green Book. They are one and the same, but the CCAP includes specific measurables that can be enforced – regulations to "preserve, protect and enhance the character of the Cedar Creek area" with focus on safeguarding development quality and compatibility.

The CCAP was initiated by the City Council in the belief that Cedar Creek is unique within the entire KC metro area. It is Olathe's executive residential neighborhood and it serves as a vital component of Olathe's economic development strategy. The Chamber of Commerce recruits new businesses to Olathe. Offering premier executive housing is a part of the process. From its inception, the City Council has termed Cedar Creek the "jewel of Olathe." Business leaders looking to relocate fall in love with the Olathe School District and Cedar Creek. Cedar Creek's quality of living is a key economic advantage helping to underpin Olathe's continuing explosive growth.

Loch Lloyd and Hallbrook pale in comparison largely because of Cedar Creek's fundamental commitment to the preservation and enhancement of greenspace. We all know Olathe means "beautiful" in the Shawnee language. Cedar Creek offers the most beautiful panoramas in Olathe because of the uncluttered sweeping vistas of native forest, open greenspace, topographical variation and an interconnected lake system.

Building guidelines are specific. The "built" environment is expected to nestle within tree lines, blend-in with the landscape and to the maximum extent possible be one with nature. As Cedar Creek continues to develop, fully 50% of this 2,000-acre master-planned community will remain free of manmade construction. Future construction should complement and be integrated within the natural environment.

The main entrance to Cedar Creek is off of K-10. It is here that you first drive on Cedar Creek Parkway. It is here where you are immersed in the warm embrace of trees sloping up the rocky sides of the parkway, flowing waterfalls and a wide meticulously landscaped island running the length of the parkway. As some of the development marketing material states, "A visit to Cedar Creek leaves a lasting impression...Beginning with the winding Cedar Creek Boulevard and its widely sweeping and intensely landscaped medians adorned by a signature entry monument and landmark waterfall, the entrance to the community is inspiring" and "The first thing you'll notice driving down Cedar Creek Parkway is the beautiful landscaping complete with natural rock formations and waterfalls. But Cedar Creek has always been more than just a place to live; it's a community whose biggest asset is the native Kansas environment. Hundreds of acres will always remain in their natural state and preserved for generations."

The development application proposes six-story apartments on the highest ground overtopping the East side of the parkway and extending two football fields alongside the parkway. The apartments are totally out of scale. They overpower and dominate the entrance and the entire drive into Cedar Creek. They reduce the parkway to an apartment alley. The planning department has completely misapplied the Golden Rules claiming the apartments have no adverse impact to the surrounding area. These apartments as currently sited destroy Cedar Creek's unique entrance.

We recognize the applicant's land within the Corporate Park is currently zoned C-2 and the application for development includes re-zoning to CC. Either zoning classification allows for mixed use. The original Green Book did not envision apartments in the Corporate Park. Mixed-use was office, retail, and an appropriately scaled conference center, all sited consistent with Overland Park's Corporate Woods. The updated Green Book that is now the CCAP appropriately opens the door for apartments as a part of the creation of a mixed-use town center in this area.

The Preliminary Site Development Plan is being presented as a "town center," but clearly it is not. The CCAP specifies: "Public spaces in town centers are designed for community scale events." There are no dedicated public spaces of this scale within this development application. A town center must include: "Civic plazas or squares which are focal points of the development, developed with amenities such as seating, fountains, public art, landscaping and shade." None of this exists in the application, other than the private amenities restricted for the use of apartment tenants. The applicant and planning department has chosen to view a private drive entering the apartment complex as a town center main street, but it is not a public street. It is an unnamed private drive.

To make matters worse, planning staff recommendations allow this project to be constructed in phases. Phase One is all of the apartments, plus the issuance of a building permit for a restaurant. All of the other commercial space, plus the 11 row homes are postponed to Phase Two. There is no triggering mechanism for Phase Two. The applicant has no obligation to build Phase Two. And this applicant has a demonstrated history of requesting changes to subsequent phases in other developments within Johnson County.

Put simply, planning staff recommendations allow for the construction of a massive apartment complex with no guarantee the other components of mixed use will ever be constructed.

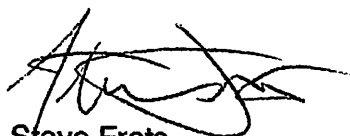
The applicant's request to re-zone to CC makes good sense but the site plan as currently presented is unacceptable. This project should not be rejected by a formal city council vote. Specifically, the site plan should be returned to planning staff for significant rework. We should not "sell out" Cedar Creek for the sake of a large apartment complex. We must take the time to design a mixed-use site plan that embraces a true town center, maintains the character of Cedar Creek by moving the buildings further east, staggering their heights so as to be nestled amongst the trees and blend in with the native landscape. Let's take the time to get this right!

The CCAP is of no value if City Hall has consciously decided to not enforce its own ordinance, i.e., to violate its own law. For the good of Olathe, we ask that you all pause

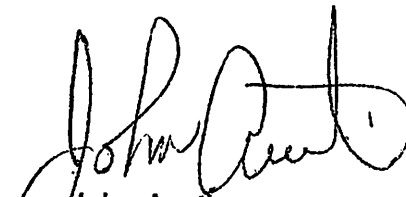
to consider the significance of this city-enacted protective overlay district and supervise its application as originally intended.

Again, the current Preliminary Site Development Plan is inappropriate and must be revised. We the undersigned, are the neighborhood representatives elected in accordance with the by-laws of Cedar Creek Village I. We represent all 184 homes in Shadow Highlands.

Sincerely,



Steve Frets
Shadow Highlands I



John Austin
Shadow Highlands II

Anna Will

From: PON Association <ponassociation@gmail.com>
Sent: Tuesday, April 30, 2024 9:15 PM
To: John Bacon; Marge Vogt; Robyn Essex; Dean Vakas; LeEtta Felter; Kevin Gilmore; Matthew Schoonover
Cc: French David; Scott Beeler; Planning Contact
Subject: Oddo Developments Rezoning Application & Development Proposal (RZ24-0003)

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Mayor Bacon, Members of Olathe City Council,

Oddo Developments' Rezoning Application & Development Proposal (RZ24-0003)

On May 7, assuming no more requested changes by the developer, you will consider the above noted application and proposal (as revised). Our Association, which represents hundreds of homeowners, as well as the wishes of many hundreds more who have already expressed strenuous opposition to any Oddo Development plans, urges you to **REJECT** both the rezoning *and* the development proposal. But most crucially - because it cannot fit within the current City of Olathe legal framework, and is a considerable violation of the state 'Golden Criteria' rules that apply to such development proposals - you **MUST** reject the later.

Moreover, the processes that have led to this point are riven with failures. Material and incidental failures that cannot be dismissed and must not be allowed to be 'gamed' by a developer to foist planning blight on one of Olathe's built and green-space assets. An asset that has been funded by the homeowners and which still does not constitute a drain on City resources and yet is a credit to the City.

Failures in the Olathe City Process

As Olathe citizens and voters, the process whereby we now have a revised set of Oddo proposals before our City Council has been extremely unedifying. From the planning department's inability to discern or describe simple concepts (*which are nonetheless enshrined in Regulations under City Ordinance as part of the Cedar Creek Area Plan as well as under the Unified Development Ordinance*) such as a "Main Street" and so recommend approval of development proposals that require these items - despite their being completely absent, and the incredible turn out of opposition letters, petitions, emails and presentations raising many, many issues that remain completely unaddressed by staff; to the fact that we as a civic association, requesting meetings with each member of our City Council, received responses from only three Council members, and only two ever made the time to meet us. The optics of this are bad. When City resources are lavished on an out-of-town developer: meeting after meeting, the unlimited time of the Planning Commission, developer insistence to NOT slow the process - then multiple developer demands to delay the process - all engineered by the developer to afford the greatest chance of an approving vote - while in stark contrast citizens are constrained-in-time to meet staff, constrained-in-time to address the Planning Commission, denied effective representation by counsel of our choice and ignored by the majority in our simple request to meet Council members - you can understand why we are not happy with the process that brings us to the vote on this matter on May 7.

The Oddo proposals have been - we were told by City staff - revised at the prompting of planning staff. Now that we see the revised plans we find that claim to be astonishing. The multiple concerns that were raised at the Planning Commission are left unaddressed by any of the 'revisions'. This confirms the widely held view that City planning staff are simply not discharging their duties. Instead, it would appear that Oddo

Developments' arguments have more sway with our City's planning department than either the City's planning regulations or City legislation, let alone Kansas Golden Criteria legal guidelines.

As regards the Oddo proposal - concerns were raised at the Planning Commission about the special and unique status of our Cedar Creek physical environment - those are unaddressed by the revised Oddo plans. Concerns were raised about the fauna inhabitants - unaddressed. Concerns were raised about noise pollution and light pollution - unaddressed. Concerns were raised about the impact of traffic and the inadequacies of the traffic study by Oddo - unaddressed. Concerns were raised about the stormwater drains and runoff - unaddressed. Concerns were raised about the loss of trees and damage to the chances of those remaining - being downhill from the construction and hardscaping - unaddressed. (Unaddressed, we note, in the very same month Mayor Bacon declares Olathe a Tree City-USA!). Concerns were raised about the immense jump in density - unaddressed. Concerns were raised about the use of prohibited building materials and inferior building materials - unaddressed. The list of issues continues. However, NONE of the issues have been addressed by the developer and none, it is now clear, were made conditions of planning staff continuing approval of this proposal. Crucially - in their presentation to the Planning Commission - City planning staff admitted that the entire Oddo proposal was 'out of character' with Cedar Creek - and yet it was recommended.

This is more than a failure to listen. This Association provided expert opinion testimony on the Oddo plans. A number of the speakers at the Planning Commission were themselves experts in their fields. City regulations were cited. Kansas case-law was cited. All of this was recognized by the Planning Commissioners - even those that inexplicably voted for the Oddo application and proposal. The Planning Commission urged upon staff that these many questions be addressed - *before* this went to the City Council for approval. The fact that this has not happened is another material failure of process. The opportunity to address the regulatory matters and the significant proposal omissions and deficiencies was during the time between the Planning Commission vote and the impending City Council vote. The fact that NONE of these matters have been addressed is frankly astonishing. And yet - this lack of response to either the public's concerns or the questions of the Planning Commissioners is not even the worst part of the fact that RZ24-0003 will be before you on May 7.

The Association has two major concerns that go beyond even all the other failings in process and material deficiencies: (i) recommendation of the Oddo Plans STILL violate City law and (ii) the staff approval of the Oddo plans as 'green buildings' is contrary to green building standards and thus violates City policy.

Failure to Comport With Current Legal Provisions

As communicated by Association Counsel writing to the City on March 21, it is the view that planning staff misidentified the Oddo proposal as a "town Center" or a "Main Street" when "quite simply it is not". That conclusion remains true as none of the revisions to the Oddo plans have addressed the deficiencies identified in Counsel's letter on this subject. To the contrary, while there is STILL no Main Street, there are no public plazas, no public squares, no grid of streets, no street(s) of storefronts providing retail services to Cedar Creek, no amenities planned for Cedar Creek residents, no single family homes above the commercial level - all as anticipated and *required* by Area Plan regulation, there are now clearly no *publicly adopted spaces*. It appears that there will be a paucity of public streets in this 'town center' - strange by any definition of a town - let alone a town center. The revisions in fact shorten the only 'street' in the plan - the residential street of brownstones. In placating *only* other developers the Oddo plan backers have felt no need to even address, let alone ameliorate, any of the regulatory violations evident in the original application and proposal. And why would they. Violations presented no obstacle to a positive staff recommendation - so why address them now? Yet violations will not stand.

The staff interpretation that 'multi-family' means "three or more" dwellings actually means *three hundred* apartments, still stands in stark contrast to normal or reasonable rules of interpretation. An interpretation of one hundred times the mentioned number is utterly unreasonable and can only be described as a willful misinterpretation and therefore is another violation of the Area Plan. To this can be added the list of other violations of the Area Plan outlined in Counsel's letter and still unaddressed: setbacks above three stories, differentiated banding on each floor, ground floor retail, visual differentiation of long buildings at each 50 foot point and design to give the appearance of different structures at each 50 foot point. Ironically the sole requirement that the Oddo plans appear to now be observing seems to be inadvertent. In the effort to contort the giant block of apartments it appears that there are now breaks in the structure. This aside, *in fact including this*, the developer continues to flout almost every regulation and requirement of the Area Plan - and does so with the inexplicable assent of City planning staff.

Failure to even attempt to comply with the US Green Building Code

In the other extraordinary determination by planning staff, an additional twenty feet height allowance was granted to the Oddo plans as a 'green building'. This height variance is an incentive. It is there to encourage green solutions to building plans, use of green materials, inclusion of latest technologies and creation of infrastructure that allows residents to live more sustainably in the dwellings. It is contrary to City sustainability goals to hand this out in response to the risible green claims by the Oddo architects. To claim that 'permitting windows in the living spaces and bedrooms' is a 'green' option is to open Olathe to ridicule. The same is true when the Oddo architects states that it will comply with insulation standards that are required by law or regulation. At the Planning Commission the Oddo architects dismissed LEED status - despite LEED goals being the City's policy preference for new build in such developments. In keeping with the Oddo plans contempt for the US Green Building Code, there are still no plans for installing solar, no EV recharging points, no low VOC materials plan, no permeable hardscape, no wastewater diversion, no passive cooling and heating, no plans for sustainable or net zero material sourcing, no geothermal heating or other green heating options, no recycled building materials plan, no rainwater conversion, diversion or storage, and the list goes on. The absence of any one of the major items on that list disqualifies the green building claim - and clarifies the real reason the Oddo architects will not seek LEED status. This building would NEVER attain it on current plans. Which begs the question - why has the City of Olathe granted this development a height variance expressly reserved for green buildings?

Repeatedly planning staff have made such interpretations that stray beyond what might be expected - or could be considered reasonable. While some degree of interpreting regulations or policies might be expected it seems that the direction of each decision is the same. In each case, what might be termed an 'unreasonable interpretation' is an interpretation ends up benefiting the developer. We cannot think of one single interpretation of the rules that leans against the developer or favors the objections. That appears to be an unacceptable misuse of discretion.

Failure to Revise the Application or Proposal in Any Material Way

It appears that the revised Oddo proposal were cooked up in a series of discussions between developers. Those developers being the developers that control the Cedar Creek HOA and the developer behind the application and proposal. At the Planning Commission various developers, defending their own interests, expressed concerns that the Oddo Development plans might impact their interpretations of what was good for Cedar Creek. By that they appear to have been talking about their sales of new homes. The developers in question are those that continue to exercise control of the HOA assets of homeowners and maintain their influence and dominion over the Cedar Creek HOA. It is therefore hardly surprising to homeowners that a developer-HOA 'ad-hoc committee' reached an understanding with Oddo Developments while the concerns noted above were simply pushed aside.

The fact is, the developer controlled HOA is not representative of the views of homeowners. This much was evident when the developer-HOA carried out a survey asking if homeowners wanted the *Oddo Original Plans* or *Revised Oddo Plans*. 'No to any of the Oddo Plans' was not even an option. Further - the moment the developers in control of the HOA were satisfied with the 'deal struck among developers' - they promptly withdrew their Protest Petitions. Clearly the Petitions were only every a tactic to make Oddo sit with the HOA-developers and agree something acceptable to them. Homeowners, who have consistently opposed the insensitive and unsustainable Oddo proposal were carved out of this deal.

Our firm view is that this is hardly proper. The team negotiating purportedly 'on behalf of the HOA' was not elected. Their mandate was not voted upon. Their power to approve any developer-to-developer deal terms was not approved. The specifics of the developer deal clearly appear *ultra vires* and open to legal challenge. And yet this is the set of revisions that constitute the re-worked deal and the Oddo concessions that will be before the City Council. How unfortunate then if the City were to vote upon a set of proposals that are subsequently found to have been improperly decided upon and the product of a deal for which one of the parties had no legal authority.

The Open Questions MUST be Addressed

These open questions; - (1) the absence of any attention to the multiple issues raised at the Planning Commission (and elsewhere); (2) the violations of City legally enforceable provisions and of City policy; and (3) questions over the legality of the deal that caused: (i) the Protest Petitions to be withdrawn; and (ii) the changes to the plans made by the developer at the behest of other developers - militate strongly against any City vote to approve the Oddo plans. *At the very least* they indicated that the RZ24-0003 application and proposal should be referred back - with specific instructions to staff, *or* with instruction that more qualified staff be engaged to conduct this review.

Development of this Site Under C2 (or CC)

The unique nature of the neighborhood that is at stake has to be acknowledges by the City. This is a rare asset - not some brownfield site or another stretch of land running along the side of the freeway. The choice of what is permitted by the City in such a conspicuous and significant area must align with the decades of investment, care and stewardship that are currently evident. The Area Plan cites the commercial area at the entrance to Cedar Creek's neighborhoods as a shining example of how it is when things are done well. We wholeheartedly agree. We are not 'anti-development' but we are anti-Oddo Development's plans. This developer acquired the site with no promise of rezoning or approval of a gigantic apartment building. Thus this developer is legally estopped from claiming any right to that which was never decided when the site was purchased. As such it is wholly within - *in fact it is wholly required under current provisions* - the City's authority to completely reject both parts of the Oddo plan.

Rick Oddo opened his only public meeting on these plans by pointing to a 30 year old rendering loaned to him by the developer-HOA. The illustration was of a multi-story hotel building and he asserted that he was 'here to save Cedar Creek from that'. In fact the most commonly expressed sentiment among actual homeowners is that we'd prefer that hotel to the Oddo plans. A hotel would be an asset to the area. Its residents would not expect to access our privately funded and protected parks, trails and lakes. It would be an asset to the City, like the rest of Cedar Creek, encouraging inward investment, providing jobs and showcasing the fantastic inward relocation venue that is Cedar Creek. Of course there is no hotel, the statement was misleading. But it also significantly misread the room and exposed Oddo Developments as an unsuitable neighbor, willing to mislead to get its way.

Homeowners are not asking much when we ask our City to reject a destructive plan that harms a City asset and causes so much distress to those who live here. Especially when alternatives for this site are there for the City to require. Alternatives that are within the character of Cedar Creek and which would enhance the area instead of diminishing it. It is up to this City Council to avoid a lasting legacy of planning blight and embrace more positive and sustainable options. For those plans - the City will have our support.

On behalf of the the Preserve Our Neighborhood Association, its members and supporters, again, we urge that no part of the Oddo plans be approved, especially not those parts that are in open violation of our City's own planning regulations and City Ordinances.

Stephen Morrison
Vice Chairman
Preserve Our Neighborhood Association



Preserve Our Neighborhood Association

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is incorporated as a Not-For-Profit Corporation under the Laws of the State of Kansas

www.ponassociation.org

ODDO development at entrance to Cedar Creek

JULIE whitley <juleswhitley@comcast.net>

Tue 4/30/2024 2:01 PM

To:kgilmore@olatheks.org <kgilmore@olatheks.org>;Dean Vakas <DVakas@OLATHEKS.ORG>;Matthew Schoonover <MSchoonover@OLATHEKS.ORG>;Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>;John Bacon <JBacon@OLATHEKS.ORG>;Marge Vogt <MVogt@OLATHEKS.ORG>;Robyn Essex <RREssex@olatheks.org>;LeEtta Felter <LFelter@OLATHEKS.ORG>;Miles Whitley <mileswhitley@comcast.net>;JULIE whitley <juleswhitley@comcast.net>

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Dear Mayor and City Councilpersons:

We are writing to register our displeasure with this project and rezoning. We ADAMANTLY OPPOSE THE REZONING and want it in the record that our "so called HOME ASSOCIATION DOES NOT REPRESENT US! The CCCSC Board has stated the minority of home owners do not want this project. We all know NO POLL was done and this is a BLATANT LIE! They "NEGOTIATED" AWAY OUR PARKS, TRAILS AND LAKE for their two pieces of silver.

You all are aware of the opposition this debacle has caused. I can tell you we will fight our "so called home association" and this city government if this is approved to our dying days. Please note how things turned out for developers and city representatives in Prairie Village to put apartments in single family neighborhoods.

VOTE NO ON MAY 7!!!! We are RESIDENTS, TAX PAYERS AND VOTERS OF OLATHE.

MILES AND JULIE WHITLEY
10503 S HIGHLAND LANE
OLATHE, KS 66061
(913)980-6809
juleswhitley@comcast.net

Anna Will

From: Planning Contact
Subject: FW: ODDO development in Cedar Creek

From: Jill Johnson <jilljohnson752@gmail.com>
Sent: Monday, April 29, 2024 3:38 PM
To: Dean Vakas <DVakas@OLATHEKS.ORG>
Subject: ODDO development in Cedar Creek

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Dear Council Member Vakas:

I am writing as a resident of the Cedar Creek community to express my vehement opposition to the proposed apartment complex to be built in Cedar Creek. I respectfully request that this complex not be allowed to be built in the Cedar Creek development for the following reasons:

1. This type of development does not belong at the entrance to one of the "crown jewels" of the Olathe Community. There is nothing about this project that fits in with the overall development of the multiple neighborhoods within the Cedar Creek community. It will destroy the beautiful aesthetics of the entrance to the entire Cedar Creek community.
2. Cedar Creek is home to countless wildlife habitats, who find sanctuary within the lush woods and forests of the Cedar Creek community. Allowing a development of this size and scope will most definitely harm and lead to the displacement of wildlife habitats of all kinds.
3. Anyone that drives the K-10 corridor knows that at this time it carries far more traffic than was intended when it was constructed. The intersection of K-10 and Cedar Creek Parkway is

an extremely difficult intersection to navigate. Add to that the drivers from the 300+ apartments that are proposed, and congestion and accidents will only be accelerated. In addition, the improvements that are "proposed" for this K-10 interchange are not scheduled for many years in the future.

4. The style and scope of the apartment project in no way fit in with the style of homes that currently exist or continue to be built within the Cedar Creek community.

5. Over 1200 residents within the Cedar Creek community are opposed to this development, yet they have not been given the opportunity to individually express their concerns or vote to determine if such a development should even be considered in this neighborhood.

6. The Cedar Creek community is home to hiking trails, a stocked lake, and lush landscaping. Homeowners within the Cedar Creek community are required to adhere to strict standards for tree removal and landscape revisions. Yet this developer will be allowed to "denude" the land and replace it with young, immature plants and trees that will not begin to replace what is destroyed in the construction process.

7. Recently the homeowners were informed that the ODDO developers would be required to pay \$17,000 annually for lake, trail and landscape upkeep. Keep in mind that this is equivalent to what 10 homeowners within the Cedar Creek community are required to pay annually for such upkeep. These amenities were built for the exclusive use of the Cedar Creek community, yet now they are inviting the apartment dwellers to share in the use of these amenities with minimal maintenance dollars.

Council Member Vakas, I urgently request that the "pause" button is pushed on this development until the myriad of concerns of the current residents of the Cedar Creek community are addressed.

Respectfully,
Julie A. Johnson
22 year Cedar Creek resident



ReplyForward

Add reaction

Nathan Jurey

From: Deb Denavs <debdenavs@gmail.com>
Sent: Tuesday, April 30, 2024 11:13 AM
To: John Bacon; Marge Vogt; Robyn Essex; Dean Vakas; LeEtta Felter; Kevin Gilmore; Matthew Schoonover; kahollingsworth@olghteks.gov; Nathan Jurey
Subject: Strongly Opposed to RZ24-0003 Shadow Ridge Mixed Use

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Honorable Mayor and Council Members,

My husband and I write to oppose RZ 24-0003. We attended the Planning Commission meeting March 11 and found city staff's assessment to be in error and wanting.

With this letter we want to remind the City Council of a few items:

- 1) In excess of 100 homeowners attended the March 11 meeting with over 20 homeowners presenting.
- 2) There seemed to be confusion on the part of the Planning Commission about if the CC Zoning issue was separate from the site issue. It should be two issues, but the Planning Commission voted on what they had, the zoning only)
- 3) There were over 1100 signatures opposing the apartments at the entrance of Cedar Creek.
- 4) There has been much publicity and light shown upon this decision including articles in the KC Star, television and countless social media.

Homeowners look to the City Council to enforce the Cedar Creek Overlay that the City, Cedar Creek and the developers jointly financed and codified in 2012, and the Cedar Creek Green Book standards. The new ODDO renderings continue to lack a 'Town Square' or 'Main Street'. Again, this development is simply a PRIVATE apartment complex of 300+ apartments that will still measure over 150 feet, soaring above the trees with building materials not in keeping with the Cedar Creek Green Book ordinance. Again, to call this a 'green building' to achieve another story, is laughable.

Though requested, to the best of our knowledge, not a single survey has been produced by the developer (including an environmental impact survey), this violates a Golden Rule of Character of Cedar Creek.

We ask the Council to break this issue into two issues

- 1) Zoning from C2 to CC
- 2) Oppose the site plan as it currently stands.

Honestly, we ask the Council to remand the project back to the Planning Committee for further correction and clarification. It is a wart on the nose of Olathe to have the process proceed like it is. By Nathan Jurey's own account he agrees, this proposed ODDO development is 'out of character'. Page 9, of the Cedar Creek Green Book states that it is imperative to preserve the quality and character of Cedar Creek.

Olathe once called this the jewel in the crown of the city. This is now at risk for the city. Ironically, the city of Olathe featured the Cedar Creek Shadow Lake on the front cover of last month's Olathe Magazine. Let's get a plan that the city can be proud of.

Respectfully,

Mrs. Deb and Dr. Indulis Denavs
10330 S. Hollis Ln.

