

## Minutes

Audio Tape No. 652

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, October 17, 2005. Mayor Peggy Dunn presided.

**Councilmembers present:** Scott Gullede, Jim Rawlings, Gary Bussing, Louis Rasmussen, James E. Taylor, Sr., Gregory Peppes, Mike Gill [via teleconference] and Debra Filla.

**Councilmembers absent:** None.

**Staff present:** Scott Lambers, City Administrator  
Patty Bennett, City Attorney  
Joe Johnson, Public Works Director  
Jeff Cantrell, Neighborhood Serv. Admin.  
Mark Klein, Senior Planner  
Jeff Joseph, Planner  
Deb Harper, City Clerk  
Christy Wise, Deputy City Clerk

### **1. Opening Remarks**

Mayor Dunn called the meeting to order at 6:05 P.M. She welcomed Councilmembers and Staff to the Special Work Session. Introductions were made by those present.

City Administrator Scott Lambers reviewed that the Work Session is a result of a preliminary site plan presentation of which councilmembers voiced reservations about and requested that the applicant return with a more creative approach. Significant strides to achieve a better plan have been made upon meetings with Staff and the developers. The composition of the project has been altered to include a residential component with added density. He reminded that the floor area ratio [F.A.R.] in itself is not an indicator of density or traffic generation of a project. The developer would like to present the new concept with understanding that deviations and variances will be required to some extent.

**2. Discuss Plan Development Options for Mission Corner, located south of 135<sup>th</sup> Street and east of Mission Road**

Mr. Lambers explained for Councilmember Bussing the protocol that would be necessary to accept the new concept as the preliminary plan has already received approval. Although Council has authority to keep it at their level until final approval, Mr. Lambers advised that a remand back to the Planning Commission would be favorable given the significant changes from the original plan.

City Attorney Patty Bennett informed that the developer also intends to request a zoning change. She confirmed for Mayor Dunn that a new application versus remand will be required, however the fee can be waived. Senior Planner Mark Klein verified that the current preliminary plan can be withdrawn and a new plan added as a substitution.

Councilmember Taylor inquired if the proposed new plan would deviate from the 135<sup>th</sup> Street Guidelines to the point of conducting a new study on the corridor. Mr. Lambers responded that details of the variations are not known at this time. Staff will review the exceeded guidelines if the Governing Body is in favor of the new concept. Mr. Lambers stated the main issue with this project will be the higher F.A.R. on a small tract of land, which will prevent the ability to offset the increased density with green space. The site will probably not trigger a new study but focus should be put on how to treat small tracts of land with high density.

Henry Klover of Klover Architects compared the currently approved plan with two new concept designs and elevations for the Mission Corner development. He reviewed the objective of bringing creative ideas from other parts of the country into the plan. The first design includes two basic entry points which lead straight to a central plaza area. Structures will be built tightly around a center water feature. To take advantage of the sloped topography, the lower level of the buildings will be used for parking garages. A combination of retail, office and residential are the intended uses for the two and three-story buildings. The 60/40 landscaping rule has been compromised to 56/44 in order to achieve the design.

The second concept includes only residential around the perimeters. By ignoring the 40-foot setback rule, Mr. Klover stated that an urban look has been created with walk-up type buildings in close proximity to the streets. There is also a center corridor with landscaping and plaza area. He stated there is a market for people who want to buy individual buildings in order to live where they work with their residences above a downstairs retail/office area. There are also lower parking garages. The plan suggests services such as a gas station and small grocery store to provide "everything you need" on the 15 acres.

Councilmember Gill arrived via telecommunications at 6:20 P.M.

Mr. Klover also displayed example designs from sites in Chicago and Salt Lake City. He listed three basic principles that will need discussion if it is decided to proceed with a new plan: how to deal with frontage regulations; deciding on setback variations; and marketability.

Mayor Dunn asked the F.A.R.s of the new designs. With 25% allowable, Mr. Klover stated that the first plan had a 44% F.A.R. with the second being 49%. The currently approved plan is 34% with bonuses.

Councilmember Rawlings asked Mr. Klover to state what he felt was the most exciting element of the new designs compared to the old plan. Mr. Klover stated that everything is pulled into the central access entry feature and plaza area which will serve to attract people to the development. Additionally, pedestrianism is enhanced by having services in the central area rather than around the perimeters. Having residential around the border with commercial/office internally is a unique environment.

Mr. Klover confirmed the residential square footages for Mayor Dunn as 128,000 on the first design and 161,000 on the second version. He also verified that buildings behind 137<sup>th</sup> Street were office/retail with the potential of adding residential based on market demand. Mayor Dunn asked if parking requirements were met. Mr. Klover answered that most of the parking will be underground due to the high density of the project.

Councilmember Peppes and Mr. Klover discussed the fact that the three-story residential and the two-story office/retail structures on 137<sup>th</sup> Street were the same height as a result of the ground sloping downhill. Underground parking will be used for the office structures with elevators.

Mayor Dunn confirmed with Mr. Klein that 10% bonus F.A.R. is given for aboveground parking and 15% for underground parking. Mr. Klover stated that the parking areas will be semi-buried. He also voiced his views on the bonus system, stating that a large amount of money has to be spent in order to get a little more F.A.R. For example, at \$12,000 per car, it costs several million dollars to construct a parking deck that is only equal to 22,000 bonus square feet. He stated the figures were not encouraging.

Councilmember Filla arrived at 6:30 P.M.

Mr. Winn predicted that F.A.R. may become an antiquated term as more vertical projects with surface parking are built. He noted that the F.A.R. was developed in approximately 1960 to deal with traffic and coverage issues.

Mayor Dunn noted the addition of residential with an increased F.A.R. to be the basic new component. She confirmed with Mr. Klover that if residential were subtracted from either plan, the F.A.R. would be approximately 24%. Mr. Klover informed of other projects with hotels on top of office/retail with no changes in parking requirements.

Mr. Winn added that parking study principals for these types of developments may need to change. He elaborated that traffic will be less intense given the lifestyles of empty-nesters and people who choose to reside in this type of development versus the typical three-car garage families in residential Johnson County.

Mayor Dunn asked if the deviations shown tonight would be within the purview of the Planning Commission and Governing Body or would approval from the Board of Zoning Appeals [BZA] be required. Mr. Lambers stated this would be determined when details of the plan are reviewed by Staff. Ordinance changes must have BZA approval and will try to be avoided. He stated there may be an issue with small tracts of land who do not have the ability to offset density changes. Mr. Lambers voiced that the added residential component was beneficial as it creates the presence of more people and synergy.

Mr. Lambers noted there was concern that Council would require certain phasing of the project due to the unsure market for the residential structures. Future discussions regarding the matter will take place; however, given the small buildings, he did not feel that phasing would be necessary.

Mr. Winn concurred with Ms. Bennett's earlier statement that a revised preliminary plan will require a new application given the substantial changes. The process would be to give notices and have an Interact meeting. He agreed with a remand to make certain that current zoning stays in place. Mayor Dunn stated preference for a remand in order to ensure a public hearing. Mr. Lambers assured that the process will protect the applicant's interests.

Mayor Dunn requested to hear opinions from the Governing Body.

Councilmember Bussing stated the new plan was clearly more creative and thanked Mr. Klover for his willingness to produce the design. He noted that the 135<sup>th</sup> Street Guidelines specifically identify the four corners around 135<sup>th</sup> and Mission Road as Market Square with the intent to have flow between properties and a pedestrian friendly environment, which is significantly improved with the new plan. He asked Mr. Klover if continuity of the surrounding developments had been reviewed. Mr. Klover replied there would be some connectivity with corner elements but if the mass of the project is put out front, it will take away from the center access and pedestrian area. Interesting architecture can be created to create unison between developments.

Referencing the guidelines, Councilmember Bussing confirmed with Mr. Klover that enhancement of community and public spaces by providing amenities would be accomplished throughout the entire development with a combination of the focal plaza area and other patio areas. Mr. Klover also affirmed that a cut-through on 135<sup>th</sup> Street would not be requested.

Councilmember Bussing verified for Mayor Dunn that he welcomed the new concept.

Councilmember Gulledge also expressed favor with the new proposal. He relayed comments from citizens that Leawood needs more maintenance-free housing for maturing residents and agreed with the “community within a community” plan.

Councilmember Rawlings voiced support of proceeding forward with the design.

Councilmember Peppes stated that he preferred the new futuristic concept and thought the design work was phenomenal.

Councilmember Filla affirmed favor with the project. She added that she liked the idea of housing on top of retail as it was more of an old city concept rather than futuristic.

Councilmember Taylor noted approval with the presentation and credited Mr. Klover for the excellent planning. He commented that the final plan submission should be analyzed in order to coordinate placement of utility and roadway systems. In addition, he stated concern with a possible reaction from another developer south of 137<sup>th</sup> Street with a 20-year-old approved plan. The developer had also requested high density apartments but was only allowed two story structures. Councilmember Taylor affirmed no problem with the F.A.R. or proposed density of Mr. Klover’s plan.

Mr. Lambers responded that if the new design is constructed, the north part of the southern development will be expected to have consistency with Mission Corners. Developments to the south will be able to have traditional apartments if desired. The project will have a positive impact on the overall area.

Councilmember Taylor stated the introduction of deck parking would also have a beneficial effect in terms of quality and security.

Councilmember Rasmussen confirmed with Mayor Dunn that increased density is the main component of the new plan. He asked if the City is prepared to do the same for all remaining tracts on 135<sup>th</sup> Street. Mr. Lambers pointed out that residential square footage does not generate the same impact as commercial or retail square footage. Future developments who wish to add density with residential components would be welcomed as it creates activity around the projects. Decisions will be made accordingly for future projects that go beyond what this approval will represent.

Regarding traffic impact, Mr. Klover gave an example of a project that remained traffic neutral after adding 90,000 square feet by constructing a hotel on top of office buildings.

Councilmember Rasmussen verified with Mr. Lambers that the commercial concept of the 135<sup>th</sup> Street Corridor is being changed to mixed use in certain areas. Councilmember Bussing reported that the stated purpose of the Market Square district is consistent with mixed use and felt the guidelines were not being changed but strengthened.

Councilmember Rasmussen felt that caution should be taken in structuring the requirements in order to avoid claims of discrimination. Mr. Lambers stated that density issues of Mr. Klover's project are being created by the residential component. The fact that it was allowed because of the residential features can be referred to if needed for proposed projects with high density and no residential.

Mr. Klover confirmed for Councilmember Rasmussen that plantings and berms will be used to enhance visual effects along 135<sup>th</sup> Street. Mr. Klover and Mr. Lambers discussed the importance of not over-landscaping the development to a point where it is hidden, as this will discourage activity.

Mayor Dunn stated the changes will differentiate small tracts from larger tracts. The residential component will make a difference in trip activity and levels of service for the corners. She requested that Staff report on bonus F.A.R. given in order to further track the approved density.

Mr. Klover remarked that the formula for calculating bonus density has changed over the years. He challenged Staff to review the formula; as upon his research, it is physically impossible to achieve maximum density. Councilmember Rasmussen agreed with Mr. Klover's point and stated that a sense of how this project is different from normal standards should be established. This will allow Staff to handle similar project requests. Councilmember Rasmussen stated that he is in favor of advancing with the project presented this evening but would like his concerns addressed.

Via speakerphone, Councilmember Gill reminded that he voted against the original plan. He stated that he felt good about the new concept and would like to move forward. Regarding density issues, the tenants will determine if there will be concerns. Councilmember Gill echoed Councilmember Bussing's comments.

Councilmember Taylor suggested introducing Council's intentions regarding the corridor to the Staff and Planning Commission in order to proceed with a cohesive plan and establish policies. Mayor Dunn noted that the project it is not meant to set precedence.

Councilmember Rasmussen stated favor with integrating residential occupancies into commercial areas, however deviation limitations should be set that will be applicable to all tracts on 135<sup>th</sup> Street.

Councilmember Bussing agreed with Councilmember Taylor that Staff and the Planning Commission should understand the Council's desires regarding the 135<sup>th</sup> Street Corridor Plan.

Mr. Winn reported familiarity with the parcels along 135<sup>th</sup> Street and stated that precedence may not be an issue given that the south side is completely spoken for with the north side containing only two small tracts along with larger properties.

Councilmember Bussing expressed personal dissatisfaction with the development that has occurred along 135<sup>th</sup> Street thus far. He stated that although there is high quality work, the unique sense of place intended for the corridor has not materialized. The original Mission Corners design reflected this point while fitting the corridor guidelines. The second plan does not fit the guidelines but is unique. Councilmember Bussing questioned the need to rethink the rules regarding the corridor guidelines in order to achieve the desired product. He asked Mr. Klover what prevented him from initially presenting the new design.

Mr. Klover stated the 60/40 rule and specific percentage rules are very strictly enforced and tend to hamper creativity. Councilmember Bussing proposed finding a way to encourage originality and allow for alternative designs.

Councilmember Filla suggested a blueprint for the entire corridor in order to get everyone on the same page. Mr. Lambers noted that the *Kansas City Star* recently published such an outline extending from I-69 Highway to State Line Road which described each development by name, use, and density. He stated that something could be compiled from the article and other existing documents to create a more detailed map. Mr. Klein added that the Planning Department has a map of planning designs which depicts building footprints.

Mayor Dunn recommended scheduling an event with the Planning Commission in November with the purpose of having conversation regarding the corridor.

Councilmember Rasmussen asked how the results of the Work Session would affect the developer. Mr. Winn responded that procedural steps will be taken to manage traffic and stormwater. The new preliminary plan will be submitted in a reasonable amount of time.

Mr. Lambers advised that the Planning Commission meets twice a month. In order to accelerate the process, time can be reserved at one of the meetings in conjunction with submittal of the new application.

Mr. Winn extended appreciation to the Governing Body for allowing his client time to address their concerns.

The meeting was adjourned at 7:20 P.M.

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Christy Wise, Recording Deputy City Clerk