

**Joint Governing Body-Planning Commission  
Work Session**

**THE LEAWOOD CITY COUNCIL**

**March 5, 2018**

DVD No. 410

**Minutes**

The Governing Body of the City of Leawood, Kansas, met for a Special Call Meeting with the Planning Commission at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, March 5, 2018, in the Oak Room of City Hall. Mayor Peggy Dunn presided.

**Councilmembers Present:** Jim Rawlings, Julie Cain, Andrew Osman, James Azeltine, Lisa Harrison, Debra Filla and Chuck Sipple

**Councilmembers Absent:** Mary Larson

**Staff Present:** Scott Lambers, City Administrator  
Richard Coleman, Comm. Dev. Director  
Chris Claxton, Parks & Recreation Director  
Mark Tepesch, Info. Services Specialist III  
Ricky Sanchez, Planner I  
Debbie Brenner, Planning Assistant

Patty Bennett, City Attorney  
Mark Klein, Planning Official  
Ross Kurz, Info. Services Director  
Jessica Schuller, Planner I  
Cindy Jacobus, Assistant City Clerk

**Planning Commission:** Mark Elkins, Chair  
Mike Levitan  
David Coleman

Doug Stevens  
Liz Hoyt  
Stacey Belzer

**Others Present:** Jim MacRae, Principal, Design Workshop  
Kevin Jeffries, President, Chief Executive Officer and Director of  
Economic Development, Leawood Chamber of Commerce

Matthew Winston  
Trip Ross  
Robert Regnier  
Leonard Corsi  
Amy Grant

Lindy Beyer  
Rick Lashbrock  
Richard Lashbrock  
Dan Goldberg

**Presentation and Discussion of 135<sup>th</sup> Street Corridor Study**

Mayor Dunn called the meeting to order and thanked everyone for coming, especially the presenter who had flown in from Denver on a very windy day. Introductions of the Council and Planning Commission were made. Since the duration of the Work Session would be limited by the 7:30 P.M. start of the Governing Body meeting, introductions of all present would not be possible and she asked other attendees to sign in. She requested the presenter to speak without interruption. Questions should be written down and, based on time, would be addressed at the end of the presentation or later.

Mayor Dunn thanked everyone for five years of planning and stated the expectation of many more additional years of work. She stated that Lenexa is planning through 2040. Overland Park went through a vision for Metcalf 20 years ago and are now working on another vision by reaching out to community groups, associations and property owners, as Leawood did, through group meetings and on-line communication. She thanked Mr. MacRae for facilitating Leawood's outreach effort and incorporating those comments into the 135<sup>th</sup> Street Implementation Plan.

Commissioner Elkins thanked Mayor Dunn and the Council for the joint effort and discussion.

Mr. Coleman thanked attendees and stated this was the third of three reports. The first report was created by Mr. Jim Heid with Urban Green, based on a request by Mr. Lambers to set design parameters for mixed-use. Mr. Heid provided reasons why mixed-use would be appropriate for 135<sup>th</sup> Street and possible tenants. A grant was applied for and received from the Mid-America Regional Council [MARC] to develop the 135<sup>th</sup> Street Community Plan. The Community Plan was created by Design Workshop and accepted by the Governing Body in 2014. Another MARC grant was applied for and received to develop the 135<sup>th</sup> Street Implementation Plan. The City went through a Request for Proposal process, awarding the plan to Design Workshop, again. Mr. MacRae is at Principal at Design Workshop and the firm has been involved in well-recognized projects across the country. Hopefully, development of Leawood's 135<sup>th</sup> Street will be the same.

Mr. MacRae thanked Mr. Coleman for the introduction and background. He stated he had presented at a joint Governing Body and Planning Commission Work Session about one year ago. His presentation tonight would follow the same format as prior. He would provide a quick overview and share plan excerpts in brief detail, and then answer questions in greater depth.

### **Acknowledgements**

Mr. MacRae stated the consultant team was guided by many parties, especially the Steering Committee. He presented a page of acknowledgments which included the Governing Body, Planning Commission, City Administrator, Community Development, Steering Committee, and consultants Design Workshop, Vireo, Nelson Nygaard and White & Smith LLC. Hopefully, the Implementation Plan represents a consensus of how to do mixed-use development of 135<sup>th</sup> Street.

### **Study Area**

Design Workshop's contract was a study area from Nall to State Line Road, bounded by 133<sup>rd</sup> Street on the north and 137<sup>th</sup> Street on the south.

### **Implementation Plan Components**

There are eight Implementation Plan components, as follows;

1. Vision, Goals and Key Features
2. Community Engagement Process
3. Analysis / Community-Driven Framework
4. Transportation Strategies and Tools
5. Mixed-Use Strategies and Tools
6. Parking Strategies and Tools
7. Environmental Strategies and Tools
8. Finance Strategies and Tools

### Vision, Goals and Key Features

A vision statement was created: The Implementation Plan will provide *Strategies and Tools for Mixed-use Development that results in Quality Places for Leawood.*

Eight key goals were heard throughout the community engagement process, as follows:

1. Build *Consensus through Community Development*
2. Get *Input from City Departments*
3. Create a *model for mixed-use* transportation in the Plan
4. Incorporate *multi-modal transportation* in the Plan
5. Improve *connectivity* to / from nearby areas
6. Position Leawood for *Economic Development*
7. Incorporate *parks / open spaces* in the Plan
8. Create Implementation *Strategies and Tools*

Multi-modal transportation is connectivity through bicycle and transit. Economic development is important for the City. Good mixed-use has a robust open space component to support walkability.

There are four key features of the plan, as follows:

1. Planning for Sustainable Mixed-Use Development
2. Developing a Multi-modal Transportation Framework
3. Preserving Open Space and Habitat
4. Creating Finance and Governance Strategies

Create immersive places and experiences for work, movement and recreation. Connectivity that complements Self-Propelled Leawood and Kansas City Area Transit Authority [KCATA] near and long-term bus service is important. With residential development to the north and south, buffers, green and open spaces are needed for transitions to more dense use areas. A Development Agreement has been drafted.

### Community Engagement Process

Three public meetings were held over many months. Electronic input was captured using a “My Sidewalk” website. Another component was environmental justice, coordinating concentrations of minorities or low income areas nearby that may benefit from the plan.

There were nine key community comments on the plan, as follows:

1. Support *Mixed-use* Development
2. Establish *Special Visual Character*
3. Prefer *Variety of Building Forms*
4. Explore *Transit Options*
5. Create *Green Corridors and Linkages*
6. Establish *Multi-modal Transportation*
7. Provide Safe *Pedestrian Crossings*
8. Incorporate *Public Art* in Places

The study area has a lot of room, nearly 2.5 miles long and 0.5 mile wide to create visual interest through variety in keeping with the character of the area. Transit options are changing with autonomous cars, there may be a reduction in the number of cars and parking ratio standards that need to be anticipated. Buffering from neighbors is important. All types of transportation are needed and recognition that 135<sup>th</sup> Street is very wide to cross for pedestrians. Key north-south intersection connections are important.

#### Analysis / Community-Driven Framework

After community engagement, planners identified and mapped the following:

1. Undeveloped properties
2. Enhanced edges of the study area
3. Strategic areas of activity
4. Connecting areas of activity
5. Active transport amenities
6. Multi-modal connections / linkages
7. Integrated transit

The planners chronicled the physical attributes of the area. The area has a fair amount of undeveloped land. Green systems and linkages were mapped to determine elements that could be used. One possibility would be public art. Another would be water flowing through a wooded area that could be a park or a trail to bring vitality to latent areas. Possible nodes of activity are represented by red dots on the maps. Nodes should have destination character. Activities should have connections, using a grid of internalized streets to and through the area that are smaller and more pedestrian-friendly. Next, the planners focused on sub-dividing parcels with meaningful connections. Internal movement and access from outside the area is needed. The KCATA bus system serves Prairie Fire to the east in Overland Park and perhaps that route, if extended, could create a series of multi-modal nodes along 135<sup>th</sup> Street. Connection to other areas served by the current bus network was also discussed by the planners.

#### Transportation Strategies and Tools

The historic Santa Fe Trail idea might be curated with open space, identity story-telling elements and trail markers. The plan needs to uphold the Self-Propelled Leawood plan. Key multi-modal north-south intersection connections are important within the corridor. The plan presents three street types, with their appointments and scales, as follows:

1. Neighborhood Street – Primary function similar to an old neighborhood residential street. Residential front doors and patios would front these two-lane streets having ample streetscapes and sideways, to create interplay between the street and homes.
2. Active Pedestrian Street – Multi-modal, four-lane, median-divided street with streetscapes and sidewalks, carrying cars and having bicycle lanes. This street acts as a connection point between 135<sup>th</sup> Street and other major arterial streets, and development areas. The qualities of this type of street would be parkway or pastoral with street trees. Development should front the street, not back away, and there would be no parking on the street.
3. Destination or Retail Street – A street with active retail and office, with perhaps residential located above. The street carries cars, has on-street parking with sidewalks, and may have outside dining. Street size is mid-way between a Neighborhood Street and an Active Pedestrian Street in scale.

### Mixed Use Strategies and Tools

The Transect Planning Concept was developed during the Community Plan process. Transects need to be considered on two axes: north-south and east-west. Areas presented in light blue on the map located on the east-west edges of the area might be smaller scale, lower in height and less dense commercial and professional office buildings. Lower buildings would be along the residential edges. Areas presented in light brown along 135<sup>th</sup> Street would have more commercial activity, cars, visible height and density.

“Transect Planning Concept A” is an illustration of cross-section density which highlights residential at 133<sup>rd</sup> Street and 137<sup>th</sup> Street, to General Urban to Urban Center development. “Transect Planning Concept B” highlights Urban Core development of 135<sup>th</sup> Street. Guidance is presented for all types of permitted land use, block layout, access and parking.

T4 Transect Zones would be nearest the residential areas along 133<sup>rd</sup> Street and 137<sup>th</sup> Street. Two development options would be single-family attached housing with parking concealed behind facing to a set-back or boutique offices to a height of about 48 ft. fronting the road.

T5 Transect Zones would be higher density transition area, with multi-stories and building heights up to 115 ft. as mentioned in the Community Plan. Buildings would be multi-story commercial with residential above or multi-family, similar to Mission Farms.

T6 Transect Zones could be multi-story vertical mixed retail or office space, or retail and residential space fronting 135<sup>th</sup> Street. Buildings need to hold the edge and suggested set-backs are provided in the plan. Design Workshop projects have included restaurants with outdoor patios placed at the intersection corners.

### Parking Strategies and Tools

Shared parking is the ideal situation. A graph prepared by Nelson Nygaard shows that a shared supply of mixed-use parking requires 38% less parking than an unshared supply. This illustration presents an ideal high percentage; shared parking typically requires 20% to 25% less than an unshared supply.

Parking strategies and recommendations including the following:

1. Place off-street parking *behind buildings*
2. *Integrated parking* lots or structures with buildings
3. Discourage large surface lots / create a *series of smaller lots*
4. Use *architectural treatments* for parking structures
5. Provide *on-street parking* wherever possible
6. Consideration *creation of parking district(s)* to service multiple areas
7. Build *support for shared parking*
8. *Modify codes*, as needed, to support new parking concepts
9. Continue to allow for *District Parking Financing* (TDD, PILOP – Payment in Lieu of Parking, etc.)

Always put as much parking as possible behind buildings and away from streets. Ensure the edge viewed by the public is building frontage, and that buildings and parking are integrated. Parking is expensive, especially structured parking. Large surface lots could be built to accommodate future in-fill development. Autonomous cars may allow parking structures to be converted to useable space. Parking should be designed with architectural treatments. On-street parking should be convenient and it provides a barrier between pedestrians and cars. Consider the creation of parking districts to pool and serve multiple areas. Parking regulations need to be codified for developers and planners to use. Taxation and pay-back on bonds have been successfully used for shared parking in other parts of the country.

#### Environmental Strategies and Tools

Environmental management strategies have been reviewed to alleviate any concerns. Attempt to preserve and integrate some open space and maintain the character of the environment. The area on the north side of the church has some drainage and beautiful trees. Use infrastructure to create a public amenity. Leverage natural assets as amenities; a bird sanctuary was used in one of their projects.

#### Finance Strategies and Tools

The Council is familiar finance strategies and tools which include the following:

1. Special Benefits District
2. Community Improvement Districts (for projects over 20 years old)
3. Hotel Occupancy Tax
4. Transportation Development District (example is Park Place)
5. General Revenue Bonds
6. Business Improvement Districts (BID)
7. Development Agreement (draft in progress)
8. Density Bonuses

Mr. MacRae concluded the presentation by stating mixed-use benefits are apparent, but there are difficult challenges at different times throughout the process.

Mayor Dunn thanked Mr. MacRae for the wonderful resource to guide future development and she asked Mr. Lambers to address the next steps.

Mr. Lambers stated there would be future Work Sessions with the Governing Body. At the Work Session the document would be discussed and the Governing Body's formal acceptance would be at a Council meeting that would follow the Work Session. After that, conversation would start about certain aspects of the plan to incorporate or codify. Codification can take place in the Leawood Development Ordinance [LDO] with City Staff preparing the application and public hearing before the Planning Commission with public notice and comment. Codification of portions may occur outside the LDO. In this case, public hearing is not required, but perhaps just comments heard at a Council meeting. Also, instead of codification changing City Code or ordinance, the City could have a policy to provide flexibility. The policy would express the intent and resolutions brought forth to the Governing Body to modify. Once the Governing Body provides direction to City Staff, time will be needed to prepare documentation and the follow whatever process is applicable. The overall timetable will take several months. We are about one-half way to addressing details and providing clarification to that development community which the Governing Body hopes to achieve.

Commissioner Stevens asked if east-west transect zones had been incorporated into the presentation. Mr. MacRae stated a study was done in the general planning process. Topography varies; the west side is flatter than the east side. Based on their comments, the community does not want the development to be all the same. Topography features are more interesting and provide for a more contextual plan overall. Design Workshop was not contracted to design the project, but just to provide guidelines and ideas for consideration.

Councilmember Filla asked how the plan compared to Park Place, Country Club Plaza or Zona Rosa, and if there were other examples in the United States where 80% of items talked about tonight could be seen. Mr. MacRae stated the study area is over 200 acres of undeveloped land. Many of the projects he has seen involve less than 30 to 40 acres. Leawood's development would be a series of projects. "The Domain", located on 175 acres 15 miles northwest of downtown Austin, Texas, is a fairly comparable area to Leawood. The Domain had been developed as an office campus and the developer wanted to in-fill mixed-use along a major corridor. There was one land owner and the project took more than 15 years. The physical components, urban form, streetscapes, public spaces and parking, are similar to those proposed for Leawood. Mr. MacRae offered to provide a list of developments to Mr. Coleman.

Mayor Dunn recalled Mr. MacRae had described "Cherry Creek North" during his presentation of the Implementation Plan last year. Mr. MacRae stated Cherry Creek North, located outside of Denver, Colorado, was a renovation project worked on about five years ago. It was a modernization and upgrade to help a Business Improvement District minimize expenses by changing unneeded areas of irrigated turf into a less costly public realm. Design Workshop has been involved in both planning and building, and has gained experience from development, operations and jurisdictional viewpoints. As a designer, it is important to understand the economic backdrop. Mixed-use can be successful, but there are challenges. If mixed-use was easy, everyone would do it.

Commissioner Hoyt noted economic factors and challenges would influence how viable a project would be. She asked how the City could do an economic feasibility study. Mr. MacRae stated a quasi-marketing study was done as part of the Community Plan before he was part of the project. Mr. Coleman stated a Nielsen marketing study was done on the type of business that could be used to fill holes in the development. One of these businesses was a furniture store and the City does have these now.

Commissioner Hoyt inquired if there was a plan to do more feasibility. Mr. MacRae stated Design Workshop's work is complete per contract.

Councilmember Rawlings asked for suggestions to help pull together the estimated two dozen property owners of the 200 acres, each having their own interests. Mr. MacRae stated fiduciary responsibilities vary for each investor. One way would be to provide a Development Agreement. Shared parking would be another tool. In his experience, a catalyst is needed to start the project. If the catalyst is done right, it brings value and attention to the project. He suggested that a catalyst be found soon to unleash more attention on this undeveloped corridor.

Councilmember Filla asked for catalyst examples. Mr. MacRae stated The Domain had a great deal of land, 175 acres with 20 to 30 acres of residential surrounding a park, and the designers decided it was the residents that would bring what was missing. Residents needed retail and the development was able to land some large retail businesses, one of which is Nordstrom, which was a key component for retail. Without large businesses, The Domain would not be as big as it is today. Employment is important. A single office building and a couple of key tenants relocated from another area. The developer brought in housing and retail merchandizing experts for focused advice.

Councilmember Cain asked if Mr. MacRae had been involved in establishing a Development Agreement covering multiple property owners and if he could help steer the City in this regard. She stated the City's mixed-use percentages are 10% retail, 20% residential, 20% commercial, and the remaining 50% of the mixed-use development can consist of other uses. Mr. MacRae stated land-use attorney Mr. Mark White of White & Smith LLC had drafted a flexible Development Agreement. Mr. MacRae suggested that Mr. White would be the best contact in this regard. To have all three uses in a small area is a challenge and scale is important. Think about allowing smaller areas to do uses; the consumer does not recognize use details, only that a location is a great place to be. Create the place for the experience. Replicate the immersive, unique environment of Park Place. This can be accomplished in many ways and there is no one answer. All tools such as development, codes, marketing and branding should be employed in the process.

Councilmember Sipple spoke about the issue of commercial development in multi-story buildings at a distance from major thoroughfares. He stated the longer the distance, commuters have a more time consuming and difficult access. 135<sup>th</sup> Street is removed from major thoroughfares and highways. Mr. MacRae stated The Domain is located not too far from an interchange and was already marketed for office. The developer was selling a place for businesses to thrive and survive by having a relationship of work-play-live all in a close-by place with walkability and public spaces. Businesses want to attract and retain talent. He suggested the City try to find a balance and that mixed-use does not always need to be vertical mixed-use. The hole of a donut with prior development all around it would have the greatest value, so perhaps reserve pockets of development.

Councilmember Rawlings requested a suggestion for an initial use to prime the pump. Mr. MacRae stated he would gravitate towards the wooded drainage area which is a latent asset or attribute as a placement for a park or an open space element. A park to attract residential would be one way, but not the only way. The retail industry is changing for quality over quantity. He suggested the City could use some housing near an amenity, with some retail nearby. He stated Design Workshop's role was not design, but to create guidelines.

Councilmember Filla asked if the City should be planning for a park or green space in the City's Capital Improvement Program and if Mr. MacRae had seen farming and crops incorporated for green space rather than a golf course. Mr. MacRae stated he is seeing more and more, but the use must be structured. "Daybreak", a large project in Utah, was master-planned community with gardens. The project consists of mainly residential development, though it has a large urban core planned with TOD. "Serenbe" outside of Atlanta, Georgia, is a high-level residential area with a working farm for neighborhood open space.

Mayor Dunn stated the Tomahawk greenway along the creek is one of the most beloved areas of the community and the area is always packed with people, strollers, dogs, bicycles, walkers and some geese.

Councilmember Osman stated the City had been working for five years, being at the half-way point for the plan and vision. There have been Planning Commission and Joint Governing Body / Planning Commission Work Sessions, and additional Work Sessions will occur. He inquired if there were plans to have an open forum or meetings with Staff, to discuss the pros and cons of planning details moving forward. Mr. Lambers stated this was a possibility, dependent on the draft documents City Staff produces per Council directive. Policies are the purview of the City Council. Once into the documentation phase, there could be further interaction with the Planning Commission. As far as the public, this will really not impact them all that much. The City's website could be kept updated with general project details. If this goes through the LDO, there will be public hearing and notifications would go beyond the requirements, to ensure Home Owners Associations are aware.

Mayor Dunn stated during the five-year timeframe the City has seen development at Cornerstone and Parkway Plaza coming back alive after the economic downturn, and hopefully development would continue.

Councilmember Harrison referred property owner information on Page 10 and existing green spaces on Page 13, and she inquired what the City should do if the owner of a large parcel of land with an existing portion of green space envisions a parking garage or a six-story building on the property. Mr. MacRae stated the City's LDO has a park / open space requirement for development. Some cities allow an open space credit for an increase in density or the reduction of impact fees, to make this more equitable.

Mayor Dunn pointed out Park Place developers had received extra density credits, as the property owners donated the City Hall and Johnson County Pioneer Library tracts. Aside from bonuses, the City does have open space requirements for developments.

Councilmember Azeltine stated he was appointed and had served on the Planning Commission 14 years ago. At that time, everyone was together on the mixed-use concept and he remains on-board in support of mixed-use. The City has been in the planning process for five years. There was already a 135<sup>th</sup> Street plan from Olathe to State Line Road. In the interim, big box store development has occurred to the east of State Line Road and development has happened to the west in Overland Park. Leawood's Mission Farms and Park Place have had some success. Discussion of open space is important because of neighbors on both sides. Commissioner Hoyt mentioned the issue of a feasibility study. Councilmember Azeltine stated the City is working in a conceptual silo compared to current real-world market. The United States was founded on property rights and having a vision is great, but at some point the City must dig in and look at economic feasibility.

Mayor Dunn noted that when Marcia Rinehart was Mayor, a Lowe's wanted to locate on 135<sup>th</sup> Street and as an outcome of a Joint Governing Body / Planning Commission Work Session, the City prohibited buildings greater than 60,000 sq. ft. without a Special Use Permit. This is what precipitated the big box store development on the Missouri side, where many Leawood residents now shop.

Councilmember Filla asked Mr. Lambers to recap his three options for next steps. Mr. Lambers stated three ways to incorporate the study would be to decide: 1) whether or not a particular item would be incorporated into the LDO and move through the planning process, 2) to amend a different section of the municipal code that is under City Council purview with public comment to occur, or 3) if Council desires responsiveness and flexibility through resolution rather than lengthy ordinance amendment process. He gave the example of limiting buildings to six stories and if an eight story building was wanted for a space, a resolution could allow the change and the applicant could move forward as opposed to ordinance that requires publication, adding an additional two weeks to the process.

Mayor Dunn thanked everyone for their attendance.

There being no further business, the Work Session was adjourned at 7:24 P.M.

---

Debra Harper, City Clerk

---

Cindy Jacobus, Assistant City Clerk