

**Work Session****THE LEAWOOD CITY COUNCIL**

February 7, 2022

**Minutes**

The City Council of the City of Leawood, Kansas, met for a Work Session in the Council Chambers, 4800 Town Center Drive, 6:00 PM on Monday, February 7, 2022. Mayor Peggy Dunn presided.

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

**Staff Present:** Scott Lambers, City Administrator; Patty Bennett, City Attorney; Chief Dale Finger, Police Dept.; Mark Klein, Planning Services Director; Ross Kurz, Info. Services Director; Mark Tepesch, Info. Services Specialist; Stacie Stromberg, Interim City Clerk

## **Discussion of Density, Height, Greenspace, and Ownership Guidelines in the 135<sup>th</sup> Street Community Plan**

Mayor Dunn opened the meeting at 6:06 p.m.

Scott Lambers, City Administrator, addressed the Governing Body. He summarized that the topic of tonight's meeting would be to discuss any changes the Council would like to make to the 135<sup>th</sup> Street Community Plan. Mark Klein, Planning Services Director, provided a map to the Council of all the owners of the undeveloped property remaining along 135<sup>th</sup> Street.

Mayor Dunn asked if the largest track of land was approximately 23 acres. Mr. Klein stated that the land is broken up according to owners across the corridor.

Councilmember Harrison asked to clarify what the parameters were of the discussion. Mr. Lambers replied that they should focus on properties that are not going through the planning process at this time.

Patty Bennett, City Attorney, stated that any changes the Council wished to make would need to go through the Planning Commission for review and a public hearing then come back to the Council.

Councilmember Sipple asked if certain parcels were single ownership on the map. Mr. Klein pointed out that the map is color-coded and within those areas the ownership and acreage are indicated as well. Councilmember Sipple asked if the property on the north side of 133<sup>rd</sup> St. was owned by an individual. Mr. Klein replied that it was but that it was a very small amount of land.

Councilmember Rawlings asked property the size of 21-23 acres is large enough for a mixed-use development (MXD). Mr. Klein stated that there is enough room to do a mixed-use development on those areas. Councilmember Osman noted that for perspective, Park Place is approximately 19 acres. Mayor Dunn indicated that the owner of the land at Park Place received density bonuses for the donation of land for City Hall and the library.

Councilmember Larson asked how the 135<sup>th</sup> St. Community Plan was created and who put it together. Mayor Dunn replied that the City received two Sustainable Places Planning Grants from the Mid-America Regional Council (MARC) approximately a year apart to help assist with the costs and the Urban Land Institute (ULI) was hired soon after. Mayor Dunn pointed out that the Plan was never codified but it was accepted by the Council. She stated that the density allowances never came into play, so with bonuses a developer could get approximately .45 FAR (floor area ratio.)

Councilmember Cain stated that she hopes some changes can be made with density, height, and ownership opportunity. She suggested that height requirements are allowed to receive different bonuses under certain circumstances.

Mayor Dunn acknowledged that height concerns are often brought into discussion. She suggested that four stories as a maximum height for the corridor, but did point out Mr. Lambers' consideration of topography as a possibility to go higher than four stories. She stated that anything higher than 4-stories could require a Special Use Permit (SUP.) Mr. Lambers stated that the height restriction would be based on each property's ground elevation and/or underground parking structures.

Councilmember Cain stated that the 135<sup>th</sup> St. Plan has served the City well, but she has recently felt that it has been used against the City, and not with the intention of the highest and best use of the land. She agreed with Mr. Lambers when considering the topography but also the proximity to 135<sup>th</sup> Street.

Councilmember Harrison stated that height requirements should be 3-4 stories with an occasional exception due to topography. She stated that she would like to see more ownership with single family, townhomes and villa style housing options. She stated that she would like to see commercial buildings closer to 135<sup>th</sup> St. with consideration of building setbacks.

Councilmember Filla stated that the reason Sustainable Places came about was because development was starting to change. She opined that because of the pandemic causing more people working from home, that mixed-use development will serve 135<sup>th</sup> St. better than originally considered. Councilmember Filla liked the idea of determining the height limits from an elevation point of view so all rooftops are at the same height for aesthetics reasons. She suggested affordable and sustainable housing options and green space.

Councilmember Sipple stated that Leawood is an exclusive community with a small amount of commercial and apartments. He stated that people in the Metro area believe that if they do well in life, they can afford to live in a neighborhood of Leawood. He stated that the City should not try too hard to be all things to all people. Councilmember Sipple stated that the City should tailor the community to attract the best and the brightest and most successful residents.

Mayor Dunn stated there has been conversations about affordable housing with the United Community Services of Johnson County (UCS), and it is on the radar of every municipality and across state lines. She stated that UCS considers an affordable house at approximately \$180,000 - \$200,000. Mayor Dunn has shared with UCS that a house at that price in Leawood is purchased immediately and then torn down and replaced with a \$1M home on the lot. Mayor Dunn stated that residents are very proud to live in Leawood and do not like change, but change can be made attractive. She stated that the FAR allowances are a part of the Leawood Development Ordinance (LDO), and that the 135<sup>th</sup> St. Community Plan is a concept plan.

Councilmember Azeltine agreed with Mayor Dunn, and stated that the Community Plan gives the City some flexibility and has been a good outline and vision. He agreed with Councilmember Harrison that

the commercial should be along 135<sup>th</sup> St. and the importance of home ownership. He acknowledged the need for affordable housing for young professionals and having a diversity of housing types.

Councilmember Harrison stated that many residents who want to downsize but stay in Leawood have to spend more money to get less square footage, and patio homes or multi-family units are difficult to find in the City.

Councilmember Rawlings stated that the basic issue is land cost. He stated that there should be some flexibility to building height in regards to density. He stated that the Council should give staff flexibility and parameters based on the plans.

Mr. Lambers agreed with Councilmember Rawlings, but commented that the City cannot control the price of the land but it does impact the size of the lots and density. He stated the City should consider mixed-use especially within residential for price point and product and that there should be a variety. Mr. Lambers stated that currently a developer could propose all apartment development and would still be in compliance with what the City allows.

Mayor Dunn inquired about 4-plex options within the City. Mr. Klein indicated where the 4-plexes are currently located. She asked what one unit of a 4-plex would cost. Councilmember Cain stated that the ones located in Leawood Falls would be under \$200,000 because they are on slabs.

Councilmember Cain stated that she believes the Council is in agreement but wondered how best to proceed. She pointed out that if density is driven by the LDO, changing the 135<sup>th</sup> St. Plan is not where the Council should be spending a lot of time.

Mayor Dunn stated that the Council can make changes to the height restrictions. She pointed out that the infill density was recently changed and that the Council can review projects on a case-by-case basis.

Councilmember Filla agreed with Councilmember Cain. She asked how percentages could be placed on the mixed-use development for affordable housing. Mr. Lambers replied that it cannot be monitored or controlled, but the City could require certain sizes or square footage and that would dictate the price.

Councilmember Larson stated that the Council has tried to adhere to the guidelines of the 135<sup>th</sup> St. Community Plan with some exception to the number of stories in a building. She stated that she is in support of height restrictions. She noted that affordable housing is difficult with the cost of land and construction prices, but she is in favor of mixed-use residential. She stated that retail and office is not viable any longer, and that the density issue will take care of itself with the height restrictions. Councilmember Larson stated that the residents' comments must be heard in the best interest of the City to move forward. She stated she would like to see more ownership opportunities in single-family homes, townhomes, and villas.

Mayor Dunn asked what the currently height restrictions are in mixed-use zoning. Mr. Klein replied that it is 90 feet. Mayor Dunn stated that there should be height restrictions, desire for home ownership, and the use of different housing stock in a plan, but iterated that projects should be reviewed on a case-by-case basis.

Councilmember Larson stated that she would rather the Council make exceptions to the rule under stricter requirements. Mr. Lambers stated that those exceptions are when the Special Use Permit process would come into play.

Mr. Lambers recommended that there should be a requirement of a common greenspace in a development.

Mayor Dunn mentioned that the Council recently approved reducing the amount of office and retail to 5% retail, 15% office and the remainder could be residential with a minimum of 15% being residential over the entire project.

Councilmember Larson asked if the Council had ever considered a home ownership percentage within residential. Ms. Bennett replied that the current issue is that a home can be owned but still rented out. She stated that a stipulation could be added in order for a developer to add to the HOA declaration restrictions that a home could not be rented.

Mayor Dunn mentioned that there are condos in Mission Farms and Park Place that are rented because they were unable to sell them. She acknowledged longevity and having a by-in is important for a community but cautioned about making ownership a requirement because it is market-driven.

Councilmember Cain stated that she hopes the concept of the buffer of smaller to higher building heights is not lost from the original Community Plan because the gradation of heights is serving the City well.

Mayor Dunn replied that the LDO covers much of the buffer requirements. Mr. Klein replied that there are residential setbacks for MXD, and the 135<sup>th</sup> St. Plan provides the concept of transects when the LDO does not.

Councilmember Filla stated that she is in favor of a common greenspace.

Councilmember Azeltine asked if flood plains can be used toward greenspace credit and if less credit can be given for unusable, flood plain greenspace. Mr. Lambers replied that the flood plain can be used as greenspace, just not built upon. He agreed that a developer could be given less credit for unusable greenspace because it is likely they paid a lesser amount for it. Councilmember Larson agreed. Mayor Dunn commented that not much of the remaining acreage along the corridor would qualify since it is not in a flood plain.

Mayor Dunn asked what is needed to move forward based on tonight's discussion. Mr. Lambers stated that staff would need to come up with a height limitation based on the elevation and anything above that would require an SUP after the final plan was approved.

Mayor Dunn asked about the desire for more housing product and price points. Mr. Lambers stated that staff would have to make clear the Council's desire of diversification to a developer at the onset. He explained that a developer could still go through the process, but risks the project being denied without some diversity.

Mayor Dunn asked if height restrictions would require modification to the 135<sup>th</sup> St. Community Plan. Mr. Lambers replied that he would like have those restrictions listed in the LDO because the flexibility is in the SUP.

Mayor Dunn stated that this is a good starting point and the Council will review what staff brings back to them. She encouraged staff to include language stating the desire of different housing stock.

Councilmember Rawlings asked if there are any LDOs that need reviewed. Mr. Lambers stated that there are developers who want to build 100% apartments, but the MXD is in place to give the City authority to control it.

Councilmember Harrison asked why a drive-thru restaurant, for example, would be in a preliminary plan when an SUP is required later in the process. Mr. Lambers stated that is the proper for it to be in the preliminary plan, although the Council is not committed to approving it because of the steps needed for the SUP.

Councilmember Cain acknowledged concern for the buffer on 133<sup>rd</sup> St. and single-family homes and school in the area. Mr. Klein stated that he would need to verify the zoning, but believed the school is zoned residential with an SUP which requires a certain setback. Councilmember Cain stated she hopes the buffer does not go away once development begins at that intersection and wants to be sure gradation is still considered.

Councilmember Sipple asked what the smallest single-family home that can be purchased in Leawood is and suggested that 1,000 sq. ft. could be available as long as there is a basement. Mr. Lambers stated that is the advantage of quad-plex options.

Mayor Dunn thanked the Council and staff for a good discussion and left it up to staff when to return to the Council with changes.

The meeting was adjourned at 7:21 p.m.