

**City of Leawood**  
**Planning Commission Work Session Agenda**  
**June 14, 2022**  
**Work Session Meeting – 6:00 p.m.**  
**City Council Chamber**  
**4800 Town Center Drive, Leawood, KS 66211**  
**913.339.6700 x 160**

**CALL TO ORDER/ROLL CALL:** McGurren, Coleman, Block, Stevens, Hunter, Hoyt, Peterson, Elkins. Absent: Belzer

**PLANNING COMMISSION WORK SESSION:**  
**Leawood Development Ordinance (LDO) Amendment: Cabanas and Pool Houses**

Mr. Klein: The items we have on the agenda for tonight include cabanas and pool houses, propane tank regulations, the 135th Street greenspace and transitions in density and height, and a new residential zoning district that would require multiple types of housing.

Chairman Elkins: Thank you Mark. Ricky, would you like to start?

Mr. Klein: Some of the things we've been talking about with regard to the LDO pool houses and cabanas have to do with storage issues. Currently, the city requires that if you have a cabana or a pool house, you have to have a bathroom installed with it. Generally, that has required a large investment into the project, and as a result, you tend to get higher finishes that fit in more with the existing house. There have been some people who would like to see that requirement removed. I think the Governing Body is okay with that as well. They also want to consider pool houses having storage space for other things besides strictly pool equipment. We took a look at this issue and wanted to make sure that someone didn't go out and buy, for example, a Tuff shed and put it next to the pool as their storage. Staff was going to take a look at different items and requirements that they would have to meet to prevent that. On the screen right now, Ricky has some of the requirement suggestions by staff. "The structure should be complementary in design to the primary structure, the roofing would have to match the primary structure, the pool cabana would have to have a maximum footprint of 2% or 400 square feet, the structure must be stamped by a Kansas-licensed architect, the structure must be placed in the side or rear yard and must meet the setbacks of the district in which it's in, the structure or pool deck must be facing the pool, and a maximum of 40% of the structure should be dedicated to storage.

Chairman Elkins: On the last bullet point, it strikes me that the verb should be "permissive". Right now, it requires that 40% of the structure needs to be dedicated to storage. Can you explain again how this compares to the existing standard? All of these seem like great regulations to me.

Mr. Klein: Currently, the development ordinance allows pool houses within residential districts and it doesn't elaborate beyond that. I indicated that we do have the bathroom installation requirement. The ordinance itself doesn't say that; that's been a policy. This issue grew out of storage. There are some residents who have existing sheds that they would like to keep and use for storage. If they are existing and legal nonconforming, they can keep them as long as they maintain them, but then we get questions regarding other people wanting to store their equipment as well. It was mentioned that if they had a pool house or a cabana, that would be something they could use a portion of for storage, which is where the storage element came into it. It was a way of acknowledging that we had a structure that would probably be there anyway that could be partially used for storage of other equipment.

Chairman Elkins: Right now, the LDO does not include a cabana or a pool house?

Mr. Klein: Correct, it does not. The LDO classifies it as an accessory structure.

Chairman Elkins: And this introduces those basic design requirements?

Mr. Klein: It does.

Chairman Elkins: When you say that the structure should be complementary in design, what does that mean?

Mr. Klein: For us, "complementary" means that it does have some elements that fit well with the primary structure, either through the design, the architectural design, or through the materials of it. Essentially, something has to reflect that it's attached to the primary structure. The roofing material is required to match what is existing on the primary structure.

Chairman Elkins: I like the subjectivity because it gives some flexibility to both you and use regarding what goes there, but it also puts a burden on us to justify that.

Comm. McGurren: Is it fair to say that cabanas or pool houses would or would not typically include the pool equipment?

Mr. Klein: We do have a section in the ordinance that addresses the mechanical equipment for the pool. That is allowed to be outside of a pool house, but it has to be screened to a height of 6 feet. There are some existing structures that are larger than 400 square feet, so it would make those legal non-conforming. When we looked at that, we felt like 400 square feet was a decent amount of room for a pool house or a cabana.

Comm. McGurren: A few minutes ago, the picture that came into my head is the new home that's been built on Hayward's old property. It appears from Mission Road, that there are two little buildings that have been built out by the pool. Are we limiting them to one? Is there a scenario where they could have more than one?

Mr. Klein: I have not heard of one having more than one. I'll check with Travis Torrez.

Chairman Elkins: I've often wondered about that same thing. I'm curious what those two structures are used for because they're so small.

Comm. McGurren: They are small. They look like they might have the filter equipment inside of them and you can't see it because it's all enclosed. The two of them are separated, so are they allowed more than one?

Mr. Klein: I'm under the impression that they are allowed one. That is a large lot, so they are probably meeting the setback.

Comm. McGurren: Maybe the concept of one should be referenced.

Mr. Klein: That's a good idea.

Comm. Coleman: How do you enforce the storage maximum of 40%? Are the code inspectors allowed to ask to look inside?

Mr. Klein: I think it would be done at the time of building plans originally. You have to come in and get a building permit for it, and at that point, they would probably show the area that would be used for storage. Other than that, it would be on a complaint basis.

Chairman Elkins: If you have these other requirements, such as the roofing matching, why would you not permit 100% being storage?

Mr. Klein: We were trying to make sure that a pool cabana was actually a pool cabana and not a shed. A pool cabana is supposed to be where you change and recreate next to a pool.

Comm. Stevens: Should there be requirements for describing the use needs to include what is required for a pool cabana?

Mr. Klein: In the definition section of the LDO, it describes that a cabana should be used as a bath house. As far as the bathroom requirement, the Governing Body indicated they did not want to have that because it made it more expensive.

Comm. Block: Would there be room to add pergola or a roofed structure that's open and had a bathroom?

Mr. Klein: We were relying on these being associated with the pool. We have regulations with regard to outdoor kitchens. An outdoor kitchen can approach 5 feet into the setback. If it's covered, it has to meet the setbacks located there. We address that as a separate issue, as well as other structures such as gazebos. Pergolas are considered a garden structure, and those are allowed to be larger than that. It cannot have an actual roof on it.

Comm. Block: Could the outdoor kitchen be covered?

Mr. Klein: Yes, but it would have to meet the setbacks, so there are some controls.

Comm. Block: Could there be a scenario where different sections are combined and it becomes bigger than 400 feet?

Mr. Klein: I hadn't looked at that. That's something we can take a look at. We would consider the roof area. A lot of times, cabanas aren't fully enclosed.

Comm. Block: How is footprint defined or measured? Is it the roof? The roof is bigger than the foundation, so which one do you go by to get the 400 square feet?

Mr. Klein: We would want to use the roof. We were concerned about roof structures overhanging in a pergola for shading purposes.

Comm. Block: What about height? Could it be a two-story?

Mr. Klein: All accessory structures in residential areas can be a maximum of 15 feet in height.

Comm. McGurren: Would screening be required?

Mr. Klein: Right now, there are no requirements on screening.

Comm. Hoyt: Is there any thought to having some sort of cumulative percentage of the house made up by all of these accessory structures put together? What concern, if any, do we have about visual clutter?

Mr. Klein: I'll check the LDO to ensure that cumulatively, none of them can exceed 2%.

Chairman Elkins: Can you enlighten us on the Governing Body's views on this?

Mr. Klein: The first meeting we had with them was where they directed staff to look at this, and then they had a works session on it. We're taking in a lot of comments and putting it in here. This is what we discussed with them and they are fairly supportive of the direction in which we are going.

### **Leawood Development Ordinance Amendment: Propane Tank Storage for Commercial Developments**

Mr. Sanchez: The next ordinance amendment to discuss is the propane tank storage, especially for commercial developments. Something was flagged in one of the commercial developments from the fire department and they learned that propane tanks aren't being stored properly or the regulations need to be updated. In working with our

fire department, we came up with rules and regulations as to how the city would like to go about it. First off, it would require a sign-off from the fire department. They would look at where these propane tanks are being stored and ensure they comply with fire codes. It would only be allowed in commercially-zoned properties. Businesses, especially those involved with the sale or exchange of propane tanks, have to be licensed with the Kansas State Fire Marshal's office. They also have to be in compliance with the adopted fire code. They have to be underneath sprinkled canopies. There is a second layer to this. Sometimes restaurants will have those big heaters that they use in the winter and tend to go through a lot of propane tanks. Sometimes, they will put the empty propane tanks on the side of the building until they can accumulate enough to recycle all of them at once. This will be another LDO amendment we're working on.

Comm. Block: Do these lockers exist anywhere in the city today?

Mr. Klein: There are locations in the city that they are at now.

Comm. Block: How would they be treated if this were to go into effect and they weren't sprinkled or under a canopy? Would they be legal non-conforming, or would they have to comply?

Mr. Klein: They aren't mentioned at all, which means they aren't allowed. This would allow them in these safe locations. The ones that already exist could be cited by the fire department as being unsafe and they would either have to remove them or relocate them.

Chairman Elkins: Doesn't our LDO have a list of prohibited uses?

Mr. Klein: We do. They are not on that list.

Chairman Elkins: They're not on the list of approved uses, and I could make the argument that they're not on the list of prohibited uses either. How does that work?

Mr. Klein: The LDO has a list of acceptable uses and of prohibited uses. That list cannot be comprehensive because it would be very long. It includes more common things that are in the prohibited uses. If it's not listed anywhere in the LDO, that means it's not allowed.

Chairman Elkins: Is there a catch-all provision in the ordinance that says that?

Mr. Klein: The table of uses has that. We have a number of businesses that are selling the propane tanks and right now, outdoor storage is prohibited. However, if it's under a covered roof structure and is locked away, that can be allowed. By allowing the propane tanks, we want to make sure we aren't also allowing ice machines and wood all being stored on the outside.

Chairman Elkins: If I understand correctly, having the businesses be approved by the fire department and obtain a license is already a state requirement, so it feels redundant to put it in the LDO. Is there really a need to put it in our city ordinance?

Mr. Klein: We can talk with the fire marshal as to what their preference would be.

Chairman Elkins: There are other things in that fire protection space that may be required by the state and I don't think we add those to our ordinance either.

Ms. Knight: With regard to what you mentioned, you may want to have it in the city code. It is duplicative, but then the city has control over enforcement. If you find a commercial business that has them and did not go through the proper channels at the state level, and we don't have it in our city code, then we are relying on the state to prosecute or shut them down and they might not be interested in doing that.

Chairman Elkins: That's a fair point. If we have the enforcement power, then we also have the enforcement responsibility. To me, there's an issue for city liability for failure to enforce. If we're willing to take on that responsibility, that's fine.

Comm. Hunter: Some of these places around my area that sell these are in a strip center. They are renting and I'm not sure the owner of the building has sprinkled the overhang.

### **135<sup>th</sup> Street Corridor Plan**

Mr. Sanchez: Next, we'll be going through the 135<sup>th</sup> Street Corridor Plan and answering questions from the previous meeting. We'll be wrapping up our presentation and taking thoughts and discussion from you. One of the big points we wanted to keep talking about were the major intersections within the 135<sup>th</sup> Street Corridor and keeping those the commercial nodes and emphasizing the need for the rest of it to be turned into a residential use. We went through the topography of the 135<sup>th</sup> Street Corridor and found that there really wasn't much elevation change going north to south; it was mostly east to west where we saw elevation change. It was talked about creating a gradient of height and density through the developments to make sure it was not only aesthetically pleasing, but will block the views from the adjacent neighborhoods to an abrasive commercial-use that could be within one of the new developments in the 135<sup>th</sup> Street Corridor. We also talked about creating a maximum height of so many stories and create a regulation that it has to be a certain height, and anything over that height would be an SUP. This would allow the Planning Commission Governing Body some flexibility in looking at iconic structures. Developments of budding existing residential would have to match the existing height. That way, they would directly block any abruption or sights that they would see from a taller building farther away. Another large point that we hit on were multiple housing options, which is something we want to keep moving forward with.

Mr. Klein: There isn't a lot of land left with regard to the 135<sup>th</sup> Street Corridor that doesn't have some sort of planning approval on it. The thought was that rather than change the comprehensive plan to modify the 135<sup>th</sup> Street Community Plan, which would

take time, it's more appropriate to try and incorporate some of those ideas that were in the 135<sup>th</sup> Street Community Plan into the LDO, where it has more teeth. The Mixed-Use Development (MXD) allows a maximum height of 90 feet. It doesn't say where it has to be. There would be a lot of concern if there were to be a 90-foot building right next to 133<sup>rd</sup> Street that's directly across from adjacent residential. The 135<sup>th</sup> Street Community Plan has, as far as graduation in height, moves away from existing residential along 133<sup>rd</sup> and 137 Streets, moving toward 135<sup>th</sup> Street. As far as the density, the LDO and MXD allows 15 dwelling units per acre, but it doesn't say where they can be within there or that they have to be located in a certain part. This would try and incorporate a transition as you move away from existing residential and head toward an arterial street, like 135<sup>th</sup> Street. The height falls in that same ballpark. The Council indicated that they would like to see a maximum height within the 135<sup>th</sup> Street Corridor of maybe 4 stories, possibly 5. With 4 stories, you could have some flexibility by providing a special-use permit which would allow the Planning Commission and the Governing Body much more control as far as if that height is something that should occur. You might have some signature buildings that you'd want to create a view corridor to accentuate and have that flexibility. The other part that Ricky mentioned is if you look at the 135<sup>th</sup> Street Corridor, retail and office tend to do better at major intersections, such as 135<sup>th</sup> Street and Mission, or 135<sup>th</sup> and Nall. When you start moving in away from those major intersections, the commercial has a harder time in that area. The 135<sup>th</sup> Street Community Plan showed nodal development. The whole thing wasn't homogeneous. This would propose a new residential zoning district that would be off of those major intersections. At the same time, the Council indicated that they would like to see different housing types. Part of this is motivated by several different things, such as a mix of ownership and different price points. With different types of housing units and different unit sizes, you'd have more opportunity for more people. If we get another development that comes before the Planning Commission, we need to have something in place that has teeth and is within the LDO.

Mr. Sanchez: This is here to remind you of the map that was handed out last time that showed the topography going from east to west and west to east instead of north to south. Again, it's reiterating the commercial corners. This is where the city expects commercial to thrive in and there are spaces left in between the gaps where residential can help create more grooves to help support all these commercial areas. Staff went ahead and did an elevation study on 3 different sections within the 135<sup>th</sup> Street Corridor. It's very flat, so it's hard to see. The first one you can see on 135 in Regents Park, which is the 135<sup>th</sup> and Kenneth Project. It's pretty flat from north to south. The second one shows Parkway Plaza; Parkway 133 on the north side, and on the south side, you see Parkway Plaza. There's very little elevation change within the 135<sup>th</sup> Street Corridor. The last one is Cornerstone and the Church of the Resurrection. This one had the most elevation change because the Church sits on a hill. You'll see Quail Crest on the south and 135<sup>th</sup> Street on the north. Even then, when you look at it on this scale, there's hardly any elevation change.

Mr. Klein: The hope was that if you had it higher at 133<sup>rd</sup> and 137<sup>th</sup> Streets and it sloped down to 135<sup>th</sup> Street, you would be able to allow a taller building but it wouldn't have that same kind of impact as the elevation sitting down lower. Unfortunately, we found

that in a lot of case, it slopes up as you go to 135<sup>th</sup> Street in certain areas. A lot of the places where it does slope down, it doesn't slope down enough to get an extra floor or two.

Chairman Elkins: The place that comes to mind that has a fair amount of vertical is on the south side of 135<sup>th</sup> Street at the eastern end. There's a water facility in there. Is that under a plan right now?

Mr. Klein: The 135 Project, which was the MXD right up 135<sup>th</sup> Street, was going to be put in high drive and extend 137<sup>th</sup> Street from Chadwick to Kenneth Road. That water facility is old and abandoned, so it's being removed in the distant future. The area that is to the east, where Madden-McFarland is on the corner, used to have a development that was approved called Leawood Market Center. There's a lot of great change on that and it slopes down from 135<sup>th</sup> Street down from the south and has a drainage area that goes along the southern border.

Chairman Elkins: That's not currently under a plan?

Mr. Klein: No, that expired a long time ago.

Chairman Elkins: So, you have a potential issue there.

Mr. Klein: Yes. I know that a long time ago when we were looking at that, there were comments regarding us having taller things located on the southern side that wouldn't have nearly the impact they would if they were on 135<sup>th</sup> Street. There was also concern about having residential further to the south, so they might be more impacted, though I think it does start rising up there a little bit.

Mr. Sanchez: Another comment that was made last time was comparing a lot of the heights that we have existing in Leawood right now. We listed some of the taller buildings here. The Aloft Hotel is at 84 feet tall, and Church of the Resurrection is at 104 feet, 6 inches. We do have some taller buildings in the city and some of these are within the 135<sup>th</sup> Street Corridor, especially at the Cornerstone. We have that Element Hotel, which is at 57 feet. This is not unusual, especially within MXD.

Chairman Elkins: American Academy of Physicians is almost at 70 feet?

Mr. Sanchez: Yes. Staff took a look at some of those taller buildings and what they were adjacent to and how far away they are from existing residential or buildings in particular. With this study, you do have that 72-foot building adjacent to the residential, however there is a lot of landscaping, and they did provide a double row of trees which helps soften that. There is also a slight gradual change in elevation the closer you get to Nall.

Chairman Elkins: Does this concern anybody? Would this be acceptable to the Governing Body, in your opinion?



Mr. Klein: I think that they think in this location, it works pretty well. However, I get a sense that they don't think it would work across the board, especially along 133<sup>rd</sup> and 137<sup>th</sup> Streets. I know the developer brought this up several times. From what we heard at the Governing Body meeting, adjacent to existing residential, it would be better to have single-family or duplexes. We had that four-story building in Cameron's Court that was a concern. When Council was talking about that, they mentioned a gradual incline, such as two to three to four stories. I don't think they want to see this situation in every case, but most people would agree that this worked out fairly well. The landscaping softens it. It's more of an urban downtown area, with the library, City Hall, and Park Place. It's not that way on the 135<sup>th</sup> Street Corridor.

Comm. Coleman: 133<sup>rd</sup> Street has 2 lanes, so comparing that to Park Place and Town Center Drive, which is 4 lanes with a grassy median in the middle, is like comparing apples and oranges. I can see why we would want 133<sup>rd</sup> and 137<sup>th</sup> Streets to not be so stark on the south side. That needs to be more concern than something like this.

Mr. Klein: That's where this is trying to get at.

Chairman Elkins: It seems like if you were going to have an iconic building, you would move it closer to 135<sup>th</sup> Street rather than 133<sup>rd</sup> or 137<sup>th</sup> Streets.

Mr. Sanchez: Here's another example of a commercial against a residential. Here, we have the new two-story MXD building over at Ranch Mart. The change in elevation and building heights are a lot less here, so this may be more geared toward what we're looking for. We're still looking for the two-story, but this is much more in-scale for what would be more acceptable rather than what we see over at Park Place.

Chairman Elkins: There's a 113-foot setback plus more, which makes a big difference.

Mr. Sanchez: The 3<sup>rd</sup> one is the last one. The building heights of Parkway Plaza, those three-story condos and the adjacent residential have 75-foot-tall buildings. Those are heavily screened on both sides of the street.

Comm. Coleman: Is the height of the new development the same as Demdaco's height? The condos that we approved last year?

Mr. Klein: Parkway Plaza, where you had the 10 unit five-story that was located there? I believe it was similar to Demdaco; it was a little taller than these. These are three-stories, and that was five.

Comm. McGurren (56:32): I think it was similar to Demdaco, from what I recall.

Mr. Sanchez: It was mentioned at the last meeting what a 50-foot-tall building would look like along 135<sup>th</sup> Street. We went through and did a 3D diagram showing what a 50-foot-tall building looked like. It seems like we're pushing a lot of the height toward 135<sup>th</sup> Street and not wanting to create a wall or something that makes it feel really pushed in

toward 135<sup>th</sup> Street. We would want gradient heights to go along the 135<sup>th</sup> Street Corridor as you're driving through 135<sup>th</sup> Street that would create interest.

Chairman Elkins: To me, this emphasizes the importance of the screening trees. This is stark, but if you go over to Parkway Place, those trees soften it dramatically.

Mr. Sanchez: We're not looking to soften our landscaping requirements.

Comm. Hunter: Is the setback the same? Is the only difference between the apartments at Parkway Plaza and the ones we just looked at the trees?

Mr. Sanchez: Yes. Essentially, this is an approximated graphic. This is as close as we could get it to the setback. It's not exact, but this is what we think it would be at.

Chairman Elkins: How tall are those condominiums on Parkway Plaza?

Mr. Sanchez: I think it showed that they were 75 feet.

Chairman Elkins: And this is 50 feet, correct?

Comm. Hunter: They feel like they're further back, but that's because of the trees.

Comm. McGurren: Hasn't it been true that the original plan and the plan that has existed for 135<sup>th</sup> Street all these decades have called for the larger buildings to be up along 135<sup>th</sup>? That hasn't happened at all.

Mr. Sanchez: We'll get to a graphic later showing what the heights are along 135<sup>th</sup> Street. With the regulations we had with those transects, it really pushed all the height and density toward 135<sup>th</sup> Street.

Comm. McGurren: Right. My point is that that didn't happen, even in an environment where office space was needed. Today, going forward, it's much less needed. So, the odds of someone coming in and wanting to build so many buildings that can't be screened appropriately that are just continuous is almost nonexistent, isn't it?

Mr. Klein: It probably is something that you would see. There is a little difference with the traditional development that we used to see back in the early 2000s. They like to put the pad sites next to 135<sup>th</sup> Street. Those were almost all one-story buildings because it had a drive-through, or you might get a two-story bank, but not anything more than that. You also had the main center that was located behind that. With the 135<sup>th</sup> Street Community Plan, we've actually encouraged mixed-used. As far as the grid network, we'd still like to keep those transitions and the integration. We think there would be more opportunities to have those taller buildings. Cameron's Court did that to a certain extent by pushing some of those buildings.

Chairman Elkins: You are going to see it with Cameron's Court because that's what we ended up with there. You are going to end up seeing it with Lashbrook, which is a five-story. A five-story is roughly 10 feet a story, correct?

Mr. Klein: Yes.

Chairman Elkins: So, five stories is kind of what we're looking at right here?

Mr. Klein: Yes. A lot of time, you'll have 15 feet on the bottom floor, and 10-12 feet on the floors above.

Chairman Elkins: Are you suggesting that this is a bad thing and we should avoid this? Or is this maximum acceptable?

Mr. Klein: I think that staff is trying to address the question that Planning Commission was asking last time. We put together an exhibit to show what that would look like. I think that this probably works being along 135<sup>th</sup> Street. The Council indicated that four stories might be the maximum without the Special Use Permit (SUP).

Comm. Block: How tall is the building that's going on the corner of State Line and College? Most of the first floor is below street level.

Mr. Sanchez: That one is 58 feet, and you're right. If you drive through there now, a floor and a half is below the elevation of College and State Line. You can only see three stories of that building. It's 58 feet tall from the front door to the roof.

Mr. Sanchez: Here's another study that staff conducted that shows the number of stories within the 135<sup>th</sup> Street Corridor now. This is showing us that the older developments within the corridor were at one story. They had a lot of the one-stories closer to 135<sup>th</sup> and the larger centers were set behind. The newer mixed-used developments that we've been having have pushed the heights up towards 135<sup>th</sup> Street. Then we started looking at what was already at 133<sup>rd</sup> and 137<sup>th</sup> Streets. There, we see three and four stories with the condos, and two stories with the single-family homes that Cameron's Court is proposing. So right now, a majority of them are at one or two stories, but we do have some three or fours in there with a proposed five story as well.

Comm. Hunter: Is the orange "proposed" and purple "already built"?

Mr. Sanchez: The purple is "existing" and the orange is "an approved plan". There are also grayed out squares that are previous plans that have expired.

Chairman Elkins: Are the 2 three-stories in Parkway Plaza? I thought you said those were around 50?

Mr. Klein: Those are three-story condominiums.

Chairman Elkins: I thought that you said those were in the 40 or 50-foot range?

Mr. Klein: Ricky mentioned 40-50 feet, but I think they might be a little lower. They have the underground parking, so they might be around 40 feet. They were approved at 55 feet.

Mr. Sanchez: They might have larger, taller ceilings on each level.

Comm. McGurren: To me, this looks like a map that doesn't create, at the moment, the sea of buildings that we're concerned about. It does enable unique situations and taller buildings up along 135<sup>th</sup> Street, which was the original plan. If we did that in a number of different places, it doesn't seem like it would stand out as dramatically large, especially with the landscaping we would require. I think this is an excellent map because it points out that a lot of consideration has already gone into concerns people have had over the past few decades, and enough of it has or will be built up if these two go through as planned on the right. What could come in the future would not necessarily be out of place.

Chairman Elkins: My sense was that the governing body was concerned about Cameron's Court and how tall it was going to be, yet we see a lot of two-stories along there, right?

Mr. Klein: Outside of the four-story buildings, Cameron's Court was nearly all two-stories, except for the airport property, which has a few larger buildings. The four-story buildings where the church was over to Pawnee were the only ones. On that other side, you can see the gray squares that are located there, which are going to be two-stories. There's going to be an assisted living facility located over there and an office located there. It was another one where the residential was located on the west side. Across High Drive, you had retail and offices with the residential as far as the assisted living.

Mr. Sanchez: In the 135<sup>th</sup> Street Community Plan, they speak on grid networks which is something that we want to require of developers. Last time, we talked about this missing middle chunk of housing that Leawood doesn't have a lot of. If people wanted to downsize from a larger home to a middle-sized home, there aren't a lot of options. We are still putting an emphasis on the little bit of retail that we have. The retail experience can help out communities. Again, with that missing middle, there are multiple different housing types that we're looking at implementing with this new zoning district, whether that be duplexes, live-work units, or even townhouses. We saw 8 different living styles within Cameron's Court.

Chairman Elkins: Have the live-work units in Park Place been successful?

Mr. Klein: I know they came in on a plan they had originally with the live-work units, but I don't believe they were ever constructed.

Mr. Sanchez: Again, we're emphasizing the affordability of continuing to live in Leawood, especially after you move out of that first house, and asking how we keep the costs of these newer housing styles to an affordability level where people can continue to live here.

Comm. Coleman: The housing that you have on there is very urban with a lot of people in a small area. The feedback I've been getting from residents is that they don't want that urban style altogether; they like the home and the yard. They just don't want a 4,000 square foot house to deal with and a half-acre of land. They want something smaller. I think that might be missing from here. Not everyone in Leawood wants to go to a more urban-type setting. They still want a yard and a garden, though, just not as big. As we look at this and tweak the 135<sup>th</sup> Street plan, I think there's a great need for that kind of housing, which is something we should consider going forward. As for affordability, we can only do so much. Unless you have price controls on housing, flippers are going to come in and raise prices. You want enough of it to get the price at a lower point, but you also want home ownership.

Comm. McGurren: I completely agree.

Chairman Elkins: To Comm. Coleman's point, those are 2 issues in that comment; one being the size of homes, and the other being affordability. In those areas where we do have the smaller homes, those are upwards of \$750,000. That's not getting to the affordability that the City Council has been talking about. Again, the market is going to drive the prices. There's not a lot we can do.

Comm. Coleman: It may be a mutually exclusive thing, where you cannot have a smaller home in Leawood. You may not be able to tackle both things at the same time.

Comm. McGurren: About 3 years ago, we looked at a development from Lees Summit where someone took a picture and laid it on a larger piece of property that was still available in Leawood and it fit perfectly. It looked beautiful and would be unique to Leawood so the price would likely go up. I would vote for that a lot faster than I would vote for those taller structures with a lot of stairs.

Mr. Sanchez: To your point, staff did end up going out to Lees Summit and Prairie Village and looked at those sites. What we found was that they had smaller yard and lots. In Prairie Village at the Meadowbrook development, we saw comparable housing sizes and lots to what was done in that new Longview development; however, the prices were \$1.2 million for a very small house. The prices skyrocketed because they are unique to that area.

Mr. Klein: In the mixed-use, we have commercial development located there and to support that, you need more density. The thought was that the density would be pushed closer to 135<sup>th</sup> Street. It would be all residential, so there is a bit of a trade-off on those. As Ricky said, we do have some pictures of the houses and they're beautiful. They would fit in as a component. What we heard from the Governing Body was to have a mixture, so

instead of having a homogeneous development, it would offer multiple types of housing. Kevin Jeffries has talked with people who do single-family rental, which is a single-family home that is for rent. It looked like an apartment complex; it was gated and had multiple single-family houses in there with a pool. That might be a possibility. The Governing Body and the Planning Commission would like to see ownership as well. It's difficult to do the ownership because if you try and make them put it in their deed restrictions that they're only for sale, we could end up in the situation like Park Place and Mission Farms where there were supposed to be condominiums, but the market wasn't there. Eventually, they turned over to apartments. If you had a restriction on those where they couldn't rent, then those would sit there. We would like to see ownership as well, it's just hard to ensure.

Comm. McGurren: We shouldn't put anything in there that it's ownership only, but rather build something that people would want to own.

Chairman Elkins: Have you seen a difference in terms of the building code enforcement issues between the rentals and ownership? In particular, Mission Farms and Park Place?

Mr. Klein: I know when you make a condo as opposed to an apartment, you get into one hour fire-rated walls and you do run into a different construction type.

Chairman Elkins: There's common perception that the rentals are not as well taken care of because of absent ownership and I'm curious as to what our experience has been in those instances where we do have rentals.

Mr. Klein: I haven't heard that Mission Farms or Milano haven't been taken care of. It comes down to the developer and who has ownership. Leawood is a desirable place to live, so there's an investment in property values. It tends to be kept up better.

Mr. Sanchez: One of the big points we want to hit is using greenspace as a way to leverage developers to consolidate their housing onto smaller lots and have more density in some areas, but then have large, usable greenspaces so that these scattered little parks make one meaningful place for them to create. For example, Cameron's Court had Chadwick Park go in the middle of the street and Park Place has a beautiful green space in the middle of it that's highly used. We want to consolidate all the greenspace into one area and make it available to adjacent neighborhoods so they can feel as if they are connected to this new development. They want to feel like they can use the greenspace and it shouldn't be internal to that one development. Making one large area would make it more public. Another thing we heard was that developers are sometimes using greenspace that's in the floodplain and that's going toward their greenspace calculations. Although it is greenspace and it does go toward the calculations, we don't want that to be the meaningful space; we want it to be an actual usable space. There is a way to integrate those floodplain areas, such as making a trail around it or making active or passive land. There are different ways to get this done in some pretty successful developments.

Chairman Elkins: You have to be careful when you talk about that active and passive issue because we ran into that at Gezer Park where the resolution in the litigation was for a passive park. We planned and built Gezer Park, but some of the residents believed that was contradictory to what a passive park was because it had the swing sets and other activities. You just have to be careful with your definitions. With Ranch Mart, they touted the gathering space they had. Has that worked out?

Mr. Klein: I don't think I've seen anything come through yet on that piece. Maybe they haven't started the programming. Right now, Ranch Mart can get a Temporary Certificate of Occupancy, but they have a little bit left before they can get a Certificate of Occupancy. I'm thinking that it will hopefully be a nice area but I haven't seen it used yet.

Comm. McGurren: About 2 months ago I was at the barbeque place that's opened and I walked back where the food truck and the outdoor restaurants were going to back up to the greenspace. I thought the façade of the greenspace was in the brick buildings all around it. Some of them had the green false wall that looked nice, but they had boarded up where the restaurant and the outdoor seating would be. I didn't think it was operational; nothing was being done there yet. That was my take. If I've received complaints about Ranch Mart in Leawood, it's always been about the parking. People complain about the parking being straight on and too tight with too many islands. I think everyone likes the look of it, but some of the older folks are scared to go there.

Mr. Klein: The square footage that was already built stayed, but I can see where the concern is. We wanted to get those islands in and some connections from the perimeter along 195<sup>th</sup> Street into the center as well, but those take up space.

Chairman Elkins: The storms we had here last week showed the far-sighted planning from you folks for insisting we buried those utilities because as we got further north into Overland Park and Prairie Village, a lot of the places where they lost trees were also places they lost utilities for an extended period of time. With the planning you all have done, we don't have as much of an issue with that kind of thing.

Mr. Klein: Evergy is looking into doing a pilot project and burying them, so I'm wondering if there is a realization that there are some benefits.

Comm. Hoyt: On this new zoning district concept, will that require a certain number of different housing types? Is that a concept that you'll actually specify?

Mr. Klein: That's something we wanted to talk to the Planning Commission about; to get your feel for what you're looking for. In order to get multiple types of housing, you have to have some sort of requirement to do it. I talked to a developer about it and they felt like you can't require multiple housing types; it has to be something that the market wants. On the flip side, if you don't ask for it and that's what you're looking for, I don't think you'll get it.

Comm. Hoyt: You could do something such as what we have in the definition for the MXD, it sounds like percentages would work. You would have different categories and certain percentages from each category.

Mr. Klein: That's a good idea to be able to hit certain percentages and allow flexibility as well. We were considering bonusing if they providing different types. We wanted to talk to Planning Commission about how you would define those types. For example, there are a lot of different single-family housing types. I think that what baskets they're choosing out of to meet those percentages are important.

Chairman Elkins: I think there's a risk there that we've already experienced. We made a commitment as a community to the mixed-use development. Former members of the Commission as well as the developing community have said that they understand that's what they wanted and planned, but the market doesn't support it. We've held to our guns but now we have a lot of empty space, and even though we have approved plans for spaces, those plans haven't yielded development. If we, as a community, are willing to take that risk that 135<sup>th</sup> Street will continue to be vacant because we have requirements that the market isn't meeting, then that may be what we want to do, if the different types of housing are sufficiently important to us and we're willing to wait for the market to turn on it. A lot of folks around here have their perception on what the market is, and the development community has a different perception on what the market is. That's the risk you run by building those into the requirements of an overlay zoning district. We've been patient so far, so maybe we need to continue to be patient.

Mr. Klein: I think we have had some luck with the mixed-use, seeing as we saw the last plan get approved.

Chairman Elkins: How long ago was it approved?

Mr. Klein: It's been a couple of years. At one point they told us they were going to start the mixed-use before they started the duplexes and triplexes in Regents Park, but now they have cleared that south of 137<sup>th</sup> Street. Getting those roads in will help a lot with getting 137<sup>th</sup> Street over to Kenneth Road and High Drive off of 135<sup>th</sup> Street. The thing we noticed over time was that if a city really wants to develop out quickly, I think you can let it develop out pretty quickly, it just depends on what you want to allow. I know strip development was going through the 135<sup>th</sup> Street for a while there, and so we were so busy we were having 3 Planning Commission meetings a month. There were all these retail centers that kept coming in. Some of those gray boxes that you saw on that plan showed developments that got approved that were typically pad sites. That would have developed out pretty quickly until 2008 hit. Recently, we've seen apartments. We kept getting calls from people who wanted to do apartments. The reason you haven't seen applications for apartments on these lots is because we've been telling them it has to be mixed-use. You can't just do the apartments; you have to do something with it. It varies with time and patience.



Mr. Sanchez: This is showing pictures of possibilities, such as trail connections and usable greenspaces. Staff went out and looked at some different developments, such as Meadowbrook and Prairie Village. It was busy when we were out there and they have a huge trail. They are connected to a public park, which helps them. They have a bike share area, along with restrooms and pavilions. Staff was looking at these as little nuggets of inspiration for when we talk to developers. This was their master plan. A lot of it was the pond and the park. They infilled within doing that apartment complex and the single-family houses. They were at \$800,000-\$1.2 million. We also went out to New Longview, which is where we had that joint work session where they were talking very highly of them. They have trails systems that go in between the houses and alleyways. It's a very tight feel. There are also historic ties and are able to bring that back to life. Those houses are going from \$500,000-\$800,000. This is their master plan. Theirs is around 120 acres, and they were showing small pockets of their development that fit within ours. This whole thing could fit within a development the size of Cameron's Court. We're looking for a mix of housing styles and trying to figure out a way to decrease the price of some of these houses with the exclusion of a commercial component. Here are some questions that staff have. How many housing types do we recommend or require them to have until you hit bonusing? Should we allow bonusing for density or greenspace? We're going to try and meet those transects again. Should we allow things like coffee shops on the bottom floor of an apartment complex? We went ahead and looked at possible locations where this zoning district could affect properties within the 135<sup>th</sup> Street Corridor. There are 5 different areas where this could be affected. These would be those middle pieces, where we want to emphasize those commercial nodes, and the rest of it would be infilled with this residential.

Chairman Elkins: Can you refresh us on the acreage of those 5 areas?

Mr. Sanchez: One of them would be around 25-30 acres. Another would be around 10 acres.

Chairman Elkins: Did you have the sharp piece in the group you were looking at? It's about 21.5 acres. Was it on your list for potential sites?

Mr. Sanchez: It could be. We didn't note it as one because it's on the corner of Mission and 135<sup>th</sup> Street. They can still go to a mixed-use zoning and push their commercial toward that intersection and have the rest of the residential over by where the Aventino is going to be at.

Comm. McGurren: It would be backing up to the other residential that's directly to the west of it.

Mr. Sanchez: We have a zoning district and an overlay district. Again, considering multiple housing types and bonuses. Do we want to see reduction in the setbacks and more done in the zoning side rather the overlay side? We talked about consolidating all of those smaller housing styles and having on-street parking. We also discussed covered

cross walks. There are a number of items that we're looking at as staff regarding what we and Planning Commission would like to see in this new zoning or overlay district.

Chairman Elkins: Tell us more about how the overlay district works. I don't think we've had one in the past.

Mr. Klein: Typically, an overlay district is something that overlays another district. You have your regulations of the underlying district and the overlay would then add additional requirements on top of those. A very common one is historic districts where you have an area that has all the setbacks and regulations, but then you have an overlay district that limits what type of redevelopment can occur on it. This would also be an overlay district that would probably overlay the transitions or the increase in height as you move away from 133<sup>rd</sup> Street and 37<sup>th</sup> Street. The idea is that you're layering on top of it. The new zoning district, the residential one, that would just be a new type of residential district. In that case, we would have it on the Comprehensive Plan to indicate the locations that we were thinking it would go. One of the things we didn't want to have happen is developers already having plans approved and after the city approves the district, the developers get rid of their plans and go for this new district because it's something they would refer. By targeting it more on the Comprehensive Plan map where the city was interested in looking at this, it would help avoid losing our mixed-use, which we fought so hard to get.

Comm. Coleman: I like the idea of business nodes at the major intersections and the residential in between. Given the state of offices and mixed-use the way it is now, I wouldn't mind if some developers came back and wanted to scrap their old plans because they like the new way of doing it. For years, we were frustrated at the mixed-use. The feedback we were getting from developers was negative. We were begging the council to revisit it. I don't think we've had that discussion. We're going the right direction now to be able to do something different, knowing that mixed-use isn't there. I like the business nodes at those major intersections and the potential that can feed it and make it more viable. Things may change in a few years, but for now, we need to address what we have in front of us.

Mr. Klein: Right. With the nodes, we were wanting to see if we could have some of the residential use. You have those neighborhoods feeding into it to create something that's more sustainable. One thing that we'd be concerned about is seeing the MXD turned into strictly apartments.

Comm. Coleman: I think everyone here and the council is against apartments; we like the ownership aspect. When we look at this going forward, I would like it to be more elastic or flexible. With the mixed-use, we were regimented in what we wanted to see and I don't think we had a lot of flexibility. We changed some things at the end, such as percentages, but I think whatever we create needs flexibility to be able to deal with the unknown.

Chairman Elkins: What's a furnishing zone?

Mr. Klein: If you have different zones, such as a pedestrian zone and an eating zone, then you could have another zone with benches, bicycle racks, and other things of that nature. It breaks that street front up. A furnishing zone is the furniture that you would put in. At the next few works sessions, we hope to give you some more concrete ideas to get feedback on. From the ideas we talked about tonight, are there certain things you liked or disliked?

Comm. Hoyt: I would like to see the greenspace emphasized. It can be incentivized through a bonusing system of some sort. It's so much more effective if the greenspace is consolidated rather than spread out over a large area. I understand that we don't want to be overly rigid in setting the exact housing types, but I do think that we need to have a minimum number of housing types so it's more than just a desire, but rather a reality. Given that you will have a variety of housing types, it makes sense to do any number of things you've listed, such as reduced setbacks, smaller lot sizes, and a maximum height or number of stories. It needs to have a sense of place. The way you help people imagine that is to have natural features, historic connection, and art installations. I could easily see one of these overlay districts having a theme of the arts, which would inform what the greenspace is and the types of housing that you do.

Comm. McGurren: I agree with Comm. Hoyt and the other comments made earlier. I would add an emphasis towards ownership; I think there's nothing wrong with having a variety of options when it comes to the cost, but I think skewing towards ownership will attract the people that we're all talking to. From the people that I know that have moved in the last 3-4 years, more than half of them have left Leawood and all of them have bought or built, even with skyrocketing costs. I think ownership is important. Anybody that is going to design a development I would think would go through the effort to ensure that it has all the components that we've discussed. It needs to feel like it's home; it needs to have the concept of mixed-use that enables people to gather. Leawood is going to require the appropriate landscaping and the beauty that comes with it. I've always thought that having housing along 135<sup>th</sup> Street was no different than having housing along State Line or 119<sup>th</sup> Street. If you put in enough landscaping on the edges, you end up getting impressive housing. I'm not trying to get us to have million-dollar homes along 135<sup>th</sup> Street because I think that's less of what we want. That exists all over Leawood. Now it's time to figure out a way to put this mixture in. Asking for 3 or 4 different styles is an excellent idea. I'm disappointed that what went in at 135<sup>th</sup> and Roe is as consistent and expensive as it's going to be.

Chairman Elkins: Many of the elements on this new overlay district slide are really great. I am in a distinct minority because I have a concern about mandating housing types. When you legislate different housing types, it's probably good in the short term, but for the long term, the future market might be different. Having said that, I've listened to the Governing Body works sessions and know they have a concern about that. I have some different views about the perception that rentals are automatically undesirable.

Mr. Klein: We want to see a mixture. I don't mean to say that rentals are bad. Most of the rental properties I've seen in Leawood seem like they've been maintained well.

Comm. McGurren: I don't think it's about renting causing people to not take care of it. There are a lot of people who don't necessarily want to have a monthly expense. If you think about the people who choose to go into these retirement facilities, they end up having 2 options. There's the option where you don't have any buy-in and you pay double every month what you would pay if you had a buy-in and you get 90% of that money back when you move out. There are probably a lot of people who don't want a \$5,000 monthly expense, but would rather pay up-front. I think there's a lot of people who think that way about rentals.

Mr. Klein: Unfortunately, the rental rates don't seem like they're going down. What we have heard is that some people, after retirement, want to travel a lot and don't want to have to worry about maintenance when they're away.

Comm. McGurren: You bring up a great point. The person who puts their \$500,000 in knows what their investment was. The person who goes and rents ends up with a huge escalation over time, whether it's 10% or 2% a year, it's vastly different than the person who put their money in at the beginning.

Chairman Elkins: Thank you staff. We are adjourned.