

**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
TUESDAY, MAY 7, 2013  
\*\*VILLAGE PRESBYTERIAN CHURCH\*\*  
6641 MISSION ROAD  
7:00 P. M.**

- I. ROLL CALL
- II. APPROVAL OF PC MINUTES - APRIL 2, 2013
- III. NON-PUBLIC HEARINGS
  - PC2013-112 Site Plan Approval - First Floor Elevation  
9109 Fontana  
Zoning: R-1a  
Applicant: Dan Quigley
  - PC2013-113 Sign Standards for the Prairie Village Shopping Center  
NW Corner 71<sup>st</sup> & Mission Road  
Zoning: C-2  
Applicant: Lega C Properties
  - PC2013-115 Final Plat Approval -  
Meadowbrook Executive Building  
5250 West 94<sup>th</sup> Terrace  
Zoning: C-0  
Applicant: Polsinelli Shughart
- IV. PUBLIC HEARINGS
  - PC2013-04 Amendment to Special Use Permit for Private School  
Monarch Montessori School  
7501 Belinder Avenue  
Zoning: R-1a  
Applicant: Lindsay McAnany, Monarch Montessori
  - PC2013-05 Request for Special Use Permit for Adult Senior Dwellings  
8500 Mission Road  
Zoning: R-1a  
Applicant: John Petersen, Polsinelli Shughart representing Tutera  
Family Communities
  - PC2013-114 Site Plan Approval - Mission Chateau  
8500 Mission Road  
Zoning: R-1a  
Applicant: John Petersen, Polsinelli Shughart representing Tutera  
Family Communities
- V. OTHER BUSINESS
- VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to

[Cityclerk@Pvkansas.com](mailto:Cityclerk@Pvkansas.com)

**PLANNING COMMISSION MINUTES  
APRIL 2, 2013**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, April 2, 2013, in the cafeteria of Indian Hills Middle School, 6400 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Dirk Schafer, Nancy Wallerstein, Gregory Wolf and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Dennis Enslinger, Assistant City Administrator; Jim Brown, Building Official, Keith Bredehoeft, Interim Public Works Director, Ted Odell, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Nancy Vennard noted on page 10 Rick Jones's firm should be "Nearing Staats Prelogar & Jones". Randy Kronblad moved the minutes of the March 5, 2013 be approved as corrected. The motion was seconded by Nancy Vennard and passed by a vote of 6 to 0 with Ken Vaughn abstaining.

**PUBLIC HEARINGS**

There were no public hearings scheduled before the Commission.

**NON-PUBLIC HEARINGS**

**PC2013-109     Site Plan Approval - KU Eye Center  
7400 State Line Road**

Steve Bowling, with AMAI Architecture, stated KU EYE is proposing to expand its services by adding an eye surgery suite on the second floor to complement its current eye examination practice. This is basically a tenant finish converting general office space to medical offices. KU EYE currently has 15,877 sq. ft. on the first floor and plans to add 7,600 sq. ft. on the second floor. They are located in the west end of the north wing of the building. In implementing this expansion, they are proposing to have an entrance to their space on the west end of the building. To accomplish this they propose to add an elevator to the northwest corner of the building. This requires expansion of the wall area, relocating the transformer and installing a standby generator.

Ron Williamson noted the expansion will result in the loss of two parking spaces. The proposed standby generator is diesel fueled. The Planning Commission has preferred standby generators to be fueled by natural gas delivered by a direct line. Diesel fueled generators have been approved in the past and the applicant has stated that diesel fuel is better for their application. The proposed generator has a 788 gallon fuel tank.

Mr. Williamson also added that the current sign standards only allow for two façade signs and the applicant is seeking to add an additional sign on the west. The Commission will need to approve an amendment to the existing sign standards in a separate action.

Nancy Vennard asked why a diesel generator is being proposed rather than a natural gas. Mr. Bowling responded that to get the same output from a natural gas generator as the proposed diesel generator would require a generator twice the size, which would require a larger expansion. He also noted the new diesel generators have a double lining with a warning system that will sound if the first layer of lining is damaged. The environmental impact, lower risk and reduced noise make the diesel generator a better option for this project.

Mr. Bowling confirmed that he had reviewed the staff report and was in agreement with the conditions of approval recommended by staff.

The applicant held a neighborhood meeting on March 13, 2013 in accordance with the Planning Commission Citizen Participation Policy. Three interested citizens appeared and the primary concerns were the size of the addition, generator noise and safety during construction. The applicant answered their concerns satisfactorily.

Chairman Ken Vaughn led the Commission in the following review of the sign plan criteria:

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The site is 3.03 acres and is fully developed. The site adequately accommodates the building and the development has open space and landscaping.

The on-site circulation works well. Access is provided from State Line Road and Booth Street. No changes are proposed for access or circulation. The primary concern is meeting the requirements for off-street parking. The building has 46,505 sq. ft. of leasable space. Currently KU EYE occupies 15,877 sq. ft. and proposes to add 7,600 sq. ft. for a total of 23,477 sq. ft. The building was built and used for general office which requires one parking space per 300 sq. ft. of floor area. Dividing the 46,505 sq. ft. by 300 required equals 155 spaces. The site has 169 parking spaces and therefore meets the requirement. A problem occurs when general office space is converted to medical offices. Medical offices require one parking space for 200 sq. ft. of floor area. At that rate the current parking requirement for the building is 80 spaces for medical and 103 spaces for general offices for a total of 183 spaces or 14 more than are provided. The parking analysis was not addressed when the medical office space was built out several years ago, but with expansion it is necessary for the parking requirement to be met. Under the proposal there will be 23,028 sq. ft. of general offices requiring 77 spaces and 23,477 sq. ft. of medical requiring 118 spaces for a total of 195 spaces for the building and a deficiency of 28 spaces. Two existing spaces will be lost due to the expansion.

The applicant has stated that 5,650 sq. ft. of the space is for administration staff and should be calculated based on the general office standard. General office would then be 28,678 sq. ft. requiring 96 spaces and medical would be 17,827 sq. ft. requiring 90

spaces for a total of 186 spaces for the building, and a deficiency of 19 spaces. When this building served as a call center, parking was also an issue and the tenant leased space from other properties in the area to meet the need and reduce the on-street parking in the adjacent residential neighborhood. Staff recommended that they provide 186 spaces at a minimum.

**B. Utilities are available with adequate capacity to serve the proposed development.**

The property is currently served with all utilities and the proposed improvements will not create the demand for additional utilities.

**C. The plan provides for adequate management of stormwater runoff.**

The amount of impervious area created is insignificant and a storm water management plan was not required. It also should be noted that a large detention pond is located adjacent to the expansion area.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.**

Ingress and egress to the site will be the same after the improvements as it is now.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The location of the proposed improvements works well with the existing development of the site. The overall plan appears to be well-conceived and is consistent with good planning and site engineering design principles. The plans have not addressed outdoor lighting; and, if outdoor lighting will be added or changed, it will need to conform to the City's outdoor lighting regulation.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.**

The proposed elevations indicate that the design of the addition will be compatible with the existing building on the site. The architect has proposed to use similar materials and colors on the new construction as was used on the original building. Material samples will need to be submitted for Staff approval prior to construction.

**G. The plan represents an overall development pattern that is consistent with the Comprehensive Plan (Village Vision) and other adopted planning policies.**

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. This is an opportunity to accommodate a successful local business that will generate additional jobs for the City.

Bob Lindeblad moved the Planning Commission approve PC2013-109, the site plan for the addition to 7400 State Line Road subject to the following conditions:

1. That the applicant submit and outdoor lighting plan in accordance with Section 19.34.050 Outdoor Lighting of the Zoning Ordinance if applicable.
2. That the applicant use materials similar to those used in the existing building and submit material samples to Staff for approval prior to construction.

3. That the applicant provide 186 parking spaces and provide copies of agreements to Staff for off-site space prior to obtaining a building permit.
4. That the maximum noise level for the emergency generator not exceed 67 db. and documentation submitted to Staff.
5. That the emergency generator be tested on weekdays during the hours between 8:00 a.m. and 5:00 p.m.
6. Final design and details subject to Staff approval.

The motion was seconded by Dirk Schafer and passed unanimously.

Bob Lindeblad moved the sign standards for 7400 State Line Road be amended to allow for one façade sign on the west wall of the building. The motion was seconded by Randy Kronblad and passed unanimously.

**PC2013-110     Site Plan Approval  
                         9011 Roe Avenue**

Evan Fitts, with Polsinelli Shughart, 6201 College Blvd., presented the application on behalf of Sprint. Sprint is requesting Site Plan Approval to replace three antennas and replace three equipment boxes with two equipment boxes.

Sprint is consolidating its multiple network technologies into one new network called Network Vision. Network Vision will provide faster data speeds, better signal strength, fewer dropped calls and improved voice quality. Three existing equipment cabinets will remain until adequate testing is done and then they will be removed. There will be five Sprint cabinets in the equipment compound for the testing period, but no expansion or increase in size of the compound will be needed.

The existing three cabinets will be temporarily relocated and will be removed after the new cabinets have been tested and approved. This may take up to one year. Mr. Fitts stated they have received the staff comments and agree with the recommendation and conditions of approval.

Ron Williamson noted this monopole was approved in 1996 and at that time approval was by Conditional Use Permit. The monopole was approved for a height of 100 feet and Sprint antennas are on the top. In 2004, a Special Use Permit was granted to Cingular (now AT&T) to install antennas at the 90 feet elevation along with equipment cabinets in the compound at the base of the antenna. In 2009, a Special Use Permit was granted to Clearwire to install antennas and equipment cabinets. Sprint is a major shareholder in Clearwire and the Clearwire antennas were installed as a modification to the Sprint antennas at the top of the tower. The Clearwire antennas will remain as installed, but the three companion Sprint antennas will be replaced with new panels. The replacement panels will be approximately 12" wide by 72" long.

Sprint submitted an application PC 2011-121 to replace three antennas, add three antennas and replace three equipment boxes with two. This was approved by the Planning Commission; however, Sprint's plans have changed and the request is for less than the previous one.

Mr. Fitts stated he has read the staff report and agrees with the conditions of approval recommended by staff.

Since no neighbors have appeared at previous neighborhood meetings and the changes were not major, the applicant was not required to hold a neighborhood meeting.

Chairman Ken Vaughn led the Commission in the following review of the sign plan criteria:

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The capability of the site to accommodate the equipment compound was addressed in the approval of the Special Use Permit. The proposed improvements will occur on the existing tower and within the existing equipment compound.

**B. Utilities are available with adequate capacity to serve the proposed development.**

Adequate utilities are available to serve this location.

**C. The plan provides for adequate management of stormwater runoff.**

No additional impervious area that will be created and therefore a stormwater management plan is not required.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.**

The site utilizes the existing driveway and parking lot for circulation that currently serves it and no changes are proposed.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The details of the overall design of the equipment compound were worked out on the approval of the Conditional Use Permit. The applicant needs to prepare a structural analysis to confirm that the tower is sufficient to carry the load.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.**

The tower has been at this location for approximately seventeen years. The tower is located at the Fire Station in a commercial area and has very little impact on surrounding residential areas. All the equipment will be located within the equipment compound. The existing ice bridge will be used. The wiring will be inside the tower.

It should be pointed out that when the original approval for the cell tower occurred in 1996, it was the intent that the equipment be screened. A six foot high fence was required at that time. Obviously, the equipment boxes are much taller and the six foot tall fence is inadequate. The reason the equipment boxes are taller is that they are sitting on a 16" high concrete pad and that is why the fence needs to be taller. In 2009, the Special Use Permit approved for Clearwire required adequate screening of the equipment. A new taller fence wall should replace the existing fence in order to improve the appearance of the installation and make this installation more consistent with others in the City. It should also be noted that the ice bridge is much higher and more visible than other installations.

**G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.**

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Gregory Wolf stated he would recuse himself from voting due to a professional conflict of interest.

Randy Kronblad moved the Planning Commission approve the site plan for the Sprint application at 9011 Roe Avenue subject to the following conditions:

- 1) That the antennas be installed as shown on the proposed site plan.
- 2) That all wiring be contained inside the tower.
- 3) That the three existing cabinets shall be removed immediately after the operation of the new cabinets has been approved, but in no event longer than 12 months from the date of Planning Commission approval of this application. The applicant shall notify the City when the existing cabinets are removed.
- 4) That the applicant prepare a structural analysis of the tower to confirm that it is sufficient to carry the additional load.
- 5) That the applicant replace the existing wood fence with an eight foot tall fence to screen the equipment boxes. Plans for the fence shall be submitted to Staff for review and approval prior to obtaining a permit.

The motion was seconded by Nancy Vennard and passed by a vote of 6 to 0 with Mr. Wolf not voting due to a conflict of interest.

Chuck Dehner, 4201 West 68<sup>th</sup> Terrace, appeared before the Commission to challenge the process of rehearing the application for plat approval at the Prairie Village Shopping Center without a public hearing to allow for resident input.

Chairman Ken Vaughn acknowledged Mr. Dehner's comment but noted the consideration of a plat does not require a public hearing.

#### **PC2013-111 Preliminary & Final Plat Approval Prairie Village Shopping Center**

Curtis Petersen, with Polsinelli Shughart, 6201 College Blvd., stated they are presenting a new plat for the Prairie Village Shopping Center. The initial plat approved by the Planning Commission in October, 2012, included the UMB Bank and the Service Station. The new plat does not include these properties. With the withdrawal of the two property owners, the vacation will only be for Mission Lane between Prairie Lane and Mission Road. Prairie Lane and a portion of Mission Lane will remain public streets. The owner of Prairie Village Center, through a separate agreement with the City, will maintain the public right-of-way for Prairie Lane and the small portion of Mission Lane.

Mr. Petersen reviewed the actions taken by the Planning Commission regarding the Prairie Village Shopping Center including previous approval of a conditional use permit, site plan approval and the approval of the initial plat submitted. He noted the only difference between the original plat approved and the one before the Commission now is the deletion of Lots 3 and 4.

Mr. Petersen stated the applicant has received the staff report and accepts the recommendation and conditions of approval for the preliminary plat and the recommendation and conditions of approval of the final plat except for condition #2. He reminded the Commission of their earlier approval of a varied width design for the trail from six feet to eight feet in width. They propose that condition #2 be reworded as follows: "that the applicant provides a minimum six foot sidewalk on the east side of Mission Lane making the walkway wider as possible."

Bob Lindeblad stated an eight foot trail easement does not mean an eight foot paved trail.

Ron Williamson stated the Preliminary Plat has been revised to include the information requested on the previous application. The only unresolved issue at this time are the trail easements.

Staff recommends approval of the Preliminary Plat subject to the applicant adding the trail easements along the east side of Mission Lane and on Tomahawk Road and resubmitting three copies of the revised document.

Mr. Williamson stated the Final Plat essentially has all the information on it that is required. The trail easements still need to be resolved.

The trail easements need to be shown on the plat for both Tomahawk Road and Mission Lane and in the dedication text.

As depicted in the master trail plan and as required in the CID agreement, the applicant has indicated they would prefer only language referencing to the possible dedication of the trails along Tomahawk and dedicate the easement on Mission Lane by separate instrument. The proposed trail would vary in width from six feet to eight feet.

The Tomahawk Trail is a City Project funded by the CID and the CID agreement contains clear language regarding the general location and design of the proposed trail. Therefore Staff is comfortable referencing the CID agreement on the face of the plat related to the Tomahawk Trail. This was included on the previous Final Plat, but left off of this submission.

Based on the proposed site plan, the applicant has not adequately addressed how the City would construct a trail on the east side of Mission Lane. Originally, the CID called for buildings to front along Mission Lane to accommodate a trail on Mission Road (i.e. the US Bank building would be replaced). With the proposed site plan, the overall concept of buildings fronting along Mission Lane has been revised to accommodate the Hen House expansion. Based on the site plan, it would be impossible for a trail to be constructed along Mission Road. Staff has proposed an alternative, that an eight foot wide trail be constructed along the east side of Mission Lane at the time it is redeveloped. With the redevelopment of the UMB Bank site, a 10 foot section of sidewalk was constructed along Mission Lane and Mission Road to accommodate a trail as per the Master Parks Trail Plan. There has been considerable discussion about the trail easement on the east side of Mission Lane. Staff has reviewed the Site Plan in the field and an eight foot wide trail could easily be



accomplished. Therefore, an eight foot wide trail easement on the east side of Mission Lane needs to be shown on the Plat and in the dedication text. There is no need for a separate instrument.

The City Council has indicated they believe an 8' wide trail is appropriate and should be provided.

The existing KCP&L line crossing Lot 2 needs to be installed underground. Tract A needs to be dedicated as a utility and access easement in the text.

The text on Lot 1 UMB needs to be removed because it is not a part of this Plat.

Nancy Vennard thought the creation of an 8 foot trail would result in the loss of parking spaces. Mr. Williamson responded it would not result in the loss of any parking space but will result in the loss of some green space.

Curtis Petersen responded there were three areas of conflict for the construction of an eight foot trail throughout and reviewed the earlier proposed trail with varied lengths. The first conflict was the location of a gas meter and an elevation change by the existing Starbucks. The second was along the frontage to Hen House requiring the movement of a retaining wall and the reduction of parking spaces from the 9' width proposed. The final area is by the new retail building causing a reduction in the patio area for Starbucks, which will be one of the tenants in the new building. They believe the proposed varied widths are the best option for the center.

Nancy Vennard asked if the Council has directed the trail to be eight feet if the Commission can change it. Ken Vaughn responded the Commission can give its recommendation to the Council, but it will make the ultimate decision.

Randy Kronblad noted on the preliminary plat the trail easement is shown as ten feet. Mr. Petersen stated that was a typographical error that would be corrected.

Nancy Wallerstein asked if the City Council wants an eight foot trail why the Commission was discussing easements. Mr. Lindeblad responded that easements are all that can be done on the plat and that the actual trail is addressed in the final plan approval.

Dennis Enslinger confirmed that the Commission has approved the final plan in concept. The agreement with the Council calls for an eight foot trail. The Council accepts the easements and rights-of-way on the plat and if it is not shown, it is a violation of the CID Agreement.

Curtis Petersen stated the applicant is requesting that the easement be consistent with what was approved in the site plan.

Bob Lindeblad stated he does not have a problem requiring an eight foot trail easement as it would accommodate the construction of either an eight foot trail throughout or a varied width trail.

Dirk Schafer asked if the width of the trail would be resolved by the City Council and if that is the case he feels the plat should be approved by the Commission as recommended by staff with the inclusion of an eight foot trail easement.

Owen Buckley, with Lane4 spoke on behalf of the property owners, noted that one of the challenges of the project was to balance the needs and desires of all with the creation of the best possible shopping experience. He stated they can construct an eight foot trail, but doing so would result in smaller parking spaces and less green space and landscaping. They believe a six foot width allowing for two feet of landscaping is the best option for all.

Dennis Enslinger stated the staff recommendation is that an eight foot trail can and should be constructed. The conflict between the CID and the Planning Commission approval will need to be resolved by the Governing Body.

Dirk Schafer moved the Planning Commission approve the Preliminary Plat of Prairie Village Shopping Center subject to the applicant adding the trail easements along the east side of Mission Lane and on Tomahawk Road, correcting the noted typographical error and submittal of three copies of the revised document and approve the Final Plat of Prairie Village Shopping Center and forward it to the Governing Body subject to the following conditions:

1. That the trail easement for Tomahawk Road be noted as Section 7.04 of the CID Agreement be shown on the plat as it was on the previous Final Plat.
2. That an eight foot Trail Easement be shown on the east side of Mission Lane.
3. That the KCP&L line running across Lot 2 be installed underground.
4. That Tract A be dedicated as a utility and cross access easement in the text of the plat.
5. That the text on the UMB lot be removed.
6. That the applicant submit the Final Plat to the Johnson County surveyor for a review.
7. That the Final Plat as approved be revised and three copies submitted to the City for their records.

The motion was seconded by Gregory Wolf and passed unanimously.

#### **PC2012-119 Sign Approval - Standees 3539 West 69<sup>th</sup> Terrace**

Ron Williamson stated at its regular meeting on November 6, 2012 the Planning Commission approved the Site Plan for Standees in Prairie village Center. One of the conditions of approval was that Sign Standards for the Center were to be submitted and approved by the Planning Commission prior to a permit being issued for Standees' signs. The Center changed management teams and this requirement has not been met although they are working on them. Standees is planning a late May opening and is requesting approval of its signs so they will be in place at the time of opening.

The proposed signage has been reduced from what was shown on the Site Plan that was approved in November. On the north and west elevations the text "The Entertaining Eatery" has been added to the name. In the past the Planning Commission has only approved additional text if it is a part of the official business name. The sign element that is unique for this project is the inclusion of the five Poster Box signs which are typical for a theater. The proposed drawings only show

location and not design. The detailed design should be subject to staff approval. The location and design of the blade signs should also be subject to Staff approval.

Gregory Wolf moved the Planning Commission approve the proposed signage for Standees subject to the following conditions:

1. That the words "The Entertaining Eatery" only be permitted if it is part of the legal business name.
2. That the applicant submit detailed plans for the Poster Box signs to Staff for review and approval.
3. That the applicant submit detailed design and location of blade signs to Staff for review and approval.

The motion was seconded by Nancy Vennard and passed unanimously.

## **OTHER BUSINESS**

### **Public Comment**

Brenda Satterlee, 8600 Mission Road, addressed the Commission to provide a resident's perspective of the three public meetings held on the Mission Chateau project. More than 75 people from the surrounding neighborhood attended these meetings with all opposed to the project for the following reasons: density of the project is too great, height is too tall, lack of green space, concerns with additional flooding on adjacent properties and increase traffic.

She noted that the project has only been reduced in size by 4%, will still be the tallest building in Prairie Village and the building footprint is huge in comparison to the surrounding community. She does not feel they have adequately addressed the concerns of the neighboring residents.

### **Next Meeting**

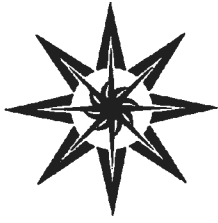
Dennis Enslinger announce the following applications are anticipated for the May 7<sup>th</sup> Planning Commission: Conditional Use Permit for a radio tower; Site Plan for Residential Building Height Modification; Residential Building Line Modification; Sign Standards for the Prairie Village Shopping Center and possible submittal of the Mission Chateau Project.

Based on the full agenda, staff is recommending that the Commission hear the application for Mission Chateau and hold the public hearing only and that the Commission continue the meeting and public hearing to the June meeting where Commission action would be taken.

## **ADJOURNMENT**

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 7:52 p.m.

Ken Vaughn  
Chairman



## CODES ADMINISTRATION STAFF REPORT

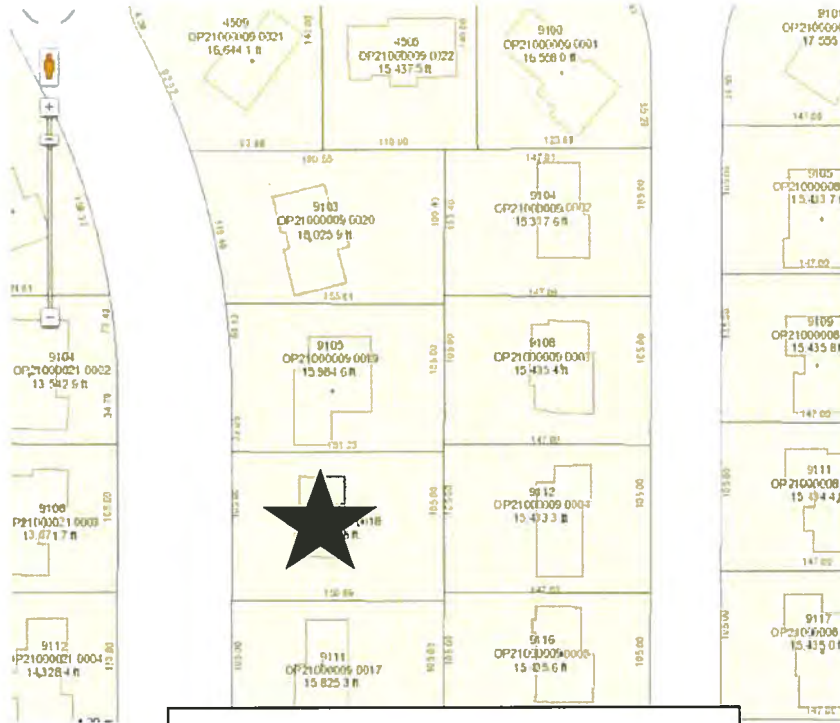
Planning Commission Meeting Date: May 7, 2013

### Building Elevation Approval for a Residence Located at 9109 Fontana (Site Plan)

<b><u>Application:</u></b>	PC 2013-112
<b><u>Request:</u></b>	Request for a Building Elevation Change from 965.0 to 968.0
<b><u>Property Address:</u></b>	9109 Fontana
<b><u>Applicant:</u></b>	Daniel J. Quigley, contract purchaser; Barbara Thompson, property owner of record

<b>Current Zoning and Land Use</b>	R-1a – Single Family Residential – Proposed Tear Down
<b>Surrounding Zoning and Land Use</b>	R-1a (Single-Family Residential District) to the east, west, north and south; developed with single-family residential residences.
<b>Legal Description</b>	Kenilworth N 30 Ft Lot 18 & S 75 Ft Lot 19 Block
<b>Property Area</b>	. 0.35 (15,435.85 ft <sup>2</sup> )
<b>Related Case Files:</b> Kenilworth Final Plat Blks 1-11 and 21	
<b>Attachments:</b> Application, Proposed Site Plan, Elevation Drawings of Proposed Structure	

**Vicinity Map PC 2013-112**  
Request for a Building Elevation Change from 965.0 to 968.0 for the  
Property Located at 9109 Fontana Street



General Location Map



Aerial Map

**Staff Comments:**

When the Planning Commission reviewed issues of infill development in 2001, one of the concerns was the first floor elevation of the new dwelling in tear down rebuild situations. The concern was that significant increases in the height of the first floor elevation could change the character of development on a street which might not be the best for the neighborhood.

As a result the zoning ordinance was amended as follows:

**19.44.30 Building Elevations.**

- A. New residential structures or additions set at the same first floor elevation or lower than the original structure shall be exempt from review by the Planning Commission.
- B. New residential structures or additions may raise the first floor elevations six inches for every additional five feet over the minimum side yard setback that the building sets back from both side property lines. The maximum elevation can be raised is three feet without requiring review and approval for the Planning Commission.
- C. New residential structures or additions not meeting paragraphs a or b above shall be submitted to the Planning Commission for review and approval. (Ord. 2019, Sec. III, 2001)

The applicant is requesting a first floor elevation change of 3 feet and has submitted a site plan that shows how the change would be accommodated. The existing house was built in 1963 and has the typical low basement ceilings that were built at that time. The applicant would like to increase the ceiling height in the basement, provide a walk-out basement and provide a more positive slope to the street.

The existing house (965.0) is slightly lower than the street (965.7) and the first floor elevation is 5 feet lower than the house to the north (970.3) and 4 feet higher than the house to the south (961.1). The ground slopes from north to the south and west to east.

The applicant held a neighborhood meeting with ten area residents in attendance. A number of concerns were discussed including the height of the new first floor. The property owner to the immediate south is still concerned with the requested elevation change of three feet. The property owner to the south has provided written comment of his concerns (see attached). The applicant will need to secure approval of the proposed plan from the Kenilworth Homes Association to construct the dwelling as proposed. The applicant will need to provide a letter from the homes association prior to the issuance of a building permit.

In evaluating an application for an elevation change, the Planning Commission has used three criteria. The criteria are the same as that used to evaluate a building line modification. It is not necessary that the Planning Commission find favorably on all three criteria, but it is important that they be reviewed and discussed in addition to other factors that the Planning Commission might deem important.

The base criterion is as follows:

1. **That there are special circumstances or conditions affecting the property;**

The land in this area is hilly with significant elevation changes. There are a number of types of housing the neighborhood including ranch, split levels, walk-outs and two story structures. The existing residence and the residence to the immediate north are similar in nature and are reverse 1.5 stories with a walk-out in the rear. The house to the immediate south is a ranch. The applicant is proposing to construct a reverse ranch on the site.

A 3-foot elevation change will be noticeable based on the existing conditions. The houses on this side of the block conform to the topography of the street by progressively cascading down with each house. The proposed construction would interrupt this pattern. The new residence would be approximately 1-2 feet higher than the house to the north.

**2. That the elevation change is necessary for reasonable and acceptable development of the property in question;**

In today's market, taller ceilings are highly desirable and they make basement space more livable. When opportunities occur for properties to be rebuilt, a reasonable effort should be made to allow the new building to meet current market demands, provided that it is compatible with the neighborhood. Current zoning code provisions would allow the applicant to raise the finished floor elevation 6 inches based upon the proposed side-yard setbacks. The applicant could also gain additional ceiling height in the basement by either modifying the design to provide additional setback or provide a retaining wall in the rear of the property allow for the walk-out.

Increasing the finish floor elevation by only 6 inches does not allow the applicant to achieve positive water flow to the street. Street grade is at 965.7 and a 6 inches elevation change would only place the finished floor elevation at 965.5. Additional height would be required to address this issue.

**3. That the granting of the building elevation change will not be detrimental to the public welfare or injurious to, or adversely affect, adjacent property or other property in the vicinity in which the particular property is situated.**

The proposed house will maintain the same front yard setback as the existing house. However, the side yard setbacks and rear yard setback will be reduced from the existing conditions. The front yard, side yard, and rear yard setbacks exceed the requirements of the zoning ordinance.

Staff does not recommend granting an increase of 3 feet based on its impacts on the adjacent property and in relationship to the existing streetscape. The terrain is hilly in this area and a more reasonable elevation change with proper foundation landscaping, would not adversely affect the public welfare or be injurious to property in the immediate area.

**RECOMMENDATION:**

It is the opinion of Staff that the request of 3 feet is not reasonable given the existing conditions. It is staff's opinion that a more reasonable elevation change is acceptable to address water drainage issues and allow this residence to have a deeper basement that would be more useable. While staff does not have a specific recommendation on an acceptable waiver, staff believes that a 1-1.5 feet waiver is more

acceptable. If the Planning Commission considers approval of the applicants request staff recommends the following conditions:

1. Submission for staff approval of a foundation landscaping plan to minimize the visual impact of the elevation change;
2. Approval of a Drainage Permit from the Public Works Department;
3. The applicant provide a letter from the Kenilworth Homes Association indicating that it has approved the proposed project; and
4. The applicant provide a survey document showing the height of the finished floor at (TBD) as part of the building inspection process.

Submitted by:  
Dennis J. Enslinger, AICP  
Assistant City Administrator  
April 30, 2013



**ATTACHMENT A: Application Materials**



**CITY OF PRAIRIE VILLAGE**

*The Star of Kansas*

**Planning Commission Application**

For Office Use Only
Case No.: <u>PC 2013-112</u>
Filing Fee: <u>\$100</u>
Deposit:
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>5/7/13</u>

Please complete this form and return with Information requested to:

Assistant City Administrator  
City of Prairie Village  
7700 Mission Rd.  
Prairie Village, KS 66208

Applicant: Daniel J. Quigley Phone Number: 913-707-5789  
 Address: 11106 W. 146<sup>th</sup> Ter., OPA KS 66062 E-Mail djoquigley@yahoo.com  
 Owner: Daniel J. Quigley Phone Number: \_\_\_\_\_  
 Address: 9109 Fontana PV KS Zip: 66208  
 Location of Property: Kenilworth  
 Legal Description: North 30' of Lot 18 and South 75' of Lot 19, Block 8  
 Applicant requests consideration of the following: (Describe proposal/request in detail) Site Plan Approval for First Floor Elevation increase of 3'

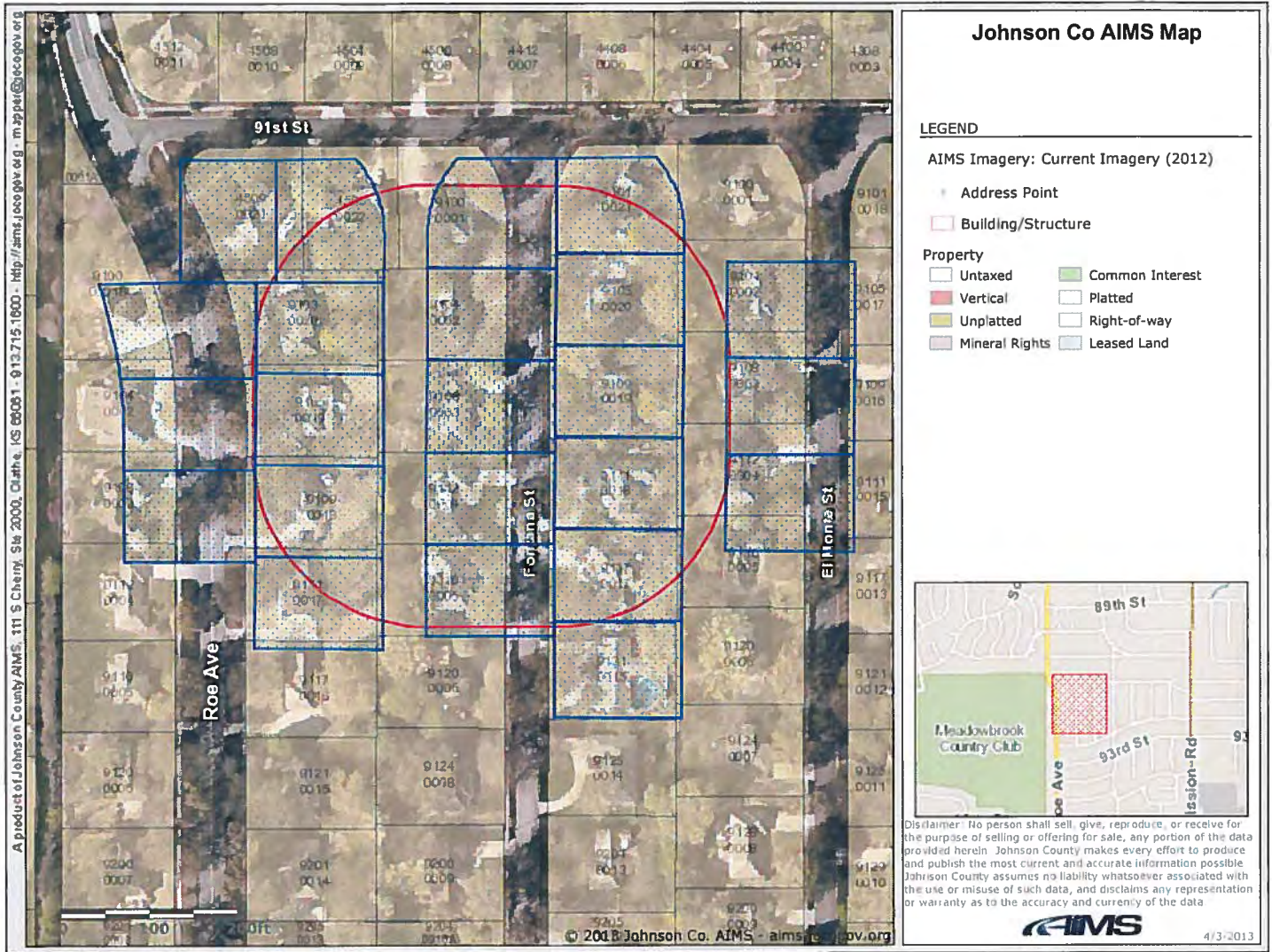
**AGREEMENT TO PAY EXPENSES**

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for Site Plan Approval. As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

Daniel J. Quigley 4/3/13  
Applicant's Signature/Date

\_\_\_\_\_  
Owner's Signature/Date



## Neighborhood Information Meeting

### 9109 Fontana Site Plan

April 17, 2013

Pursuant to the request of the City of Prairie Village, a notification letter was sent to property owners within 200' of 9109 Fontana based upon a list furnished by city administrator, Joyce Hagen Mundy. A neighborhood information meeting was held April 17<sup>th</sup> 7:00PM – 8:00PM at the Corinth Library with the following residents in attendance:

- Julie Clarkson                    9108 El Monte
- Jeff and Jean Suss                9104 El Monte
- Jim and Judy Gleason            9109 El Monte
- Kelly Young                        4903 W 96 Ter. (HOA Representative)
- Dale Moorman                    9128 El Monte
- Jackie Bennett                    9111 Fontana
- Luke Eide                          9404 Roe            (HOA Representative)
- Tim Quigley                        9129 El Monte
- Dan and Nancy Quigley        9109 Fontana

The meeting was opened with a presentation from Dan Quigley describing the proposed new home Site Plan and Preliminary Construction Plans. The request for an elevation increase of 3' for the threshold of the new home over the existing home's threshold was explained in comparison to the homes on the North and South sides of the subject property. The proposed grade around the new home, building setbacks and building design were discussed. Several attendees expressed concern over the new home fitting into the neighborhood and what the overall height was going to be. Dan Quigley addressed these comments with description of the ranch style home being similar to many homes on Fontana including the homes on each side of the subject property and by referencing a 36" x 24" plan drawing that shows overall height at 27' 2". Jackie Bennett asked why the request for an increase of 3' in the threshold. Dan Quigley answered that the existing home's foundation was set below the front curb causing a drainage problem with the existing driveway and front yard sloping toward the house causing water to build up and seep into the current basement. The back yard currently is nearly flat from the walkout door toward the South East corner causing water to stand there instead of draining to the storm water inlet near the South East corner just into the Bennett's property. In addition to fixing the drainage issue, Dan commented that raising the threshold would allow the new home to maintain the walkout condition with a more acceptable 9' foundation currently being constructed in new homes.

Jim Gleeson commented that he was concerned about a large home being constructed that would over shadow existing homes like some that he saw in Leawood, but he was pleased to see that the proposed home was a reasonable size and not too large. Tim Quigley commented he was in support of the new construction saying the proposed size with a first floor of approximately 2,300 – 2,400 sqft was similar to

his existing ranch home. Luke Eide commented that he thought the proposed home appeared to fit in the neighborhood, would enhance property values of surrounding Kenilworth homes and saw no reason to criticize the plan. Julie Clarkson, who lives directly behind the subject property, asked about the rear setback and what the rear elevation would look like. Dan Quigley explained the proposed 35' setback from the deepest part of the proposed plan and referenced the site plan page and the rear elevation plan page for her to see.

In addition to people that attended the meeting, Dan answered an email from Mary Penrose inquiring about the proposed threshold increase of 3' (see attached). Dan also spoke to three residents on the phone that were not able to attend the neighborhood information meeting.

## Dan Quigley

---

**From:** Dan Quigley <DJ.Quigley@yahoo.com>  
**Sent:** Monday, April 15, 2013 11:51 AM  
**To:** 'Mary Penrose'  
**Subject:** RE: 9109 Fontana

Mary,

I appreciate your thoughts on the proposed new construction at 9109 Fontana. We are trying to do something that will fit into the neighborhood and enhance the values of property nearby.

In designing the preliminary plan to blend in with the neighborhood, we tried to consider not only the best style of the home (1 and 1/2 story up or reverse) for the home site, the neighboring home styles, future owner/family possibilities but also the elevation of the house relative to the front curb elevation and fix the improper drainage conditions. Presently the home has poor drainage because the top of foundation is below the front curb and the yard slopes toward the house and not away as it should to properly shed water and avoid water seepage into the basement. Unfortunately, we find many examples of the same drainage issues in older neighborhoods just like what exists at 9109 Fontana. Without getting too technical, the current home has a threshold elevation height of 965' and top of 7' foundation of 964' in relation to the front curb at the driveway of 965.7'. Current practices in construction dictate setting the foundation at least 2' to 3' above the curb in order to get both proper drainage away from the house but also get the driveway (which has a floor generally about 1' to 2' below the foundation top) to slope away from the garage entry and drain water away from the garage. In addition, this lot has the elevation change that suits a reverse plan due to the slope from the front curb elevation near 966' down to near the back property line elevation of 958' - 957' or a change of about 8' - 9'...good for walkout. The proposed threshold elevation at 968' would still come in between the house to the North (threshold elevation 970.3') and the house to the South (threshold elevation 961.1').

I would encourage you to come visit with me at the neighborhood information meeting planned for this Wednesday April 17th 7:00PM at the Corinth Library. Hopefully, I can answer any questions you may have and show you the proposed plans at that time.

Thanks,

Dan Quigley  
Quigley Custom Homes, LLC  
Midwest Custom Builders, LLC  
Midwest Development Land Co., LLC  
Cell 913-707-5789  
Fax 913-825-3366  
Email: [dj.quigley@yahoo.com](mailto:dj.quigley@yahoo.com)

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

**From:** Mary Penrose [<mailto:marypenrose@me.com>]  
**Sent:** Monday, April 15, 2013 10:07 AM  
**To:** [dj.quigley@yahoo.com](mailto:dj.quigley@yahoo.com)  
**Subject:** 9109 Fontana

Construction at 9109 Fontana

My concern is the 3' elevation, the house will sit much higher than the others.

I can't find the plans (I was sent a copy) but if I remember correctly you are building a reverse 1.5 story. My first reaction is this is not a good fit for the neighborhood. I mean that sale wise not appearance. Reverse 1.5 story homes are generally for empty nesters, this is a young family neighborhood. Having parents on the entry level and children (possibly young children) in the basement could be drawback. I am not saying this as a complaint but observation (as an appraiser).

ATTACHMENT B: Photographs







**Street Views**





**Detail of Existing Residence and Residence to the South**



### Site Plan

Ordered By: Quigley Custom Homes, LLC

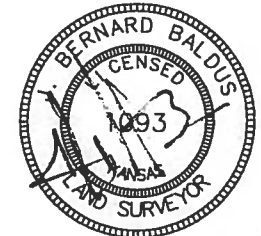
Property Address: 9109 Fontana Street

Description: The North 30 feet of Lot 18 and the South 75 feet of Lot 19, Block 8, a subdivision in the City of Prairie Village, Johnson County, Kansas.

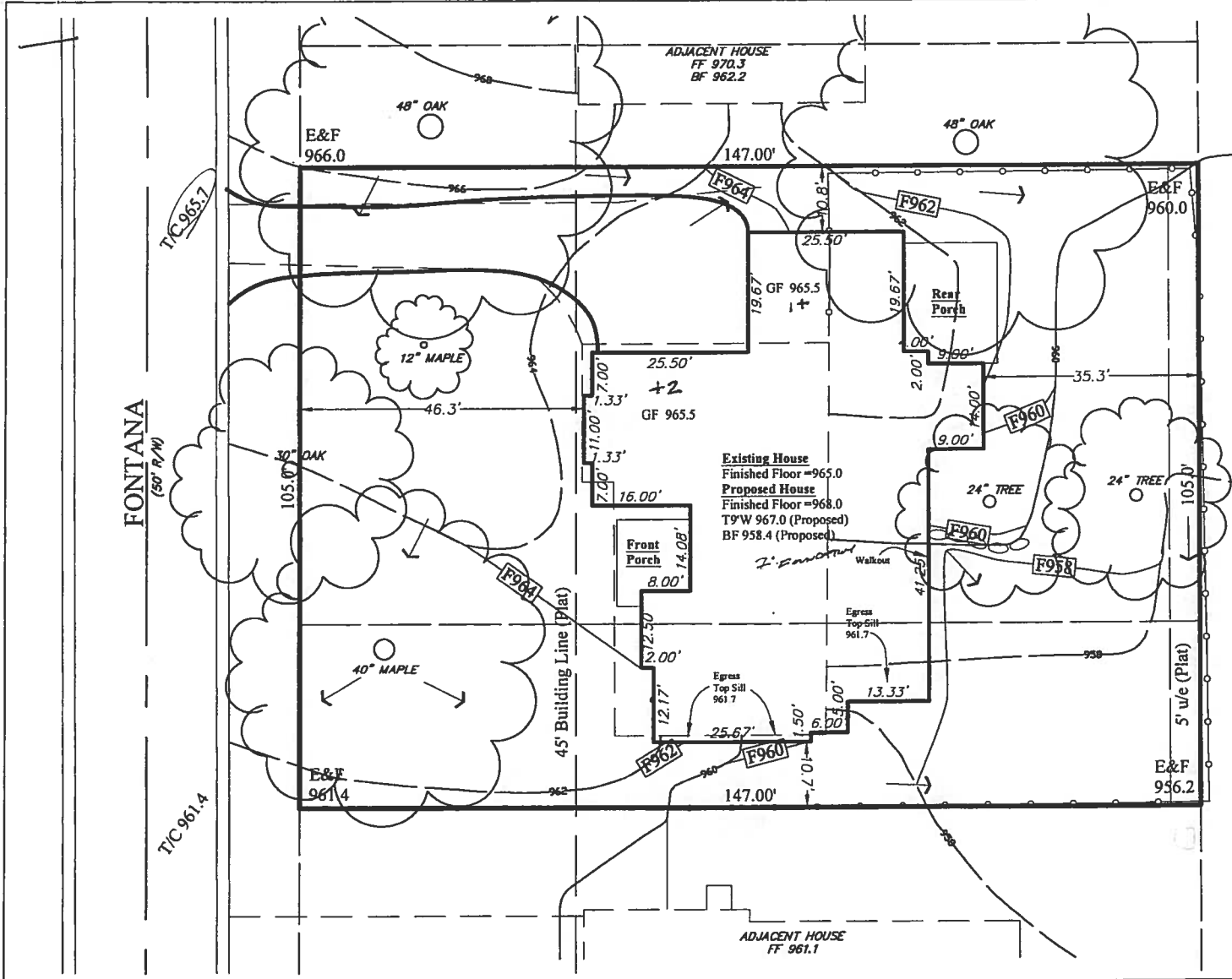
Lot Area = 15435s.f.  
House Area under Roof = 3945s.f.  
Lot Coverage = 27.1%



SCALE: 1" = 20'  
DATE: 03/28/2013  
JOB NO:



J. BERNARD BALDUS, KPLS-1093



DEF & P  
FILE  
TO STW



HOUSE SIZE BY SQ. FT.  
 FIRST FLOOR LIVING AREA: 2385 SQ. FT.  
 LOWER LEVEL FINISHED: 2678 SQ. FT.  
 UNFINISHED BASEMENT: 392 SQ. FT.  
 GARAGES: 1692 SQ. FT.  
 FRONT PORCH: 178 SQ. FT.  
 REAR PORCH: 282 SQ. FT.

HOUSE COVERS ( 3845 SQ. FT. TOTAL HOUSE UNDER ROOF ) = 27% OF LOT  
 14336 SQ. FT. OF LOT

It is the intent of this drawing to show a general idea of the proposed construction. It is not intended to be a contract. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The contractor shall also be responsible for obtaining all necessary approvals from the appropriate authorities. The contractor shall also be responsible for obtaining all necessary approvals from the appropriate authorities.

BUILDING CONTRACTOR/OWNER'S RESPONSIBILITY: TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS BEFORE CONSTRUCTION BEGINS. ELECTRICAL SYSTEM CODE: NEC/IFC PLUMBING & MECHANICAL CODE: UPC/IPC

PAGE 1  
 PLAN

ELEVATIONS  
 9109 FONTANA  
 PRAIRIE VILLAGE, KS

QUIGLEY  
 CUSTOM HOMES



REAR



RIGHT SIDE



LEFT SIDE

It is the intent of this drawings, floor plans, and details to provide the owner with a complete and accurate representation of the proposed construction. The drawings are intended to be used as a guide for the construction of the project. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose.

BUILDING CONTRACTOR/HOME OWNER  
 ARCHITECT  
 ELECTRICAL SYSTEM CODE: SEC. 2709  
 MECHANICAL SYSTEM CODE: SEC. 2709  
 PLUMBING SYSTEM CODE: SEC. 2709

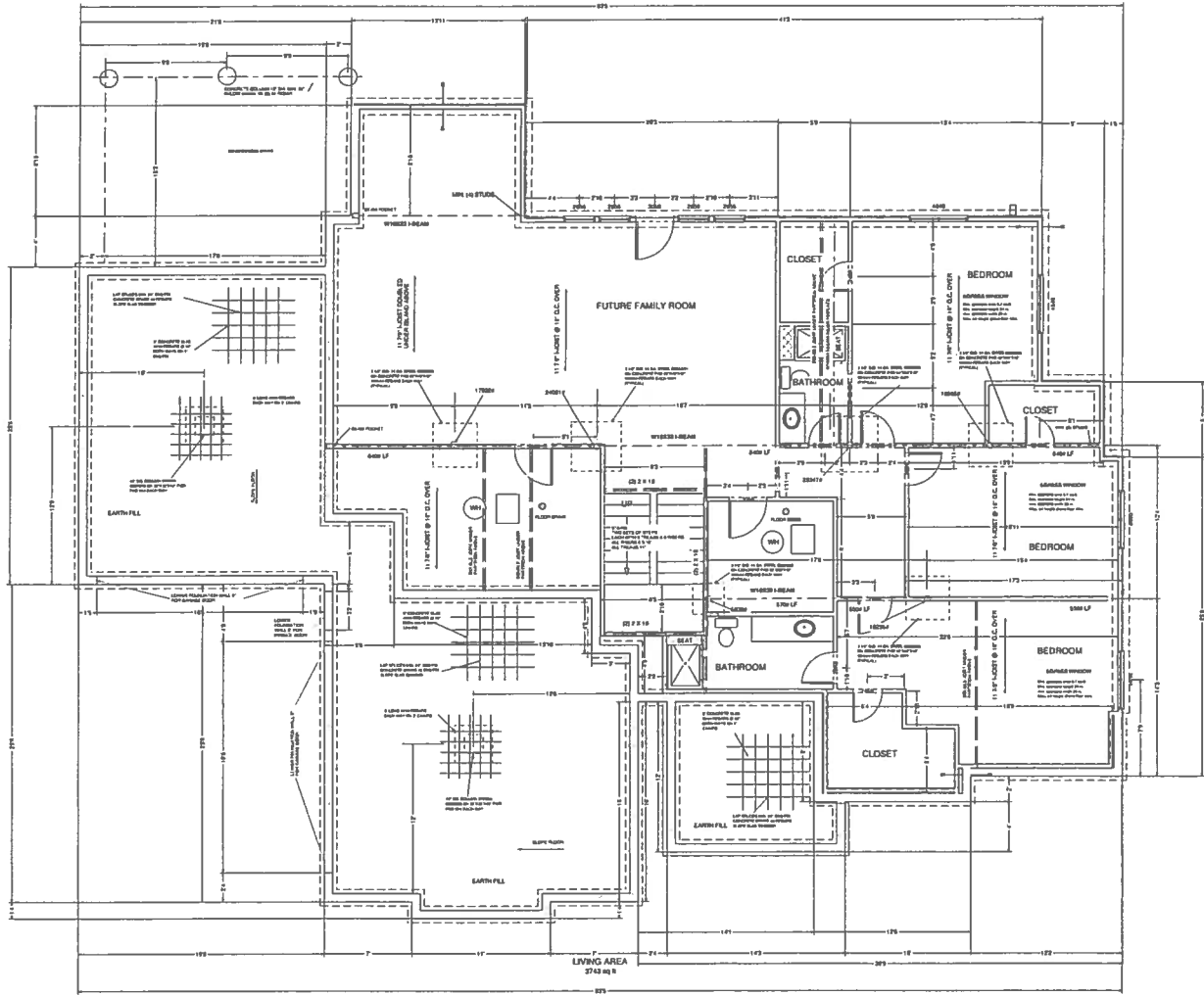
PAGE 2

PLAN

ELEVATIONS  
 9109 FONTANA  
 PRAIRIE VILLAGE, KS

**QUIGLEY**  
 CUSTOM HOMES





1. IF 2\"/>

1. IF 2\"/>

BEFORE CONSTRUCTION HOME OWNERS TO REVIEW AND SIGNIFY ALL DIMENSIONS, MATERIALS, FINISHES, AND MECHANICAL/ELECTRICAL SYSTEMS BEFORE CONSTRUCTION BEGINS.

PAGE 3 PLAN

FOUNDATION  
9109 FONTANA  
PRAIRIE VILLAGE, KS

QUIGLEY  
CUSTOM HOMES

LIVING AREA  
2743 sq ft

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** May 7, 2013 Planning Commission Meeting

Project # 000005977

---

**Application:** PC 2013-113

**Request:** Approval of Sign Standards for Prairie Village Center

**Property Address:** NW Corner 71<sup>st</sup> & Mission Road

**Applicant:** Lega C Properties

**Current Zoning and Land Use:** C-2 General Commercial District – Shopping Center

**Surrounding Zoning and Land Use:** **North:** R-1B – Single-family Dwelling District – Single family Dwellings  
**East:** C-0 Office Building District – Church  
C-2 General Commercial District – Shopping Center  
**South:** R-1B – Single-family Dwelling District – Single family Dwellings  
**West:** R-1B – Single-family Dwelling District – Single family Dwellings

**Legal Description:** Metes and Bounds

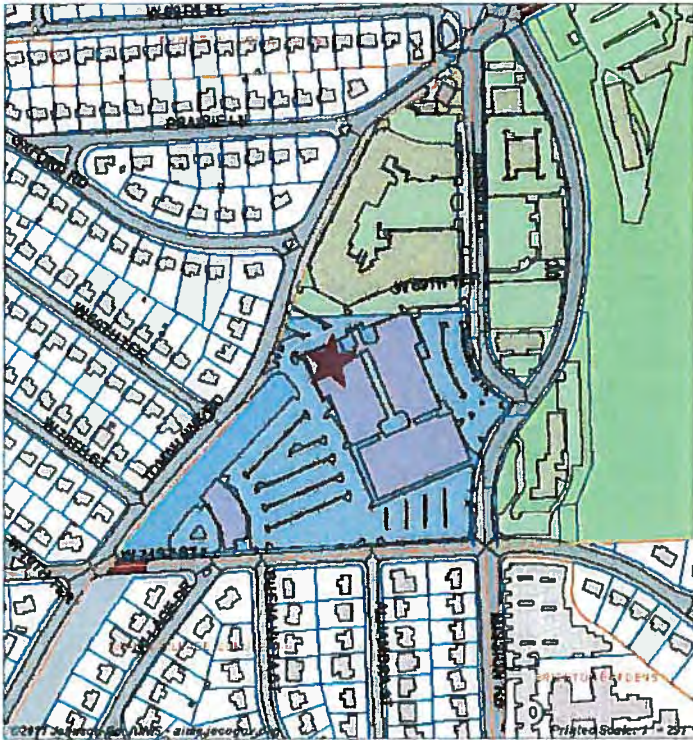
**Property Area:** 17.4 Acres

**Related Case Files:** PC 2012-119 Site Plan Approval for Standees  
PC 2012-08 CUP for Drive-Thru  
PC 2012-114 Preliminary and Final Plat  
PC 2012-113 Site Plan Approval Mission Lane  
PC 2011-115 Site Plan Approval Story Restaurant  
PC 2007-112 Site Plan Approval Cactus Grill  
PC 2006-108 Amendment to Sign Standards for Macy's  
PC 2000-107 Approval of Revised Sign Standards  
PC 1999-105 Site Plan Approval for Bank and Restaurant

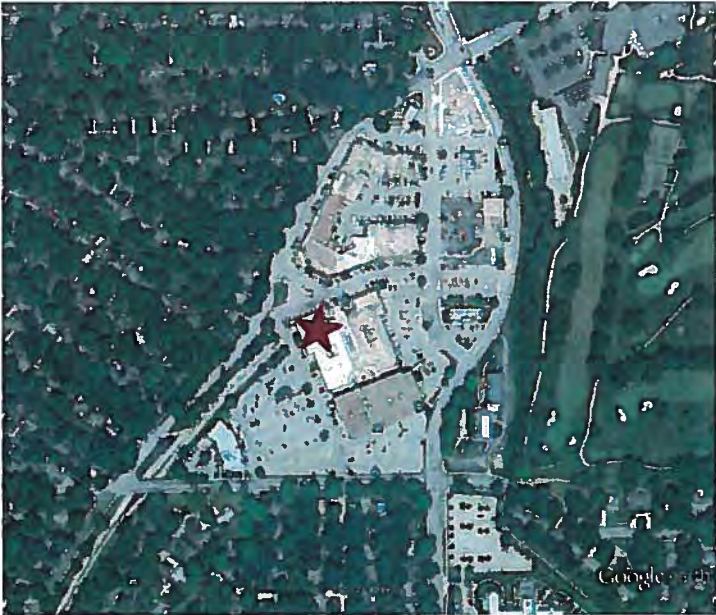
**Attachments:** Application, Site Plan Drawings, Photos



**General Location Map**



**Aerial Map**



**COMMENTS:**

Staff has reviewed the proposed sign standards for Prairie Village Shopping Center. It was anticipated that the sign standards would be more similar in format to what was approved for Corinth Square. Prairie Village Shopping Center is designed differently than Corinth Square and the building facades are not being changed so the standards are an update of the existing standards. There are several anchor tenants. Most of the signage will be within sign bands, however, there are several towers throughout the Center that have signage. Staff has reviewed several situations of the proposed sign standards with the applicant and has resolved most of the items. There are a few items of interest that were not readily available and will be supplied at a later date.

The words "Drive Thru" are shown on the wall sign for Starbucks. That is not a part of their legal name and will need to be removed.

**RECOMMENDATION:**

It is the recommendation of the Staff that the Planning Commission approve the Sign Standards for Prairie Village Shopping Center subject to the following conditions:

- 1) That applicant provide the details for the U.S. Bank signs.
  - 2) That the applicant provide the square footage for the proposed Hen House sign.
  - 3) Remove the words "Drive Thru" from the wall sign.
  - 4) Revise the sign standards (text and graphics) with conditions approved by the Planning Commission and submit to Staff for review and approval.
  - 5) Remove the event sign at 71<sup>st</sup> and Mission Road or incorporate it into the Sign Standards.
-



# CITY OF PRAIRIE VILLAGE

The Star of Kansas

CUSTOMER # 15761  
APP # 5536

## Planning Commission Application

For Office Use Only
Case No.: <u>PC 2013-113</u>
Filing Fee: <u>\$100</u>
Deposit: <u>\$500</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>5/17/13</u>

Please complete this form and return with Information requested to:

Assistant City Administrator  
City of Prairie Village  
7700 Mission Rd.  
Prairie Village, KS 66208

Applicant: Legacy Properties, LLC Phone Number: 9137491568  
 Address: 3955 W 83rd St, Prairie Village, KS 66208 E-Mail: Kylie - stock@legacyprop.com  
 Owner: PV Retail Partners, LLC Phone Number: 9137491568  
 Address: 3955 W 83rd St, Prairie Village, KS Zip: 66208  
 Location of Property: The Village Shops  
 Legal Description: SEE ATTACHED

Applicant requests consideration of the following: (Describe proposal/request in detail) Update Signage Criteria for The Village Shops

### AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for updating the sign criteria for The Village Shops. As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

Kylie Stock, Property Manager  
Applicant's Signature/Date 3/31/13

William S. Costello  
Owner's Signature/Date

**Tenant Sign Criteria**  
**Prairie Village Shopping Center**  
**Prairie Village, KS**  
**May 7, 2013**

The signage at Prairie Village Shopping Center, see Exhibit A, is an integral part of the shopping center's image and appeal, thus all signage must be thoughtfully designed, appropriately located, and proportionate to the individual architectural façade on which it is placed. Care in the design and installation of tenant signs will enhance customer appreciation of individual stores and contribute to the overall success of the complex.

The objective of the following sign criteria is to provide standards and specifications that assure consistent quality, size variety and placement for tenant signs throughout the complex. These criteria are also intended to achieve the highest standard of excellence in environmental graphic communication. *Use of logos is encouraged but will ultimately be subject to review and final approval of Developer.*

**In-Line Band Mounted Signage**

Each tenant shall be allowed one (1) illuminated sign at each of the Tenant's exterior facades. The sign will be installed on the continuous sign band. Sign copy shall be the business name and logo in the tenants preferred font style. Business name to be as it is shown on their lease.

The sign shall consist of individual pan channel or reverse channel halo lit letters and/or logos. All letters will be illuminated with LED module lighting. Sign returns and trim cap colors are subject to final approval of Developer. Logo colors are encouraged. In-line tenants requesting to replace existing in-line sign panels with new routed aluminum sign panels and utilizing existing lighting will be considered on a case by case basis and will be subject to Developers written approval.

The area of the sign shall not exceed five percent (5%) of the total area of the facade upon which it is placed and shall not exceed 50 square feet. The width of the sign shall not exceed eighty percent (80%) of the Tenant's storefront.

**Tower Façade/Wall mounted signage**

Tenants leasing space with a brick or flat wall surface shall be allowed one sign on each storefront facade. Sign copy shall be the business name and logo in the tenants preferred font style. Business name to be as it is shown on their lease.

The sign must be installed on the brick or flat wall surface.

The sign shall consist of individual pan channel or reverse channel halo lit letters and/or logos. All letters will be illuminated with LED module lighting. Sign returns and trim cap colors are subject to final approval of Developer. Logo colors are encouraged. Tenants requesting to replace existing in-line sign panels with new routed aluminum sign panels and utilizing existing lighting will be considered on a case by case basis and will be subject to Developers written approval.

The area of the sign shall not exceed five percent (5%) of the total area of the facade upon which it is placed and shall not exceed 50 square feet. The width of the sign shall not exceed eighty percent (80%) of the Tenant's storefront.

**Anchor/Co-Anchor Tenant Signage:**

Anchor/ Co-Anchor tenant(s), defined as tenants occupying space in excess of 9,000 square feet, shall be allowed more than one (1) illuminated sign on each of the Tenant's exterior facades. Sign copy shall be the business name and logo in the tenants preferred font style.

The sign shall consist of individual pan channel or reverse channel halo lit letters and/or logos. All letters will be illuminated with LED module lighting. Sign returns and trim cap colors are subject to final approval of Developer. Logo colors are encouraged. Tenants requesting to replace existing in-line sign panels with new routed aluminum sign panels and utilizing existing lighting will be considered on a case by case basis and will be subject to Developers written approval.

Hen House – 6950 Mission Road - The area of the sign shall not exceed \_\_\_\_\_ square feet. See Exhibit B. Additional subtenant or secondary signage shall be allowed in combination with illuminated sign contingent upon the Developer's approval and subject to Prairie Village Ordinance 2004, Sect. II, 2011; Ord 2138, Sec. II, 2006

Macy's – 4000 W. 71<sup>st</sup> Street - The area of each wall sign shall not exceed 104 square feet. See Exhibits C, D, E and F.

US Bank – 6940 Mission Road - The area of each wall sign shall not exceed \_\_\_\_\_ square feet. In addition three (3) time and temperature signs are permitted. See Exhibit G.

Standee's – 3935 W. 69<sup>th</sup> Terrace - The area of the sign tower sign shall not exceed 35 square feet. Other signs are permitted. See Exhibits H, I and J.

**Multi-tenant use free standing pad site tenants:**

Each tenant shall be limited to one (1) wall or fascia sign per facade of their lease space with a maximum of four (4) signs. Sign copy shall be the business name and logo in the tenants preferred font style. Business name to be as it is shown on their lease. Where applicable, graphics will be allowed on awnings, contingent upon the Developer's approval, and will be counted as one of the allowed signs. See Exhibits K and L.

The sign shall consist of individual pan channel or reverse channel halo lit letters and/or logos. All letters will be illuminated with LED module lighting. Sign returns and trim cap colors are subject to final approval of Developer. Logo colors are encouraged. Tenants requesting to replace existing in-line sign panels with new routed aluminum sign panels and utilizing existing lighting will be considered on a case by case basis and will be subject to Developers written approval.

All signage is to be located on tenant's leased space only. Signage area shall not exceed five percent (5%) of the total area of the tenant's facade upon which it is placed and shall not exceed 50 square feet. The width of the sign shall not exceed eighty percent (80%) of the Tenant's storefront.

**ADDITIONAL SIGNAGE**

**Under Canopy Pedestrian Signs**

Each tenant will be allowed one (1) double faced, suspended or projecting under canopy pedestrian sign at each public entrance to the Tenant's space. Said sign shall not exceed 3 sq ft. Signs to be mounted at a minimum of 7'-6" clearance above grade. The sign shall consist of a non-illuminated sign panel with decorative molding to match architectural style of Shopping Center.

**Window Signs**

Usage of vinyl window graphics, window signs (neon or otherwise) shall be allowed, contingent upon the Developer's approval. Maximum signage area is limited to 10% of window area.

**Poster Boxes**

Usage of poster boxes shall be allowed for Theater uses, contingent upon the Developer's and Prairie Village Planning Staff approval.

**Temporary signs or banners**

Temporary signs or banners must be reviewed and approved by developer and will be regulated by City of Prairie Village sign codes. Developer limits temporary signs to 20 sq ft and a maximum of 30 days during a 12 month period per tenant to promote in store products and services.

**Menu Board signs**

Menu Board signs are subject to the approval of Developer and City of Prairie Village Planning Staff.

**Directional signs**

Directional signs are subject to the approval of Developer and City of Prairie Village Planning Staff.

### **Monument ID signs**

Monument ID signs, should Developer decide to install, are subject to the approval of Developer and City of Prairie Village Planning Commission.

### **Promotional signs**

Promotional signs are subject to the approval of Developer and City of Prairie Village Planning Staff.

### **Leasing information signs**

Developer will have, at their discretion, up to two (2) leasing information signs, one (1) sign on Mission Road and one (1) sign on Tomahawk Road. The size shall not exceed five (5) feet in height. The design and location to be approved by Prairie Village Planning Staff. Individual vacant tenant spaces may have "space available" banners. Leasing information signs are subject to the approval of Developer and City of Prairie Village Planning Staff.

## **SIGNAGE MAINTENANCE, REPAIRS AND REMOVALS**

Tenant shall be solely responsible for the repair and maintenance of all structural and electrical elements of their signage and agrees to keep signage in good repair at all times during the lease term and all option periods. Failure to do so will result in the developer making arrangements for such needed repairs to be made and charged back to the tenant.

Tenant shall be responsible for the cost of repairs of any and all damage to in-place construction caused by the installation of any sign. Such repairs will be done by developer and back charged to tenant.

Upon the permanent closing of a store, the tenant shall be responsible for the removal of signage from the building. All repairs, patching of holes or repainting of surfaces due to tenant's signage will be done by developer and back charged to tenant.

Developer, at their option, may use tenant's security deposit funds to pay for any signage repairs or sign installation or removal repairs that may be necessary.

## **APPROVAL PROCESS**

Prior to the submission of a sign permit application to the City of Prairie Village or the production of any sign or installation, the proposed signage must first be approved in writing by the Prairie Village Shopping Center Development group. Signs must comply with criteria and all building, fire, electrical and other applicable codes.

For the developer's review of signage, tenants shall provide the developer's office with two (2) copies of the building elevation drawing, showing the following specifications: a) proposed sign location b) layout c) dimensions of business façade/wall and signage d) colors e) materials f) finishes and g) section through sign showing construction and installation details.

When applying for permits with the City, please include a copy of the developer's written approval with your permit application. The tenant is responsible for obtaining and making payment for all sign permits.

The Developer reserves the right at any time to modify the sign criteria in any manner whatsoever, and tenant agrees to abide fully and timely with any and all such modifications.

## **GENERAL SIGN SPECIFICATIONS**

- Internally illuminated pan channel letters/logos shall have plexiglas faces not more than 3/16" thick with applied vinyl or colored plexiglas faces. Developer has no specifications regarding color of trim cap or returns, as long as whatever is used is complimentary to the signage, has 1" trim cap (min.), a letter depth of 4" minimum and LED illumination.
- Halo illuminated reverse channel letters shall be fabricated of aluminum with a clear lexan backing, a minimum depth of 3" and white LED illumination. Other halo illumination colors may be allowed on an individual basis only with prior approval by developer and city. Signage to be mounted 1 1/2" off the fascia.
- All mounting attachments shall be sleeved and painted to match the background panel coloring on which it is attached. Metal letters shall be fabricated using full welded construction, with all welds ground smooth so as

not to be visible. All penetrations of the building structure that are required for sign installation must be neatly sealed in watertight condition and match the façade.

- Junction boxes, wires, transformers, conduits, supports, any visible fasteners and other equipment shall be concealed from public view.
- Clear plexiglas faces are not allowed. Exposed bulbs or exposed neon signs are not allowed.
- **ALL LED COMPONENTS MUST BE CLASS 2 LOW VOLTAGE, MUST MEET ALL APPLICABLE ELECTRICAL AND BUILDING CODES AND MUST HAVE A UL LABEL.**



JR ANCHOR TENANTS

ANCHOR TENANTS



Extraordinary dining, staples & shops.  
71st Street & Mission Road • Prairie Village, KS





LOCATION ELEVATION  
1/2" = 1' 0"

Exhibit B

	Jeff Maple Resign 3632 Pennsylvania Avenue Kansas City, Missouri 64111  816.756.0532 voice 816.841.1414 fax jmaple@kc.ri.com	HEN HOUSE MARKET 20 6950 Mission Road Prairie Village, Kansas 66208  BALLS FOOD STORES 5300 Specker Road Kansas City, Kansas 66106	EXTERIOR SIGNAGE	April 24, 2013	sheet no. 1 of 1
	*Note: Facade subject to approval by Prairie Village Planning Commission.				



hen house

*your market*



henhouse  
*your market*



**Federated**  
DEPARTMENT STORES, INC.

Existing Signage: E01  
Proposed Signage: M-4

Site Recommendations: Prairie Shopping Center ID #: \_\_\_\_\_  
Address: 4000 West 71st Street, Pralrie Village, KS



ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

**E01 South Elevation**

**Existing Signage:**

Face Illuminated Letterset.  
2'- 6" tall 16'- 1" wide 6" deep  
Square Footage = 40 sq.ft.  
Transformers = Remote  
Electrical = 120V

**Existing Fascia:**

Material: Stone  
Condition: Clean and in good repair  
Recommendation: Standard patch / repair

**Special Conditions:**

No Special Conditions for this Location

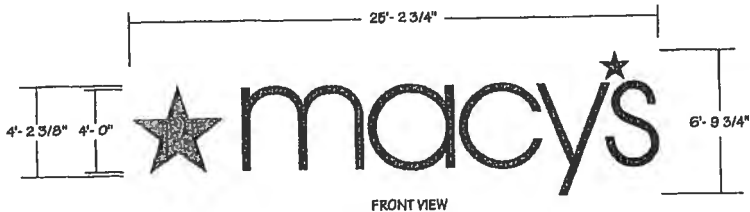
**Permit Max Allowable = 1611.4 sq.ft.**

Each sign shall not exceed 5% of the total area of the facade of each store

**Highway Visibility**

1. Is the sign visible from an Interstate, or a Limited Access Highway?  Yes  No

Name: \_\_\_\_\_



FRONT VIEW

M-4 106 sq.ft.  
Letterset 6" deep to be pinned off the wall 2" for silhouette illumination.  
Star Logo 8" deep to be face illuminated.

\*\*NOTE: LETTERS AND STARS TO HAVE REMOTE TRANSFORMERS.



Exhibit C

**Federated**  
DEPARTMENT STORES, INC.

Existing Signage: E02  
Proposed Signage: M-4

Site Recommendations: Prairie Shopping Center ID #: \_\_\_\_\_  
Address: 4000 West 71st Street, Prairie Village, KS



ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

**E02 East Elevation**

**Existing Signage:**

Face Illuminated Letterset.  
2'-9" tall 16'-1" wide 6" deep  
Square Footage = 44 sq.ft.  
Transformers = Remote  
Electrical = 120V

**Existing Fascia:**

Material: Brick  
Condition: Clean and in good repair  
Recommendation: Standard patch / repair

**Special Conditions:**

No Special Conditions for this Location

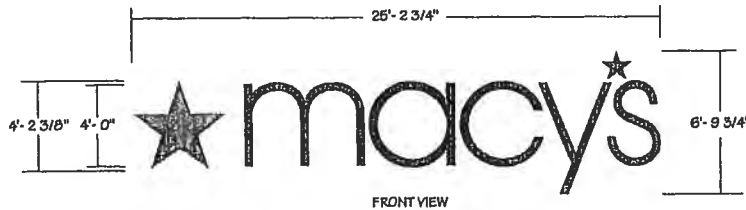
Permit Max Allowable = 1611.4 sq.ft.

Each sign shall not exceed 5% of the total area of the facade of each store

**Highway Visibility**

1. Is the sign visible from an Interstate, or a Limited Access Highway?  Yes  No

Name: \_\_\_\_\_



M-4 106 sq.ft.

Letterset 6" deep to be pinned off the wall 2" for silhouette illumination.  
Star Logo 8" deep to be face illuminated.

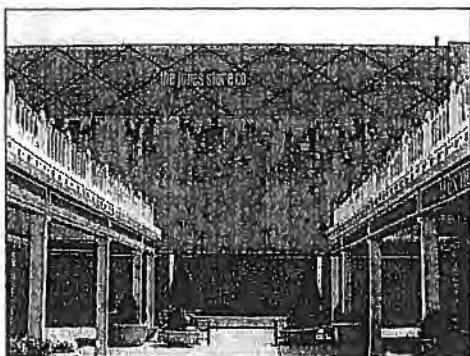
\*\*NOTE: LETTERS AND STARS TO HAVE REMOTE TRANSFORMERS

EXHIBIT D

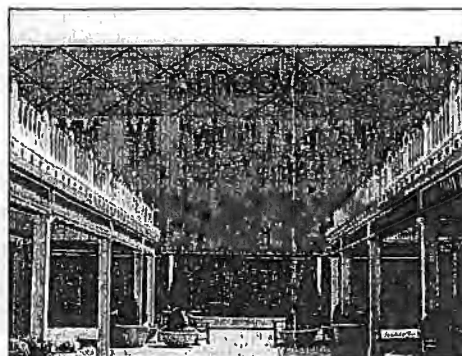


Existing Signage: E04  
Proposed Signage: M-4

Site Recommendations: Prairie Shopping Center ID #: \_\_\_\_\_  
Address: 4000 West 71st Street, Prairie Village, KS



ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE

**E04 North Elevation**

**Existing Signage:**

Face Illuminated Letterset.  
2' - 8" tall 16' - 1" wide 6" deep  
Square Footage = 40 sq.ft.  
Transformers = Remote  
Electrical = 120V

**Existing Fascia:**

Material: Brick  
Condition: Clean and in good repair  
Recommendation: Standard patch / repair

**Special Conditions:**

No Special Conditions for this Location

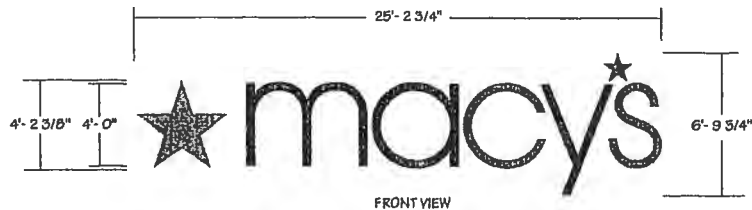
**Permit Max Allowable = 1611.4 sq.ft.**

Each sign shall not exceed 5% of the total area of the facade of each store

**Highway Visibility**

1. Is the sign visible from an Interstate, or a Limited Access Highway?  Yes  No

Name: \_\_\_\_\_



**M-4 106 sq.ft.**

Letterset 6" deep to be pinned off the wall 2" for silhouette illumination  
Star Logo 8" deep to be face illuminated.

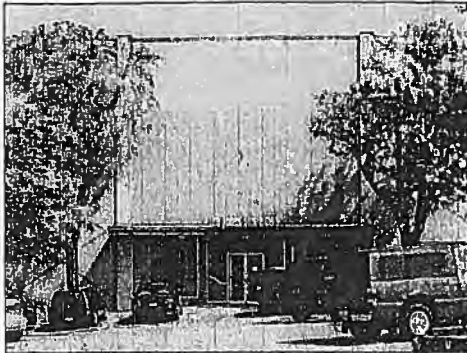
\*\*NOTE: LETTERS AND STARS TO HAVE REMOTE TRANSFORMERS.

Exhibit E

**Federated**  
DEPARTMENT STORES, INC.

Existing Signage: E08  
Proposed Signage: M-4

Site Recommendations: Prairie Shopping Center ID #: \_\_\_\_\_  
Address: 4000 West 71st Street, Prairie Village, KS

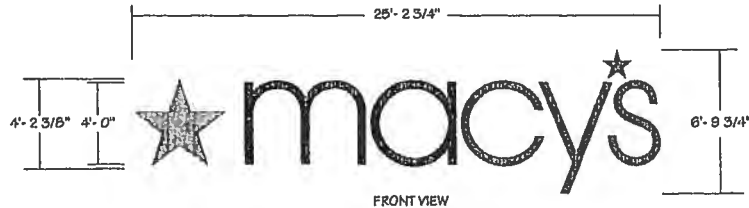


ORIGINAL PHOTOGRAPH



COMPOSITE PHOTOGRAPH with PROPOSED SIGNAGE  
OPTION 1

**\*\*NOTE:** Information about what is behind this wall is needed for full consideration of this elevation  
Federated has selected Option 1 03-13-06



M-4 106 sq.ft.  
Letterset 6" deep to be pinned off the wall 2" for silhouette illumination.  
Star Logo 8" deep to be face illuminated.

**\*\*NOTE:** LETTERS AND STARS TO HAVE REMOTE TRANSFORMERS

**E08 West Elevation**

**Existing Signage:**  
Face Illuminated Letterset.  
1' - 6" tall 9' - 0" wide 6" deep  
Square Footage = 13.5 sq.ft.  
Transformers = Remote  
Electrical = 120V

**Existing Fascia:**  
Material: Mosaic Tile  
Condition: Clean and in good repair  
Recommendation: Standard patch / repair

**Special Conditions:**  
Information needed about what is behind this  
frontage before installation.

**Permit Max Allowable = 1611.4 sq.ft.**

Each sign shall not exceed 5% of the total area  
of the facade of each store

**Highway Visibility**

1. Is the sign visible from an Interstate, or a Limited  
Access Highway?  Yes  No

Name: \_\_\_\_\_

Exhibit F



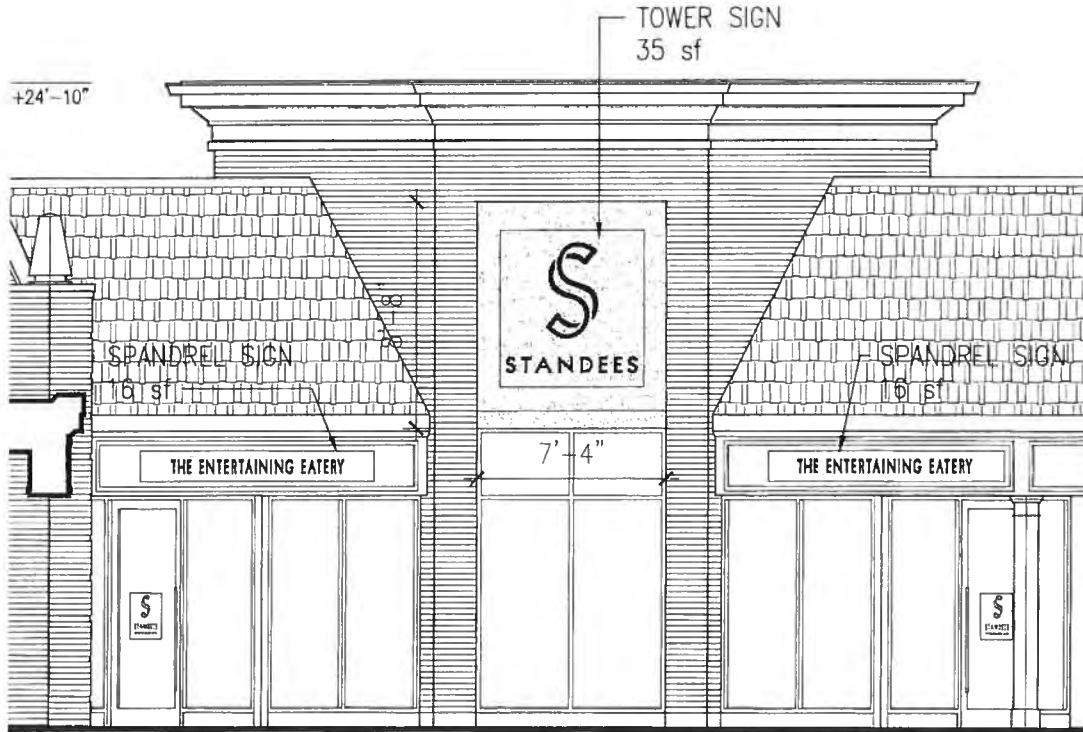
ANCHOR/CO-ANCHOR TENANT SIGNAGE





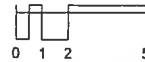
Exhibit G

Exhibit H



**Tower Sign**

February 20, 2013

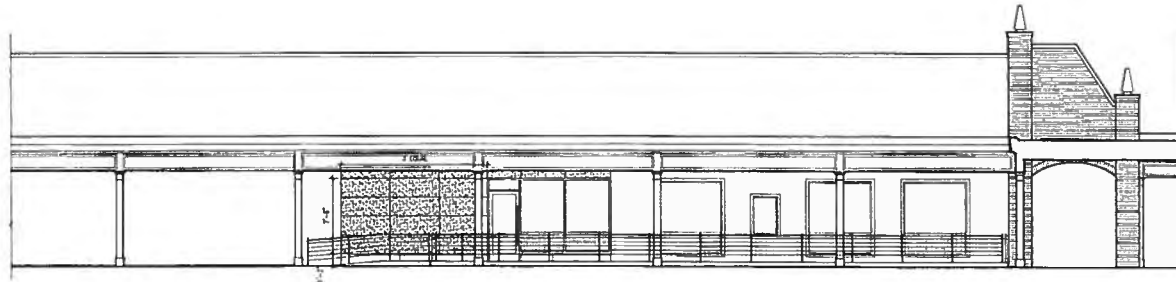


**STANDEES**  
THE ENTERTAINING EATERY

3935 W. 69th Terrace, Prairie Village, Kansas

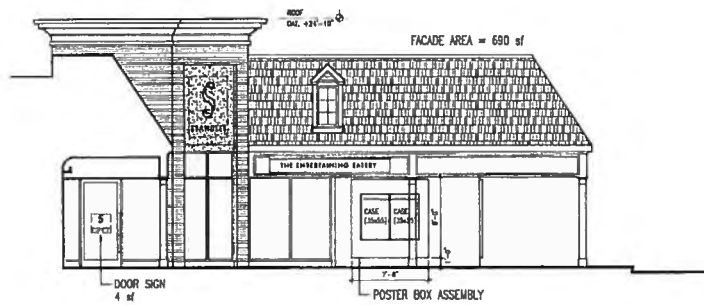
**D I N E F L E X**

DeGasperi & Associates Architecture

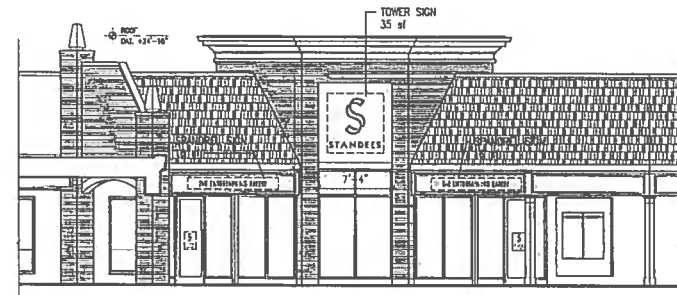


East Elevation at Mall

Exhibit I



East Elevation at Plaza

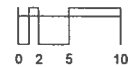


NorthEast Elevation at Plaza

**STANDEES**  
THE ENTERTAINING EATERY

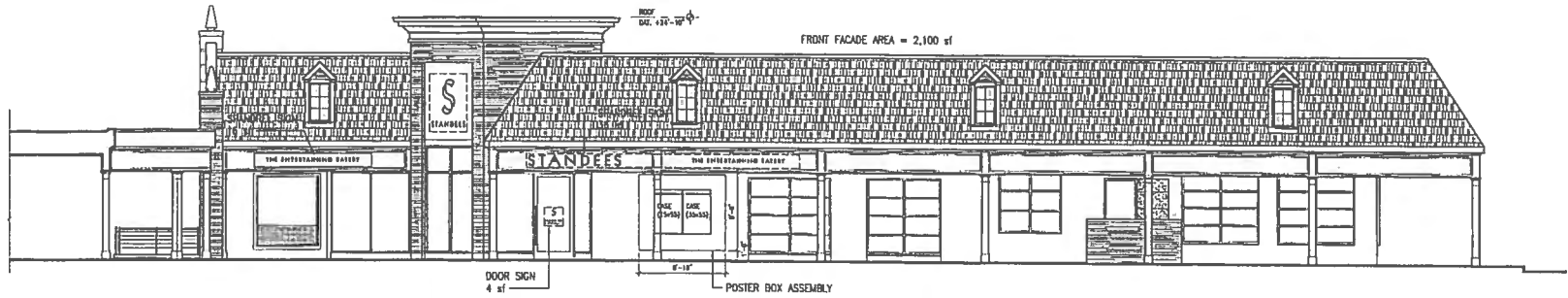
The Village Shopping Center, 3935 W. 69th Terrace, Prairie Village, Kansas

Building Elevations  
February 20, 2013



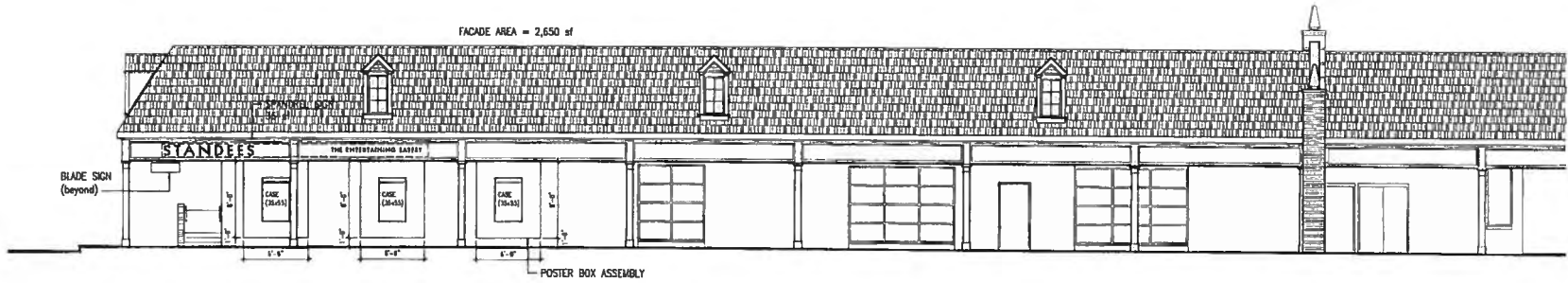
DINEPLEX

DeGasperi & Associates Architecture / Studio Neue / CInegenisis



North Elevation

Exhibit J



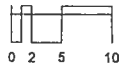
West Elevation

**STANDEES**  
THE ENTERTAINING EATERY

The Village Shopping Center, 3935 W. 69th Terrace, Prairie Village, Kansas

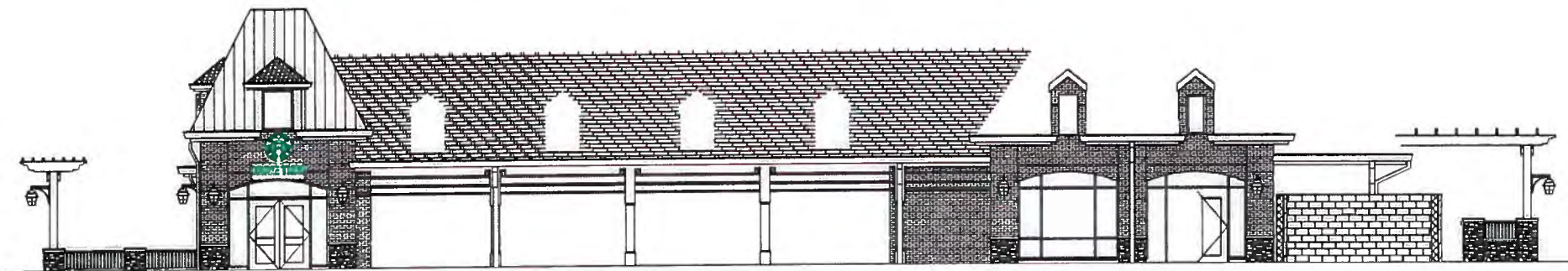
Building Elevations

February 20, 2013



**D I N E P L E X**

DeGasperi & Associates Architecture / Studio Neue / Cinegenisis



FRONT ELEVATION  
SCALE: NOT TO SCALE



SIDE ELEVATION  
SCALE: NOT TO SCALE



EXHIBIT K

**SPECIFICATIONS:**

- FURNISH AND INSTALL (2) SETS OF LOGO CABINETS AND DRIVE THRU INTERNALLY-ILLUMINATED PAN CHANNEL LETTERS
- LOGO-WHITE FACES OVERLAID WITH 3630-76 HOLLY GREEN VINYL. GREEN TRIM CAPS AND RETURNS. ILLUMINATES WITH WHITE LEDS
- "DRIVE THRU" LETTERS-WHITE FACES WITH GREEN TRIM CAPS AND RETURNS. ILLUMINATES WITH WHITE LEDS
- COLORS TO BE CONFIRMED
- SURVEY REQUIRED

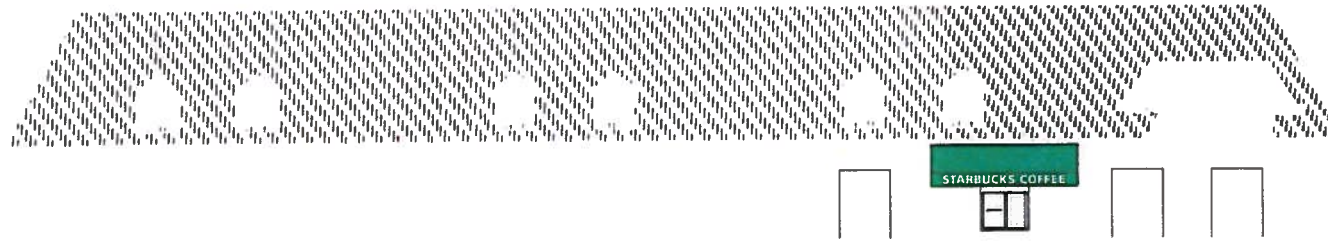
<b>CUSTOMER:</b> STARBUCKS COFFEE	<b>DATE:</b> 4/3/13
<b>NAME:</b> PRAIRIE VILLAGE SC	<b>DESIGN NO:</b> SS-12195
<b>LOCATION:</b> PRAIRIE VILLAGE, KS	<b>ARTIST:</b> JH
<b>PHONE:</b>	<b>SCALE:</b> 3/4" = 1'



**LUMINOUS Neon Inc**  
ART & SIGN SYSTEMS

**APPROVED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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REAR ELEVATION  
SCALE: NOT TO SCALE

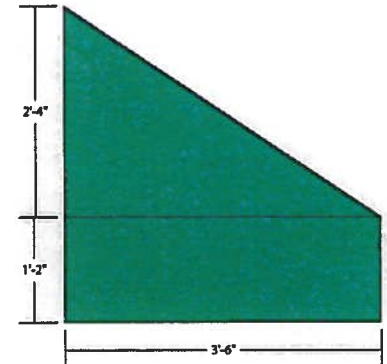
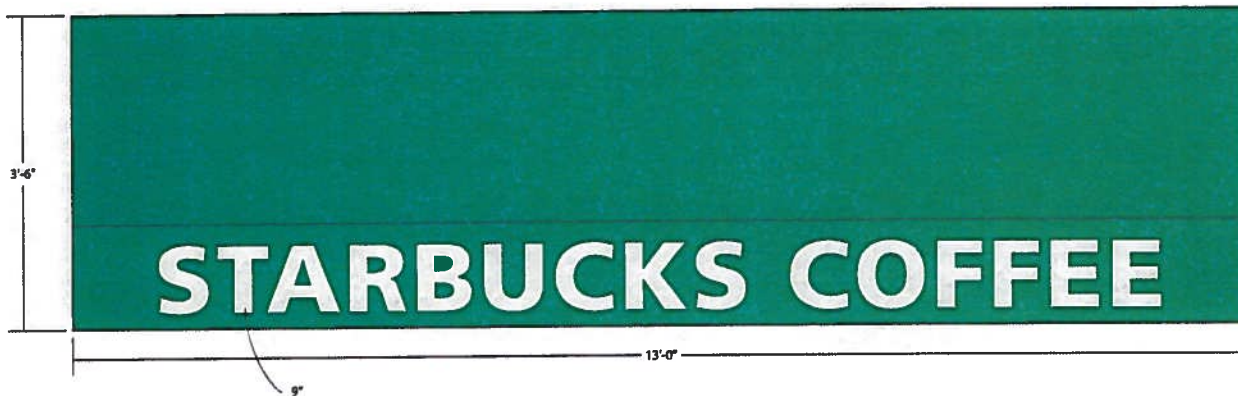


Exhibit L

- SPECIFICATIONS:**
- FURNISH AND INSTALL (1) NON-ILLUMINATED AWNING WITH RIGID DROP
  - GREEN SUNBRELLA FABRIC WITH WHITE COPY
  - SURVEY REQUIRED

CUSTOMER: STARBUCKS COFFEE  
 NAME:  
 LOCATION: PRAIRIE VILLAGE SC  
 PRAIRIE VILLAGE, KS  
 PHONE:

DATE: 4/3/13  
 DESIGN NO: SS-12195  
 ARTIST: JH  
 SCALE: 3/4" = 1'

APPROVED:

DATE:



## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** May 7, 2013, Planning Commission Meeting

Project # 000005977

---

**Application:** PC 2013-115

**Request:** Approval of Final Plat

**Property Address:** 5250 W. 94<sup>th</sup> Terrace

**Applicant:** GCG, LLC

**Current Zoning and Land Use:** CP-1 Planned Restricted Business District - Office

**Surrounding Zoning and Land Use:** **North:** R1-A Single-family Residential – Golf Course  
**East:** CP-1 Planned Restricted Business - Office  
**South:** CP-1 Planned Restricted Business – Meadowbrook Village Center  
**West:** CP-1 Planned Restricted Business - Office

**Legal Description:** Meadowbrook Executive Building – Condominium Plat

**Property Area:** 1.22 Acres

**Related Case Files:** 1976 Zoned CP-1

**Attachments:** Application, Final Plat, Photos



**General Location Map**



**Aerial Map**



**COMMENTS:**

The office building is currently platted as an office condominium with 28 individual units and 12 owners. The property is zoned CP-1 Planned Restricted Business District, but the plan designates all the parcels on the north side of 94<sup>th</sup> Terrace as offices. This lot is part of Meadowbrook Center which is a large development on the northeast corner of 95<sup>th</sup> Street and Nall Avenue. The building was built in 1982.

The applicant will own the entire building and manage it as a single unit. The condominium association will be dissolved. The proposed final plat will eliminate the 28 condominium lots and be platted as one lot. Since the area is developed and a preliminary plat was submitted when the area was originally platted, a preliminary plat was not required.

The applicant has submitted a survey and title opinion showing the easements and other encumbrances on the property. All parties having a final interest in the development need to sign the plat which includes mortgages.

All taxes due and payable must be paid and a copy of the tax receipt submitted to the City. The signatures section for the Governing Body needs to delete the word "Approved" and be replaced with "Easements and Rights-of-Way Accepted."

**RECOMMENDATION:**

It is the recommendation of the Staff that the Planning Commission approve the final plat of Meadowbrook Executive Building Replat and forward it on to the Governing Body for its acceptance of rights-of-way and easements subject to the following conditions:

1. That the applicant submit proof of ownership.
  2. That the applicant submit the final plat to the Johnson County Surveyor for a review.
  3. That the applicant submit a certificate showing that all taxes and special assessments due and payable have been paid.
  4. That the signature section for the Governing Body be changed by deleting the word "Approved" and replacing it with the words "Easements and Rights-of-Way Accepted."
  5. That the applicant revise the final plat and submit three copies to the City for final review and approval.
  6. That the applicant dissolve the condominium association prior to filing the final plat with the Register of Deeds.
-



CITY OF PRAIRIE VILLAGE, KANSAS

PC 2013-114

**FINAL PLAT CHECKLIST**

Subdivision No.: \_\_\_\_\_  
Date Filed: 4/5/13  
Date of Meeting: 5/7/13  
Filing Fee: \$150  
Deposit: \$500

- I. Name of Subdivision: MEADOWBOOK EXECUTIVE BUILDING REPLAT
- II. Name of Owner: MULTIPLE - SEE TITLE REPORT
- III. Name of Subdivider: G.D.G., LLC
- IV. Name of Person who prepared the Plat: SCOTT CONFER - SHAFER KUMER

V. Instructions:

The following checklist is to be completed by the applicant and shall accompany the Final Plat when it is filed with the City. If the answer to any of the questions is "No." a written explanation must accompany this checklist.

- |     |   |            |           |
|-----|---|------------|-----------|
| VI. | Does the Final Plat show the following information?   | <u>Yes</u> | <u>No</u> |
|     | A. Name of the subdivision.   | —          | —         |
|     | B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct.                            | —          | —         |
|     | C. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments. | —          | —         |

- D. The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines. ✓  
— —
  
- E. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block. ✓  
— —
  
- F. Exact locations and widths of all streets, easements, and alleys to be dedicated and the names of all streets. ✓  
— —
  
- G. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use. ✓  
— —
  
- H. Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission. ✓  
— —
  
- I. Building setback lines on the front and side streets with dimensions. ✓  
— —
  
- J. Name and address of the registered land surveyor preparing the plat. ✓  
— —
  
- K. Scale of plat, 1" = 100' or larger, date of preparation, and north point. ✓  
— —
  
- L. Have the following certifications been included?
  - 1. Owner or owners statement dedicating all easements, streets, alleys, and all other areas not previously dedicated. ✓  
— —
  - 2. Signature of all mortgagers having an interest in the property. — —
  - 3. Registered engineer or surveyor preparing the plat. ✓  
— —
  - 4. Chairman and Secretary of Planning Commission. ✓  
— —
  - 5. Mayor and City Clerk for acceptance of dedications. ✓  
— —
  - 6. Registrar of Deeds. ✓  
— —

- VII. Was the original on mylar and at a size acceptable to the Register of Deeds, and were sixteen (16) copies submitted? — —
- VIII. Was the electronic copy prepared for submission to the county in the correct format? ✓ —
- IX. Have all acknowledgements been signed:
- A. Owner or owners and all mortgagors. ✓ —
- B. Dedications or reservations. ✓ —
- C. Engineer, surveyor, or person preparing plat. ✓ —
- X. Title Opinion:
- A. Submitted (Date) \_\_\_\_\_ ✓ —
- XI. Has certification been submitted stating that all taxes and special assessments due and payable have been paid? ✓ —
- XII. Deed Restrictions:
- A. Are any deed restrictions planned for subdivision? — ✓
- B. If so, has a copy been submitted? — ✓ N/A
- XIII. Have final engineering drawings been prepared and submitted for all required improvements; i.e., streets, sidewalks, storm drainage, etc.? — NA —
- XIV. How has installation of the following improvements been guaranteed? N/A
- |                    | <u>Construction</u> | <u>Bond</u> | <u>Other Financial Surety</u> |
|--------------------|---------------------|-------------|-------------------------------|
| Streets            | _____               | _____       | _____                         |
| Water              | _____               | _____       | _____                         |
| Sewer              | _____               | _____       | _____                         |
| Sidewalks          | _____               | _____       | _____                         |
| Other, as required |                     |             |                               |
| 1. _____           | _____               | _____       | _____                         |
| 2. _____           | _____               | _____       | _____                         |
| 3. _____           | _____               | _____       | _____                         |
- XV. Are additional comments attached? — ✓



**Fidelity National Title Company**

**COMMITMENT FOR TITLE INSURANCE**

**Issued By**

**Fidelity National Title Insurance Company**

*Fidelity National Title Insurance Company ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.*

*This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.*

*All liability and obligation under this Commitment shall cease and terminate 6 months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.*

*The Company will provide a sample of the policy form upon request.*

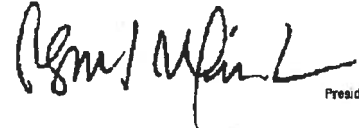
*IN WITNESS WHEREOF, Fidelity National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.*

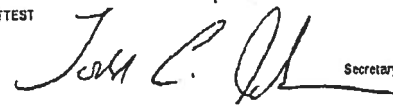
*Issued by and through its Authorized Agent:*

**Continental Title Company (Commercial)  
4550 W 109th St, Suite 100  
Overland Park, KS 66211  
(913) 338-3232**

**Fidelity National Title Insurance Company**



BY  President

ATTEST  Secretary

Issued By:



Agent for:  
**Fidelity National Title Insurance Company**  
601 Riverside Avenue, Jacksonville, FL 32204

**SCHEDULE A**

1. Effective Date: **January 9, 2013 at 08:00 A.M.** Commitment No. **C136032**

2. Policy or Policies to be issued:

a. Owner's Policy (ALTA 2006) Premium: \$  
Policy Amount **\$875,000.00**  
Proposed Insured: **GDG, LLC, a Missouri limited liability company**

b. Loan Policy (ALTA 2006) Premium: \$  
Policy Amount **\$ to be determined**  
Proposed Insured: **to be determined**

3. The estate or interest in the land described or referred to in this Commitment is:

Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

**The heirs at law of Judith L. Hoeffel, deceased**

5. The Land referred to in this Commitment is described as follows:

**Unit 126, MEADOWBROOK EXECUTIVE BUILDING, a condominium subdivision in the City of Prairie Village, Johnson County, Kansas, together with the undivided interest in the common elements appurtenant thereto, as set forth in the Declaration of Condominium recorded in Book 1804 at Page 105, as amended by the instrument recorded April 11, 2007 as Document No. 20070411-0003839 in Book 200704 at Page 003839, and further amended by the instrument recorded January 16, 2008 as Document No. 20080116-0003869 in Book 200801 at Page 003869.**

**SCHEDULE B – SECTION I  
REQUIREMENTS**

Instruments in insurable form which must be executed, delivered and duly filed for record:

Inquiries Should Be Directed To:

Closer: **Wayne Bennett**  
4550 W 109th St, Suite 100  
Overland Park, KS 66211  
(913) 338-3232 Bus



- A. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- B. Pay us the premiums, fees and charges for the policy.
- C. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- D. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- E. Probate case number 09PR530 discloses that Judith L. Hoeffel died testate on May 15, 2009, and Letters Testamentary were issued to Jean Hester. The decedent's will does not contain a power of sale. We require:
  - a) Entry of a probate court order authorizing sale, a report of sale on the subject contract and an order approving and confirming sale as required by law.
  - b) Recording of an Executor's deed to the applicant buyer(s). The deed should recite the probate estate number, the appointment of the executor, and the court orders authorizing, approving and confirming sale.
- F. Properly executed and recorded Mortgage executed by GDG, LLC, a Missouri limited liability company to (to be named), securing \$(to be determined).
- G. Properly executed Owner's Affidavit.
- H. Payment of Assessments, Dues and/or Liens levied by the Homeowners Association of said Subdivision, if any.
- I. Payment of Special Assessments and/or Taxes levied by the County of Johnson, if any.
- J. **In regards to GDG, LLC, a Missouri limited liability company, we require (i) evidence of good standing in the state of said limited liability company's formation, (ii) a copy of its Articles of Organization, (iii) a copy of its Operating Agreement, any amendments thereto and any assignments of membership interests, (iv) written consents signed by the necessary number of members and/or managers necessary under the Operating Agreement to authorize the proposed transaction, and (v) recording of the proposed Mortgage executed by the manager(s) or managing member(s) authorized to sign legal documents under the Operating Agreement.**
- K. **Payment of delinquent real estate taxes for the year 2010 in the amount of \$1,310.27, plus penalties and interest.**
- L. **Payment of delinquent real estate taxes for the year 2011 in the amount of \$1,399.81, plus penalties and interest.**
- M. **Payment of delinquent real estate taxes for the year 2012 in the amount of \$1,229.37, plus penalties and interest.**

NOTE: If there is a transfer of title, a Sales Validation Questionnaire executed by the Grantee must be filed with the Deed or Instrument transferring title if the property is located in the County of **Johnson**.

CLOSING INFORMATION NOTE: If the closing for the subject property is to be conducted by **Continental Title Company (Commercial)**, we require all monies due from the purchase to be in the form of a Cashier's Check, Certified Check or Wire Transfer. If the sale proceeds of any "payoffs" pursuant to the closing require "Good Funds" then monies received by us for such must be by bank or wire transfer.

The above applies to all closings unless other specific arrangements are made. Due to wide variances in banking practices and lack of control over funds "on the wire" we cannot accept financial responsibility for delays in the clearing of funds.

**SCHEDULE B - SECTION II  
EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or claims of parties in possession not shown by the public records.
3. Easements or claims of easements, not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. State, County and City general taxes for the year 2010, and subsequent years. Those taxes and special assessments, which become due and payable subsequent to Date of Policy.
8. Building Setback Lines, Easements, Covenants, Conditions and Restrictions according to the recorded plat, or other instrument, and any amendment thereto, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604 ©. Said plat recorded in Plat Book 52 at Page 22.
9. Terms, provisions, covenants, conditions, restrictions, maintenance charges and easements, together with the Bylaws set forth in the Declaration of Condominium, including all exhibits attached thereto, recorded November 29, 1982 as Document No. 1385106 in Book 1804 at Page 105, as amended by the instrument recorded April 11, 2007 as Document No. 20070411-0003839 in Book 200704 at Page 003839, and further amended by the instrument recorded January 16, 2008 as Document No. 20080116-0003869 in Book 200801 at Page 003869.  
  
NOTE: The above Declaration contains a right of first refusal in favor of Meadowbrook Executive Building Corporation. The right of refusal was further defined by the Memorandum Decision in Case No. 85C7174 in the District Court of Johnson County, Kansas, and later defined in the amendment recorded in Book 200801 at Page 003869.
10. Utility easement as set forth in the instrument recorded August 11, 1976 as Document No. 1070896 in Book 1139 at Page 985.
11. Easement granted to Kansas City Power & Light Company as set forth in the instrument recorded December 29, 1976 as Document No. 1088373 in Book 1175 at Page 266.
12. Easement granted to Kansas City Power & Light Company as set forth in the instrument recorded August 19, 1982 as Document No. 1374268 in Book 1780 at Page 180.
13. Terms and provisions of Indemnification Agreement dated July 31, 1982 between C & S Properties, a Kansas joint venture, Indemnitor, and Kansas City Power and Light Company, a Missouri corporation, Indemnitee, recorded August 19, 1982 as Document No. 1374278 in Book 1780 at Page 191.
14. Terms and provisions of K.S.A. 58-3101 et seq. Kansas Apartment Ownership Act.
15. Any lien or right to lien by any Real Estate Brokers or Real Estate Appraisers.
16. Tenancy rights, either as month to month or by virtue of written lease of any party now in possession of the premises in question.

**NOTES**

**NOTE 1:** The Title Agent Issuing this Commitment is furnishing a 24 Month Chain of Title for informational purposes only and the company has no liability for any of the information provided:

**NA**

**NOTE 2:** For informational purposes only we submit the following tax figures and property address, if known. We assume no liability for the correctness of same.

Commonly known as: **5250 W 94th Ter 126, Prairie Village, KS**

Based upon **2012** figures

Tax ID No. **OP2370000 0U126 (Unit 126)**

Assessed Value **\$10,001**

State and County Tax Rate **\$1,229.37**

Includes the following special assessments, if any: **PVCSTMWATER - \$40.00**

Delinquent Taxes, if any: **2010, 2011 & 2012**

**NOTE:** First Half of Taxes are due on or before December 20<sup>th</sup>; Second Half of Taxes are due on or before May 10<sup>th</sup>.

Title Officer: **Mike Jones**

**4550 W 109th St, Suite 100**

**Overland Park, KS 66211**

**(913) 338-3232 Bus**

**FIDELITY NATIONAL TITLE COMPANY**

**CONDITIONS**

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.



**Continental**  
TITLE COMPANY  
PRIVACY POLICY

**We Are Committed to Safeguarding Customer Information**

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

**Applicability**

This Privacy Policy governs our use of the information, which you provide us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

**Types of Information**

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others;
- And Information we receive from a consumer-reporting agency.

**Use of Information**

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

**Former Customer**

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

**Confidentiality and Security**

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities that need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.



## Fidelity National Financial, Inc. Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries (“FNF”) respect the privacy and security of your non-public personal information (“Personal Information”) and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF’s privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

### Personal Information Collected

- We may collect Personal Information about you from the following sources:
- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

### Disclosure of Personal Information

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.

Disclosure to Affiliated Companies – We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties – We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

### **Confidentiality and Security of Personal Information**

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

### **Access to Personal Information/Requests for Correction, Amendment, or Deletion of Personal Information**

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer  
Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, FL 32204

### **Branded or Co-Sponsored Websites**

If you provide Personal Information to us through a co-branded or co-sponsored website, you may be providing such information to the co-sponsor as well. In that event, we will make reasonable efforts to provide notice to you at the time you provide the information and you can decide whether you wish to do so. If you do submit such information, we will not be responsible for the use of the information you submit by the co-sponsor.

### **Links to Other Websites**

Our websites may contain links to websites that are provided and maintained by third parties and that are not subject to this Privacy Statement. Please review the privacy statements on those websites. We make no representations concerning and are not responsible for any such third party websites or their privacy policies or practices.

### **Cookies**

Our websites may use "cookies" or similar technologies to improve our service to you. Our cookies do not collect your Personal Information. Your browser can most likely be configured to notify you when cookies will be received and offer you the option of refusing cookies. If you reject cookies, you may still use our websites, but your ability to use some areas may be limited.

### **Changes to this Privacy Statement**

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.

# ALTA/ACSM LAND TITLE SURVEY MEADOWBROOK EXECUTIVE BUILDING



**SHAFER, KLINE & WARREN, INC.**

CIVIL ENGINEERS - LAND SURVEYORS  
TRAFFIC & TRANSPORTATION ENGINEERING  
LAND PLANNING - LANDSCAPE ARCHITECTURE  
11230 CORPORATE AVENUE, LEXINGTON, KANSAS 66208  
OFFICE: 913-888-7800 FAX: 913-888-7888  
COPYRIGHT © 1993 BY SHAFER, KLINE & WARREN, INC.

**OWNER:**  
MEADOWBROOK EXECUTIVE BUILDING CORPORATION  
2320 WEST 94TH TERRACE  
PRAIRIE VILLAGE, KANSAS 66207  
(913) 634-9472

**PLAT:**  
PLAT 180 - NOVEMBER 30, 1989 AND  
PLAT 180A - FEBRUARY 6, 2003. CONDOMINIUM UNIT PLAN, NEW TITLE ACT

**DESCRIPTION:**  
OWNER: MEADOWBROOK EXECUTIVE BUILDING CORPORATION A KANSAS CORPORATION. COMMITMENT NO. C138018.

UNIT 101, 102, 103, 104 AND 105, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED JANUARY 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: TRUSTEE OF TRUST UNDER TRUST AGREEMENT DATED JULY 27, 1988 EXECUTED BY RICHARD E. FORTIN AS SETFOR AND TRUSTEE. COMMITMENT NO. C138022.

UNIT 106, 107 AND 108, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: SEZS, L.L.C. A LIMITED LIABILITY COMPANY. COMMITMENT NO. C138024.

UNIT 109, 110 AND 111, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: SEZS, L.L.C. A LIMITED LIABILITY COMPANY. COMMITMENT NO. C138024.

UNIT 112, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: SEZS, L.L.C. A LIMITED LIABILITY COMPANY. COMMITMENT NO. C138024.

UNIT 113 AND 114, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: JOHN G. HODGKINS, INC. A CORPORATION. COMMITMENT NO. C138026.

UNIT 115, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: CARLE E. BAUER, JR. AND MARIE-TERESE BAUER, HUSBAND AND WIFE. COMMITMENT NO. C138028.

UNIT 116, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: CALDWELL-SMITH COMPANY, A DELAWARE CORPORATION. COMMITMENT NO. C138030.

UNIT 120, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: WTY COMPANY, A CORPORATION. COMMITMENT NO. C138032.

UNIT 121, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: THE HEIRS AT LAW OF JUDITH L. HOFFER, DECEASED. COMMITMENT NO. C138033.

UNIT 122, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: THE HEIRS AT LAW OF JUDITH L. HOFFER, DECEASED. COMMITMENT NO. C138033.

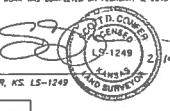
UNIT 123, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: THE HEIRS AT LAW OF JUDITH L. HOFFER, DECEASED. COMMITMENT NO. C138033.

UNIT 124, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 180A AT PAGE 102, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 2007011-000189 IN BOOK 200001 AT PAGE 00018, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 2008018-000189 IN BOOK 200001 AT PAGE 00018.

OWNER: THE HEIRS AT LAW OF JUDITH L. HOFFER, DECEASED. COMMITMENT NO. C138033.

TO: DCC, L.L.C. A MISSOURI LIMITED LIABILITY COMPANY AND CENTRAL TITLE COMPANY, AGENT FOR PRIMAVERA NATIONAL TITLE INSURANCE COMPANY.  
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MISSOURI STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS. JOINTLY ESTABLISHED AND ADOPTED BY ASLS AND MPEL, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 8(A), 9(A), 11, 12, 13(A), 14, 15, 16, AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 6, 2013.



SCOTT D. CONNER, K.S. LS-1249  
P. 000000-000  
3rd F.A. SEC. 33-12-23  
JOHNSON COUNTY, KANSAS  
1.800.338.0349  
sdc@skw.com

### TITLE NOTE:

THIS INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM CENTRAL TITLE COMPANY AGENT FOR PRIMAVERA NATIONAL TITLE INSURANCE COMPANY FOR TITLE INSURANCE NO. S 016903, C136022, C136023, C136024, C136025, C136026, C136027, C136028, C136029, C136030, C136031, C136032, C136033 AND DATED JANUARY 8, 2013 AT 2:02 A.M.

PROPERTIES ARE SUBJECT TO:

BUILDING SETBACK LINES, EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ACCORDING TO THE RECORDED PLAT OF OTHER INSTRUMENTS, AND ANY AGREEMENT OF THE PARTIES, BUT EXCEPTING ANY COVENANT, CONDITION OR RESTRICTION IMPOSING A PROHIBITION ON OR LIMITATION ON DISPOSITION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 8604 1/4. SAID PLAT RECORDED IN PLAT BOOK 32 AT PAGE 22 (AFFECTS AS SHOWN).

UTILITY EASEMENTS AS SET FORTH IN THE INSTRUMENT RECORDED AUGUST 11, 1976 AS DOCUMENT NO. 107009 IN BOOK 1129 AT PAGE 985. (AFFECTS AS SHOWN).

EASEMENT GRANTED TO KANSAS CITY POWER & LIGHT COMPANY AS SET FORTH IN THE INSTRUMENT RECORDED AUGUST 18, 1982 AS DOCUMENT NO. 1217288 IN BOOK 1180 AT PAGE 180. (AFFECTS AS SHOWN).

TELEPHONE AND PROVISIONS OF ADVERTISEMENT AGREEMENT DATED JULY 11, 1982 BETWEEN C & J PROPERTIES, A KANSAS JOINT VENTURE, AND KANSAS CITY POWER AND LIGHT COMPANY, A MISSOURI CORPORATION, INCORPORATED, RECORDED AUGUST 18, 1982 AS DOCUMENT NO. 1217279 IN BOOK 1180 AT PAGE 178. (AFFECTS AS SHOWN).

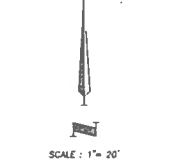
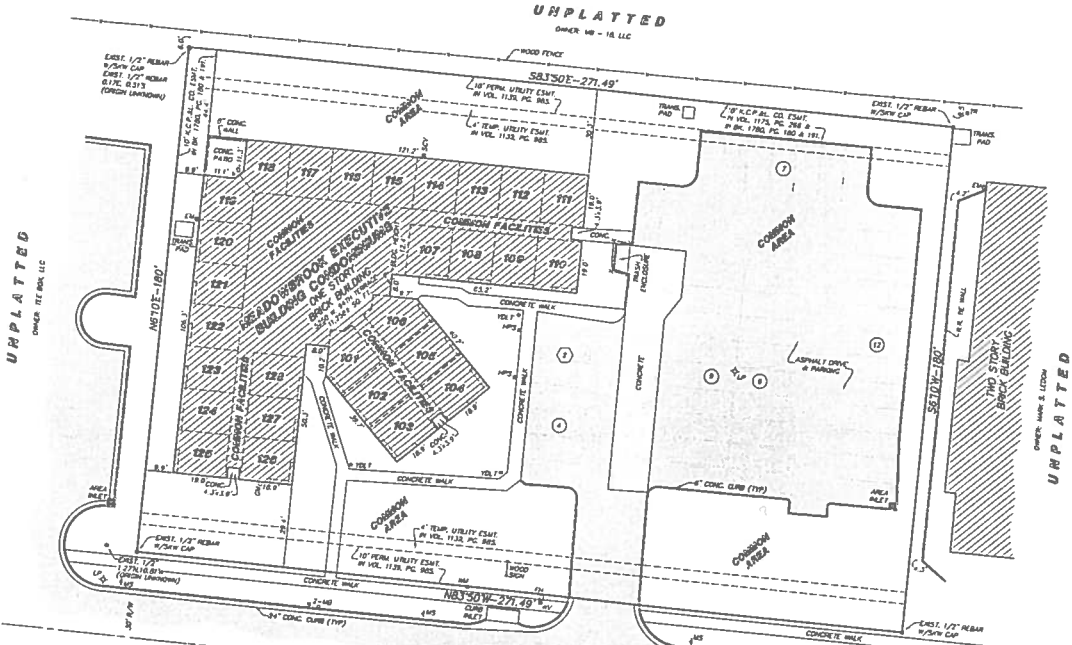
### FLOOD NOTE:

THIS PROPERTY LIES WITHIN FLOOD ZONE 4, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD CHANGE FLOODPLAIN AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER 200901000C AND DATED AUGUST 1, 2009.

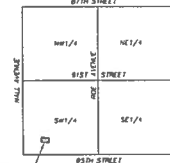
SURVEYOR'S NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT OF "MEADOWBROOK EXECUTIVE BUILDING" THIS PROPERTY IS ZONED CD-1, PLANNED RESIDENTIAL BUSINESS, AS PROVIDED BY THE CITY OF PRAIRIE VILLAGE.  
THERE IS A TOTAL OF 43 UNPAID PARKING SPACES INCLUDING 2 UNPAID HANDICAP SPACES ON THIS PROPERTY. PARKING SPACES SHOWN HEREON ARE FOR GENERAL REPRESENTATION ONLY. NO ATTEMPT HAS BEEN MADE TO LOCATE THE STAMPS.  
BUILDING AREA SHOWN HEREON IS CROSS AREA OF THE GROUND FLOOR ONLY USING THE DIMENSIONS SHOWN HEREON.  
NO ATTEMPT WAS MADE TO SURVEY THE CONDOMINIUM UNITS.  
AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.  
AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SWAMP OR SANITARY LANDFILL.

AREA = 48,868± SQ. FT. / 1.122± ACRES



- EMV - ELECTRIC METER
- EBW - IRON BAR W/3/4" CAP
- F-L- FENCE LINE
- IFM - FIRE HYDRANT
- GMV - GAS METER
- HMS - HANDICAP PARKING SIGN
- LP - LIGHT POLE
- MB - MAILBOX
- MIS - METAL SIGN
- TR - TELEPHONE RESTRICTION
- SCV - SHIMMER CONTROL VALVE
- BM - BURNER METER
- WV - WATER VALVE
- TLT - TRAIL LIGHT



VICINITY MAP  
SEC. 33-12-25



# ALTA/ACSM LAND TITLE SURVEY

## MEADOWBROOK EXECUTIVE BUILDING

**SHAFER, KLINE & WARREN, INC.**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 TRAFFIC & TRANSPORTATION ENGINEERING  
 LAND PLANNING - LANDSCAPE ARCHITECTURE  
 1530 CORPORATE AVENUE, LEXINGTON, KANSAS 65801  
 OFFICE 813-888-7900 FAX 813-888-7888  
 COPYRIGHT © 2013 SHAFER, KLINE & WARREN, INC.

**MEADOWBROOK EXECUTIVE BUILDING CORPORATION**  
 3350 WEST 84TH TERRACE  
 PRIME VILLAGE, KANSAS 66207  
 (913) 636-9172

#021188 NOVEMBER 20, 1999 REC  
 NEW 130889-019 FEBRUARY 6, 2013 GENERAL UPDATE, NEW TITLE REC

### DESCRIPTION

OWNER: MEADOWBROOK EXECUTIVE BUILDING CORPORATION, A KANSAS CORPORATION, COMMITMENT NO. C136013

UNIT 118, 119, 120, 121, 124 AND 125, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: EDWARD E. FRITH, TRUSTEE OF TRUST A UNDER TRUST AGREEMENT DATED JULY 25, 1986 EXECUTED BY EDWARD E. FRITH AS SET FORTH IN TRUST AGREEMENT, COMMITMENT NO. C136062

UNIT 101, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: KATHLEEN C. LIZLEY, TRUSTEE UNDER TRUST AGREEMENT DATED JULY 18, 1981, COMMITMENT NO. C136221

UNITS 104, 105 AND 106, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: SE23, L.A. A LIMITED LIABILITY COMPANY, COMMITMENT NO. C136844

UNITS 102, 103, 105, 110, 111, 112, 113, 117, 118, 127 AND 128, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: CONDO 4, A KANSAS GENERAL PARTNERSHIP, COMMITMENT NO. C136829

UNIT 114, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: CONDO 8, A KANSAS GENERAL PARTNERSHIP, COMMITMENT NO. C136226

UNIT 111, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: MICHAEL H. CALWELL, COMMITMENT NO. C136887

UNIT 112, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: JOHN B. HODGFEK, INC., A CORPORATION, COMMITMENT NO. C136220

UNITS 113 AND 114, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: CARLE E. BAKER, JR. AND MARIE-TERESE BAKER, HUSBAND AND WIFE, COMMITMENT NO. C136228

UNIT 118, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: CALDWELL-BAKER COMPANY, A DELAWARE CORPORATION, COMMITMENT NO. C136202

UNIT 120, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: WTY COMPANY, A CORPORATION, COMMITMENT NO. C136233

UNIT 121, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

OWNER: THE HEIRS AT LAW OF JUDITH H. HOFFTEL, DECEDENT, COMMITMENT NO. C136153

UNIT 125, MEADOWBROOK EXECUTIVE BUILDING, A CONDOMINIUM SUBDIVISION IN THE CITY OF PRIME VILLAGE, JOHNSON COUNTY, KANSAS, TOGETHER WITH THE UNLINED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED IN BOOK 1804 AT PAGE 103, AS AMENDED BY THE INSTRUMENT RECORDED APRIL 11, 2007 AS DOCUMENT NO. 20069141-000309 IN BOOK 300794 AT PAGE 003363, AND FURTHER AMENDED BY THE INSTRUMENT RECORDED JANUARY 18, 2008 AS DOCUMENT NO. 20080119-000389 IN BOOK 300801 AT PAGE 003363.

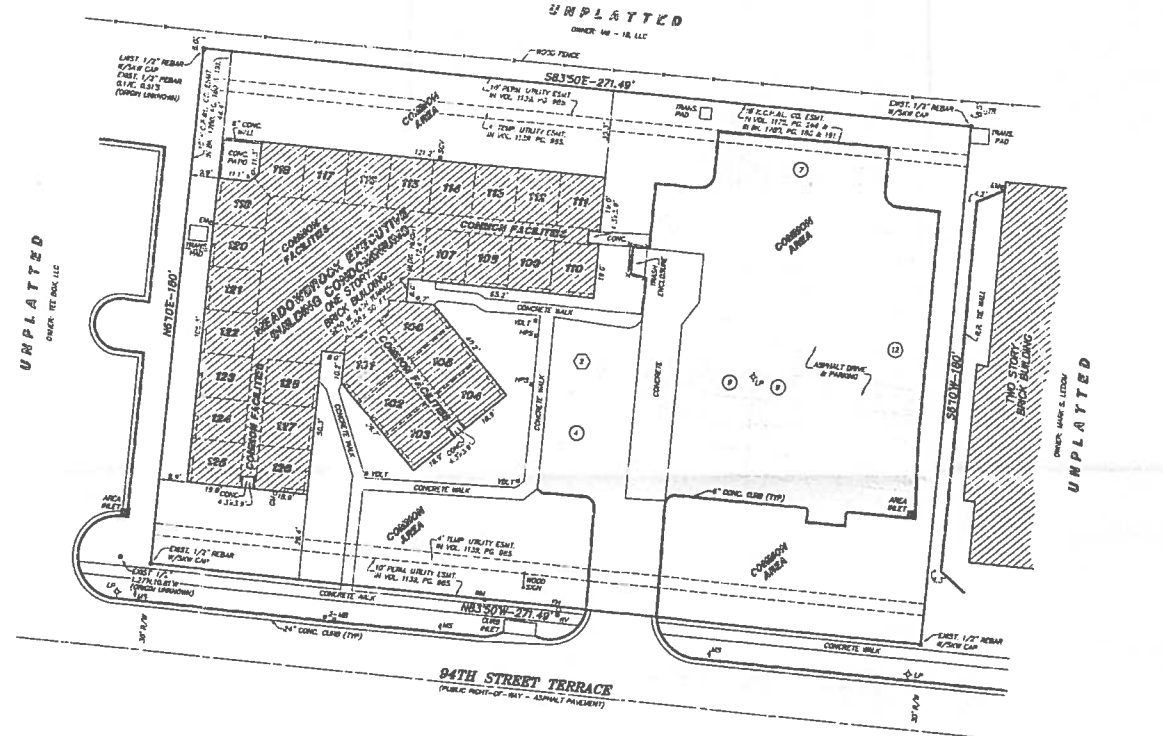
TO: GLO, L.L.C., A MISSOURI LIMITED LIABILITY COMPANY AND CONFIDENTIAL PARTNER, AGENT FOR FEDERAL NATIONAL FLOOD INSURANCE COMPANY

THIS IS TO CERTIFY THAT THE MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 AMERICAN SURVEYING SYSTEM RECOMMENDATIONS FOR ALTA/ACSM TITLE SURVEYS. JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSP, AND INCLUDES THE FIELD WORK WERE COMPLETED ON FEBRUARY 6, 2013.

SCOTT D. CONNER, AS, LS-1248

14-2013

LS-1248-040  
 SW 1/4 SEC. 29-11-33  
 JOHNSON COUNTY, KANSAS  
 130889-019 REC 02/06/13



**FILE NOTE**

FILE INFORMATION SHOWN HEREON WAS OBTAINED FROM CONFIDENTIAL FILE COMPANY AGENT FOR FLUITY NATIONAL FLOOD INSURANCE COMPANY PARTNER FOR TITLE INSURANCE NO. C136211, C136272, C136273, C136274, C136275, C136276, C136277, C136278, C136279, C136280, C136281, C136282, C136283 AND DATED JANUARY 8, 2013 AT 00:01 AM.

**PROPERTIES BE SUBJECT TO**

PLANNED SEPARATE LINES, EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ACCORDING TO THE RECORDED PLAN, OR OTHER RECORDS AND ANY AMENDMENT THERE TO, BUT INCLUDING ANY COVENANT, CONDITION OR RESTRICTION REGARDING A PREFERRED, LIMITATION ON INFORMATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, MARITAL STATUS, OR NATIONAL ORIGIN TO THE GREATEST SUCH COORDINATE. COVENANTS OR RESTRICTIONS WOULD BE USG 3024 714. CMO PLAT RECORDED IN PLAT BOOK 33 AT PAGE 22 (APPLICABLE AS SHOWN).

UTILITY EASEMENT AS SET FORTH IN THE INSTRUMENT RECORDED AUGUST 11, 1978 AS DOCUMENT NO. 108788 IN BOOK 1130 AT PAGE 985. (APPLICABLE AS SHOWN).

EASEMENT GRANTED TO KANSAS CITY POWER & LIGHT COMPANY AS SET FORTH IN THE INSTRUMENT RECORDED DECEMBER 28, 1974 AS DOCUMENT NO. 108513 IN BOOK 1178 AT PAGE 284. (APPLICABLE AS SHOWN).

EASEMENT GRANTED TO KANSAS CITY POWER & LIGHT COMPANY AS SET FORTH IN THE INSTRUMENT RECORDED AUGUST 11, 1982 AS DOCUMENT NO. 137498 IN BOOK 1780 AT PAGE 180. (APPLICABLE AS SHOWN).

TERMS AND CONDITIONS OF INTERESTION AGREEMENT DATED JULY 30, 1982 BETWEEN C & S PROPERTIES, A PARTIAL JOINT VENTURE, HANDBOOK AND KANSAS CITY POWER AND LIGHT COMPANY, A MISSOURI CORPORATION, RECORDED AUGUST 18, 1982 AS DOCUMENT NO. 102478 IN BOOK 1770 AT PAGE 191. (APPLICABLE AS SHOWN).

**FLOOD INFO:**

THIS PROPERTY LIES WITHIN FLOODE ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR CHANCE FLOODPLAIN, AS SHOWN THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER 22002C024C AND DATED AUGUST 1, 2009.

**SURVEYOR'S NOTES**

BEARING SHOWN HEREON ARE BASED ON THE RECORDED PLAN OF "MEADOWBROOK EXECUTIVE BUILDING". THIS PROPERTY IS ZONED CP-1, PLANNED RESTRICTED BUSINESS, AS PROVIDED BY THE CITY OF PRIME VILLAGE.

THIS IS A TOTAL OF 43 MARKED PUNCH SPACES INCLUDING 2 MARKED HANDCAP SPACES ON THIS PROPERTY. PUNCH STAKES SHOWN HEREON ARE FOR GRAPHICAL REPRESENTATION ONLY. NO ATTEMPT WAS MADE TO LOCATE THE STAKES.

THE ASPHALT PAVEMENT WAS SHOWN FOR CLARITY.

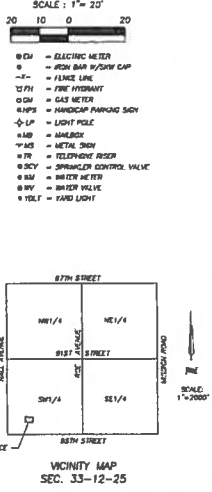
BUILDING AREA SHOWN HEREON IS CROSS AREA OF THE GROUND FLOOR ONLY LEAVING THE DAMAGED SECOND FLOOR.

NO ATTEMPT WAS MADE TO SURVEY THE CONDOMINIUM UNITS.

AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVED EVIDENCE OF CURRENT EXISTING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

AT THE TIME OF THIS SURVEY, THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SHARPLY LAZARUS.

**AREA = 48,868± SQ. FT. / 1.122± ACRES**



## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** May 7, 2013, Planning Commission Meeting

Project # 000005977

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**Application:** PC 2013-04

**Request:** Special Use Permit Renewal and Expansion for Montessori School and Site Plan Approval

**Property Address:** 7501 Belinder Avenue

**Applicant:** Monarch Montessori School, LLC

**Current Zoning and Land Use:** R-1B – Church, Daycare and Montessori School

**Surrounding Zoning and Land Use:** **North:** R-1B Single Family Residential – Single Family Dwellings  
**East:** R-1B Single Family Residential – Single Family Dwellings  
**South:** R-1B Single Family Residential – Single Family Dwellings  
**West:** R-1A & R-1B Single Family Residential – Single Family Dwellings

**Legal Description:** Meadow Lake Block 22

**Property Area:** 3.49 acres

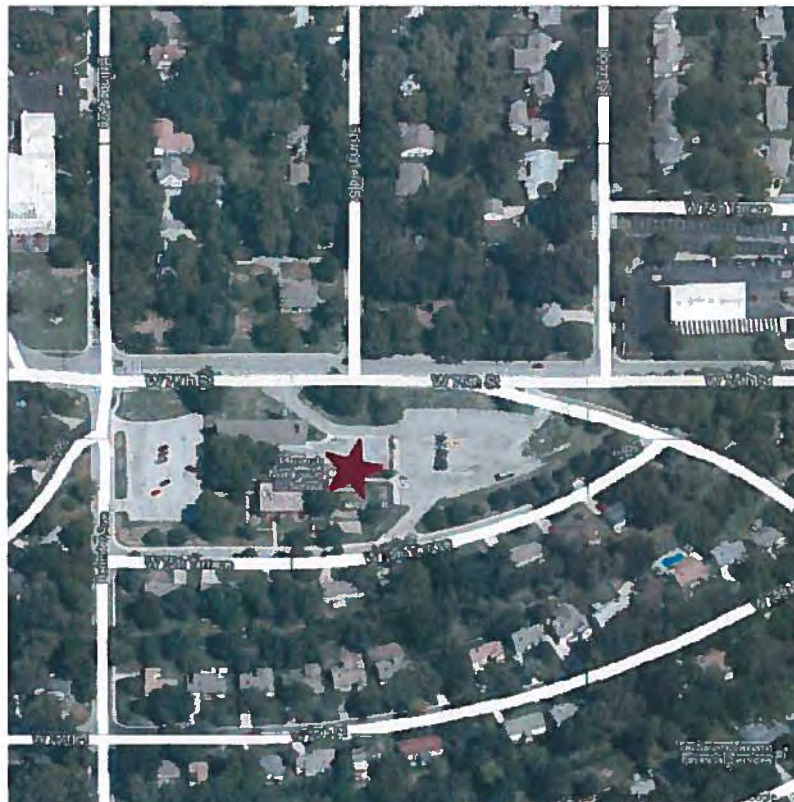
**Related Case Files:** PC 2012-06 SUP Day Care  
PC 2009-19 SUP Monarch Montessori School  
PC 2008-14 SUP Renewal for KCATC Childcare  
PC 2008-04 SUP for KCATC Childcare

**Attachments:** Application, Photos

General Location Map



Aerial Map



**COMMENTS:**

Monarch Montessori Preschool Special Use Permit was recommended for approval by the Planning Commission on December 9, 2009 and approved by the Governing Body on December 21, 2009. The application was approved with seven conditions as follows:

1. That the Montessori Preschool be approved for a maximum of 24 children between the ages of 3 and 6.
2. That the Montessori Preschool be permitted to operate year round from 8:00 a.m. to 5:00 p.m. subject to the requirements of the State of Kansas.
3. That drop off and pickup of students occur in the west parking lot and not on 75<sup>th</sup> Terrace, except if needed on holy days.
4. That the Preschool meet all requirements of the building and fire codes.
5. That the site comply with ADA requirements.
6. If this Use is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.
7. That the Special Use Permit be issued for the Montessori Preschool for a period of three years from the date of City Council approval and that if the applicant desires to continue the use, they shall file a new application for reconsideration by the Planning Commission and City Council.

The three year approved period has lapsed and renewal is being requested along with expansion of the use. The number of students has increased and the 24 student maximum is no longer adequate. The applicant is requesting to increase from two rooms to four rooms and the enrollment would increase from 24 to 102 students. Also the age is changed from 3 years to 2.5 to school aged and the hours of operation are to 5:30 instead of 5:00.

The existing Preschool is located on the garden level of the building and has access from the south and west. One of the concerns was ADA access and the applicant has resolved that concern with the City and the State Fire Marshall who must approval all plans for schools. The applicant will continue to use this space and will expand the Preschool to a portion of the main floor immediately above the existing space. The plans for the space will require approval of the Building Official and the State Fire Marshall.

The only outside physical change will be the removal of a shed on the east side of the building and the construction of a 12' x 24' deck. The deck will have a stairway to the playground.

A child care center was approved in 2012 for a maximum of 45 children. This is located in a different part of the building, is accessed from the north and uses the east parking lot.

The applicant held a meeting on April 22, 2013 in accordance with the Planning Commission Citizen Participation Policy and no residents attended the meeting.

There has been a court decision that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using

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the “Golden Factors.” The Special Use Permit ordinance has factors for consideration similar but not identical to the “Golden Factors” and therefore, both sets of factors will be presented.

The Planning Commission shall make finding of fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

**FACTORS FOR CONSIDERATION SPECIFIC TO SPECIAL USE PERMITS:**

- 1. The proposed special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations.**

The proposed special use for the Montessori Preschool will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

- 2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

The site and building are adequate in area to accommodate the proposed use without affecting other uses in the church. By requiring drop off and pickup in the west parking lot, there should be no inconvenience for the residents on the south side of 75<sup>th</sup> Terrace.

- 3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The proposed Montessori Preschool will be within the existing building and the modifications will be on the interior, except for the construction of a deck. The proposed use is not of a size or type that would cause substantial injury to the value of property in the neighborhood.

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: a) the location, size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The proposed Montessori Preschool will accommodate approximately 102 children in a maximum of four classrooms and will use the classroom facility during normal working hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion of the existing building is proposed.

- 5. Off-street parking and loading areas will be provided in accordance with standards set forth in these regulations and said areas shall be screened from**
-

**adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

The proposed Montessori Preschool will use the existing 43 space off-street parking lot on the west side that is provided by the church. The operation of the Montessori preschool will not be at the same time as other events at the church. The drop off period in the morning lasts from 8:00 am to 9:15 am. The pickup times also vary from 11:30 a.m. to 5:30 p.m. Therefore, the west parking lot should be adequate to accommodate the traffic.

**6. Adequate utility, drainage and other necessary utilities have been or will be provided.**

Since this use will be occupying an existing facility, utility services are already provided.

**7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

Adequate entrance and exit drives currently exist at the facility on Belinder Avenue and this proposed special use will utilize the existing infrastructure that is already in place. The parking lot should be adequate to accommodate the staggered dropping off and picking up of children.

**8. Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

**9. Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed structure is to be built or located.**

The proposed special use will not require any changes in the exterior architecture or style of the existing building. A deteriorating outbuilding will be removed and a 12' x 24' deck will be constructed which are minor changes.

**GOLDEN FACTORS FOR CONSIDERATION:**

**1. The character of the neighborhood;**

The neighborhood is predominantly single-family dwellings to the north, south, east and west. The existing property is a church and another church is located on the northwest corner of Belinder Avenue and 75<sup>th</sup> Street. Northeast of the site is a large office building along with other office buildings on the north side of 75<sup>th</sup> Street to State Line Road. The character of the immediate neighborhood is primarily residential with single-family dwellings and churches.

**2. The zoning and uses of property nearby;**

**North:** R-1B Single Family Residential - Single Family Dwellings

**East:** R-1B Single Family Residential - Single Family Dwellings

**South:** R-1B Single Family Residential - Single Family Dwellings

**West:** R-1A & R-1B Single Family Residential - Single Family Dwellings

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**3. The suitability of the property for the uses to which is has been restricted under its existing zoning;**

The property is zoned R-1B Single-Family Residential District which permits single-family dwellings, churches, schools, public building, parks, group homes and other uses that may be permitted either as a conditional use or special use. The property has a variety of uses available and it can accommodate uses that complement the primary use as a church. A day care center occupies another portion of the building.

**4. The extent that a change will detrimentally affect neighboring property;**

The use has been existence for three years and has not created any detrimental neighborhood issues. The renewal request, however, will increase the school from two to four classrooms and 24 to 102 students which is a significant increase. Traffic is the main concern. The west lot which has 43 parking spaces will be the main drop off and pickup area and should be adequate to accommodate the traffic. Traffic needs to be minimized on 75<sup>th</sup> Terrace so that the houses on the south side of the street are not adversely impacted. The Preschool has monitored this by working with the parents.

**5. The length of time of any vacancy of the property;**

The church was built in 1955 and has changed occupants and ownership several times, but to our knowledge has never been vacant.

**6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;**

The proposed project is within an existing building that will not have any exterior modifications except for a 12' x 24' deck. The applicant will be able to better utilize the property and no hardship will be created for adjacent property owners.

**7. City staff recommendations;**

The use has been in operation for three years with no complaints; the use will be within an existing building with minimal exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed service for preschool children that is in demand in Prairie Village. Since this is an increase of more than four times the size of the existing school, it is recommended that it be approved for five years to be sure that it does not adversely affect the neighborhood.

**8. Conformance with the Comprehensive Plan.**

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The proposed Montessori Preschool is an amenity that sets Prairie Village apart from other competing communities in the metropolitan area. This application for approval of the Montessori Preschool is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

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**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission find favorably on both sets of factors and recommend approval of the Montessori Preschool Special Use Permit to the Governing Body subject to the following conditions:

1. That the Montessori Preschool be approved for a maximum of four rooms and 102 children between the ages of 2.5 and school-age.
2. That the Montessori Preschool be permitted to operate year round from 8:00 a.m. to 6:00 p.m. subject to the requirements of the State of Kansas
3. That drop off and pickup of students occur in the west parking lot and not on 75<sup>th</sup> Terrace.
4. That the Preschool meet all requirements of the building and fire codes, and the State Fire Marshall.
5. That the site comply with ADA requirements.
6. If this use is found not to be in compliance with the terms of the approval of the Special Use Permit, it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.
7. That the Special Use Permit be issued for the Montessori Preschool for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use, they shall file a new application for reconsideration by the Planning Commission and Governing Body.

**Site Plan Approval**

The applicant has also submitted a Site Plan for approval by the Planning Commission. Since the proposed use is within an existing building a detailed Site Plan was not required. In its consideration of the Site Plan, the Planning Commission shall address the following criteria:

**A. The site is capable of accommodating the buildings, parking areas, and drives with the appropriate open space and landscape.**

The proposed Montessori Preschool will be within an existing structure and parking and access will be accommodated within the existing west parking lot.

**B. Utilities are available with adequate capacity to serve the proposed development.**

This site is currently served by utilities and they should be adequate to serve the proposed use.

**C. The plan provides for adequate management of stormwater runoff.**

No changes in the existing site are proposed and therefore stormwater runoff will not be affected.

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**D. The plan provides for safe ingress/egress and internal traffic circulation.**

The existing parking area on the west side will provide adequate ingress/egress for the proposed use.

**E. The plan is consistent with good land planning and site engineering design principles.**

The site is consistent with good land planning and design. An unattractive shed will be removed and a deck will be constructed which are the only changes that will occur to the site.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.**

It is not proposed to change the external appearance of the building with the exception of removing a shed and adding an 12' x 24' deck.

**G. The plan represents an overall development pattern that is consistent with Village Vision and other adopted planning policies.**

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The proposed Montessori Preschool is an amenity that sets Prairie Village apart from other competing communities in the metropolitan area. This application for approval of the Montessori Preschool is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

**RECOMMENDATION:**

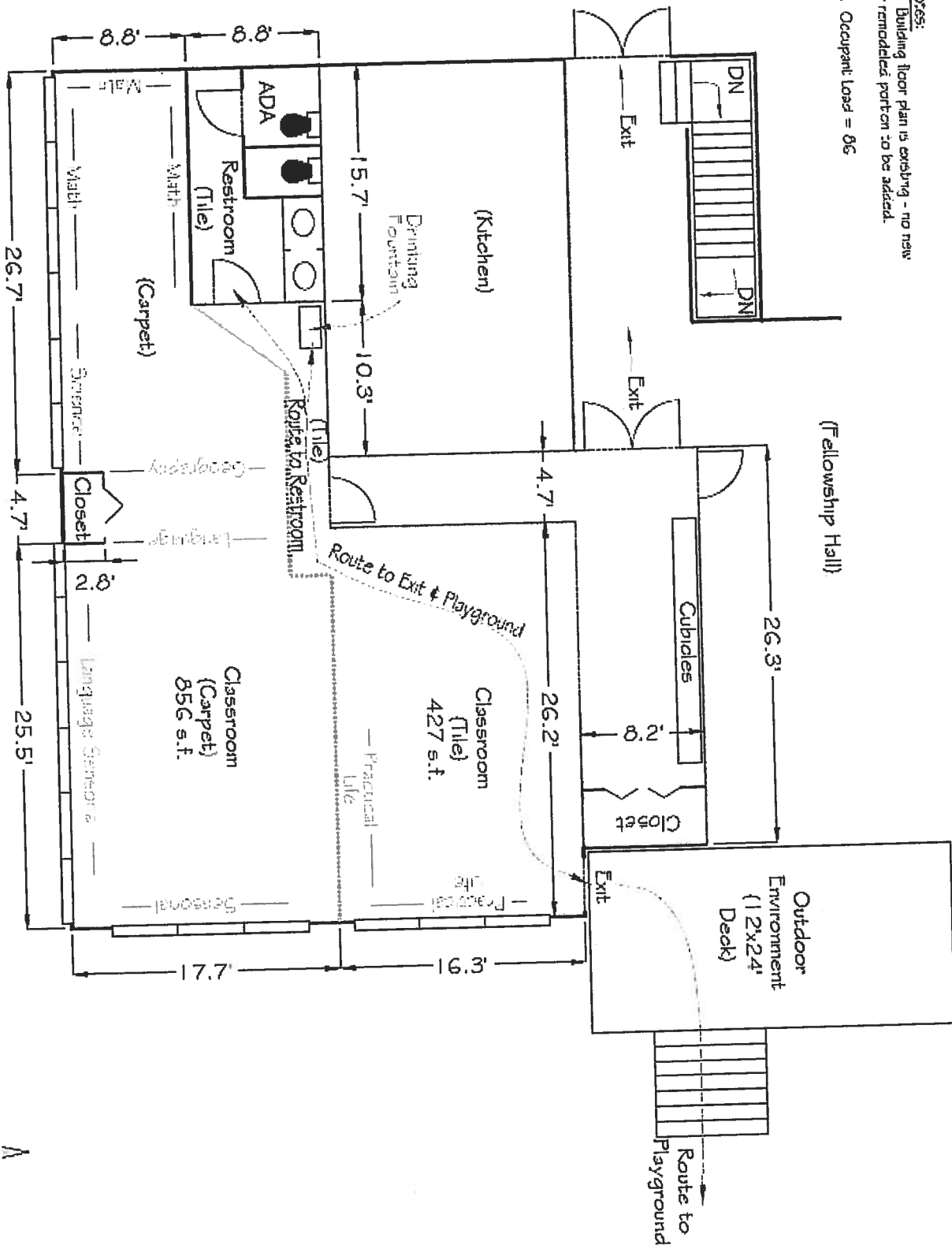
It is the recommendation of Staff that the Planning Commission approve the Site Plan including the 12' x 24' deck on the east side, subject to the following conditions.

1. That the applicant work with Staff to address ADA requirements regarding access to the Preschool.
  2. That any outdoor lighting installed shall be in accordance with the lighting ordinance.
  3. That the applicant meet all requirements of the building and fire codes.
-



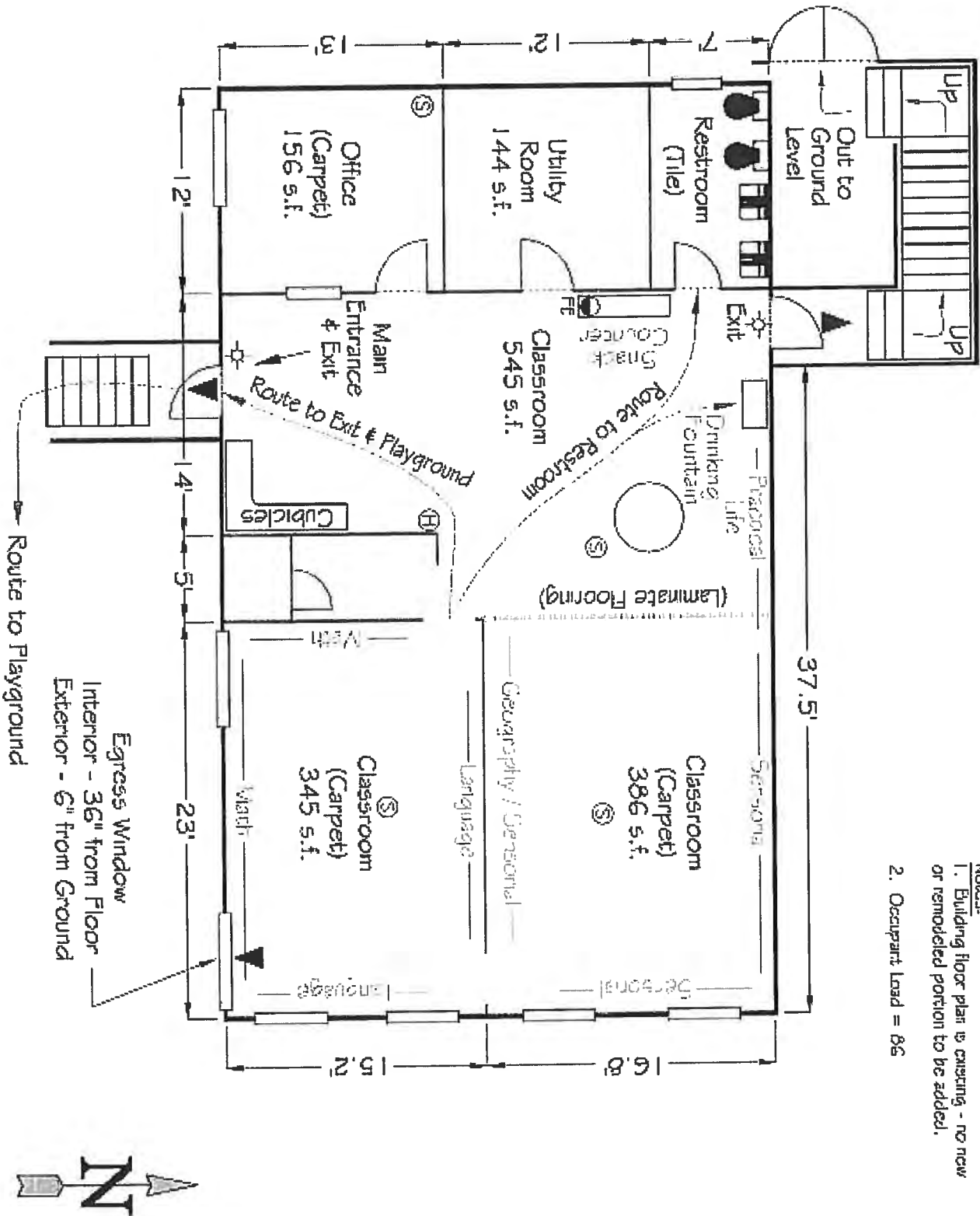
**EXHIBIT A**  
**FLOORPLAN AND SQUARE FOOTAGE OF SPACE**  
 (upstairs)

- Notes:  
 1. Building floor plan is existing - no new or remodeled portion to be added.  
 2. Occupant Load = 86



INITIALS          RC LL

(downstairs)



- Notes:
1. Building floor plan to existing - no new or remodeled portion to be added.
  2. Occupant Load = 86

INITIALS \_\_\_\_\_ *sm* *cc*

**SPECIAL USE PERMIT APPLICATION**

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC2013-04

Filing Fees: 9/00

Deposit: 7500



Date Advertised: 4/16/13

Date Notices Sent: 4/16/13

Public Hearing Date: 5/7/13

APPLICANT: MONARCH MONTESSORI SCHOOL LLC PHONE: 913-649-4114

ADDRESS: PO BOX 8045, PV KS 66208 E-MAIL: LINDSAY@MONARCHKC.COM

OWNER: REACH CHURCH PHONE: \_\_\_\_\_

ADDRESS: 7501 BOUNDER ZIP: 66208

LOCATION OF PROPERTY: 7501 BOUNDER PV KS 66208

LEGAL DESCRIPTION: MEADOW LAKE BLK 22 PVC 589 162  
ROTA 06 9179 TX

**ADJACENT LAND USE AND ZONING:**

	<u>Land Use</u>	<u>Zoning</u>
North	<u>RESIDENTIAL</u>	<u>R-1</u>
South	<u>RESIDENTIAL</u>	<u>R-1</u>
East	<u>RESIDENTIAL</u>	<u>R-1</u>
West	<u>RESIDENTIAL</u>	<u>R-1</u>

Present Use of Property: CHURCH R-1B

Please complete both pages of the form and return to:

Planning Commission Secretary  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

- |   | <u>Yes</u> | <u>No</u>       |
|---|------------|-----------------|
| 1. Is deemed necessary for the public convenience at that location.   | <u>X</u>   | <u>        </u> |
| 2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.   | <u>X</u>   | <u>        </u> |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed.   | <u>X</u>   | <u>        </u> |
| 4. Will comply with the height and area regulations of the district in which it is proposed.  | <u>X</u>   | <u>        </u> |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | <u>X</u>   | <u>        </u> |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.   | <u>X</u>   | <u>        </u> |

Should this special use be valid only for a specific time period? Yes          No X

If Yes, what length of time?   

SIGNATURE: Lindsay McAnany

DATE: 3-17-13

BY: LINDSAY McANANY

TITLE: MEMBER & ADMINISTRATOR

**Attachments Required:**

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

April 5, 2013

To: City of Prairie Village, KS Planning Commission

From: Monarch Montessori School, LLC  
Lindsay McAnany & Casey Irwin, Members

RE: **19.28.070 Specifically Listed Special Use Permits, item P. Private Schools**

### SUMMARY STATEMENT

Monarch Montessori School, LLC is applying today for a Special Use Permit to expand our already established Montessori preschool within the REACH Church's building facility. We are currently negotiating a lease to expand our school to additional space within REACH Church's facility at 7501 Belinder Ave, Prairie Village, KS.

We seek approval for up to 4 classrooms. 3 classrooms with no more than 24 students and 1 classroom with no more than 30 students.

Monarch Montessori School, LLC will attain Fire Marshal approval and apply to amend our licensure with KDHE. In addition, we will meet all city codes requirements as well as all permits and licensure as needed.

Monarch Montessori School offers a Montessori preschool education for all children from age 2½ through school age. Hours of operation are from 8:00 AM to 5:30 PM, Monday through Friday from late August until late May for a 173-day school year with approximately 25 days off for holidays, parent-teacher conferences, or teacher in-services. The school year will mirror closely the Shawnee Mission School District's schedule. In addition, we offer a summer program from June 3rd through August 9<sup>th</sup> from 8:30 AM to 5:30 PM.

Monarch Montessori School's mission is to provide an authentic Montessori preschool in a beautifully prepared classroom, with highly-trained teachers who are passionate about the education of each individual child. A Montessori education is different from the traditional educational paradigm we are accustomed to. To learn more about why our school is a unique and highly sought after alternative to traditional preschools, visit our website at [www.MonarchKC.com](http://www.MonarchKC.com).

## Special Use Permit Application Attachment

Monarch Montessori School, LLC

1. Since 2010 when we established our authentic Montessori preschool program at 75<sup>th</sup> and Belinder, there has been a steady increase in community interest in our school. Because it is located in an area dense with families and young children and conveniently located on a major through-street, residents of the surrounding neighborhoods are attempting to send their children to our school. We want to meet the needs of the community who are seeking a high-quality early childhood education. We hear again and again that parents appreciate the location of our school, and we have a cordial and respectful relationship with our neighbors.
2. The facilities at REACH Church are well designed. The parking is ample; the green space is well kept; the classroom space is large, bright, airy and inviting; and the playground facilities are safe and well maintained. All of these elements contribute to a safe, healthy and beneficial environment in which children grow and learn. Monarch Montessori School's primary objective is to offer our community's families a peaceful, nurturing, safe and professionally operated school for their children. This location and its facilities meet that objective.
3. The addition of classrooms by Monarch Montessori School remains compatible with the neighborhood because all additions will be located within the already existing structure of the REACH Church facility. We will utilize the existing playground and parking lot; we will offer more educational opportunities for families who live in close proximity; and it will continue to operate within a place of worship, a practice which is common for most preschools in the community.
4. The only change to the exterior structure of the REACH Church building is to remove the unsightly shed located on the East side of the South wing and replace it with a 12' x 24' deck that opens right onto the Monarch playground providing outdoor learning space and direct access for the children to the playground. All necessary permits, city code requirements, and inspections will be adhered to and completed during its construction.
5. All parking will be off-street and will take place in the REACH Church's West parking lot. Monarch Montessori School has maintained a neighborly and responsive relationship with the surrounding homes and will continue to respect the privacy and property of the residents especially along 75<sup>th</sup> Ter. Parents pull into the West parking lot right off the corner of 75<sup>th</sup> Street and Belinder, walk their child into the school, and then depart. The morning drop off period lasts from 8:00 AM to as late as 9:15 AM. This means there is a steady stream of cars coming and going throughout that period leaving plenty of space for new arrivals. The afternoon pick up period reflects 20% of students being picked up at 11:30 AM; 46% at 2:30 PM; 10% at 4:00 PM; and 14% at 5:30 PM.
6. Adequate utility, drainage and facilities are currently in place within the REACH Church facilities. No additional utilities, drainage functions or facilities will be necessary to continue proper operation of Monarch Montessori School.



Application No. PC 2013-04

LINDSAY McANAY being duly sworn upon his oath, deposes and states:

1. I am the (owner of) (attorney for) (agent of) the property described in the attached notice upon which an application has been filed before the Planning Commission of the City of Prairie Village, Kansas.
2. On the 22<sup>nd</sup> day of APRIL, 2013 a public information meeting was held pursuant to the Citizen Participation Policy adopted on June 6, 2000, by the Planning Commission
3. On the 16<sup>th</sup> day of APRIL, 2013 I did comply with notification requirements to landowners as stated Section 19.28.020, of the Prairie Village Zoning Regulations and notified in letter by certified mail all owners of land located within 200 feet of the described real property. Notice was mailed to the following:

Name

Address

SEE ATTACHED

I certify that the foregoing is true and correct.

Lindsay McAnay  
Name  
7501 BENDER  
Address

**Special Use Permit Notice of Hearing Mailing  
for Monarch Montessori School, LLC  
sent on April 16, 2013**

The Planning Commission Notice of Hearing as well as Notice of a Public Meeting were sent to the following neighbors via certified mail, return receipt requested.

Name	Address	City St Zip
Robert & Carol Anderson	10232 Hemlock Dr	Overland Park KS 66221
SP 1, LLC	10550 Marty St	Prairie Village KS 66208
PTA FLIPS, LLC	15871 S Apache St	Olathe KS 66062
Individual Assurance Company	2400 W 75th St	Prairie Village KS 66208
Matthew & Mary Morgan	2400 W 75th Pl	Prairie Village KS 66208
Jennifer Wilson	2406 W 75th Pl	Prairie Village KS 66208
Deborah Frey	2412 W 75th Pl	Prairie Village KS 66208
Jeffrey & Rachel Boyce	2418 W 75th Pl	Prairie Village KS 66208
Paul Brown	2424 W 75th Pl	Prairie Village KS 66208
Mark Kelly	2500 W 75th Pl	Prairie Village KS 66208
Dennis Soden	2501 W 75th Ter	Prairie Village KS 66208
Vincent & Terry Dittrich	2506 W 75th Pl	Prairie Village KS 66208
Pat & Lori George	2509 W 75th Ter	Prairie Village KS 66208
Zygmund & Barbara Machauf	2512 W 75th Pl	Prairie Village KS 66208
Molly Peffer	2517 W 75th Ter	Prairie Village KS 66208
Justin Moulder	2524 W 75th Pl	Prairie Village KS 66208
William Schoep	2600 W 75th Pl	Prairie Village KS 66208
Joshua & Kelli Williams	2606 W 75th Pl	Prairie Village KS 66208
Richard & Deborah Powell	2607 W 75th Ter	Prairie Village KS 66208
Joel & Cynthia Meligren	2611 W 75th Ter	Prairie Village KS 66208
Bob & Alicia Burch	2612 W 75th Pl	Prairie Village KS 66208
Shyla Wright	2617 W 75th Ter	Prairie Village KS 66208
John Markham	2618 W 75th Pl	Prairie Village KS 66208
John & Megan Schlick	2624 W 75th Pl	Prairie Village KS 66208
Erik & Sarah Maaks	2700 W 75th Pl	Prairie Village KS 66208
GCG Properties LLC	4100 Oxford Rd	Prairie Village KS 66208
Judith Ledom	4412 W 77th Pl	Prairie Village KS 66208
Arica Westmeyer	5558 Crestwood St	Kansas City MO 64110
Walter & Paula Hughes	7433 Springfield St	Prairie Village KS 66208
Michael M. Coeh	7436 Booth St	Prairie Village KS 66208
Virginia Farney	7440 Springfield St	Prairie Village KS 66208
Jacob Sorenson	7446 Booth	Prairie Village KS 66208
Carl Chesser	7447 Springfield St	Prairie Village KS 66208
Cherokee Christian Church	7457 Cherokee Dr	Prairie Village KS 66208
Elaine McKown	7500 Norwood St	Prairie Village KS 66208
REACH Church	7501 Belinder Dr	Prairie Village KS 66208
Donna M. Hanna	7516 Norwood St	Prairie Village KS 66208
Elizabeth Steele	7517 Norwood St	Prairie Village KS 66208
Jean Seeber	7521 Norwood St	Prairie Village KS 66208
Dennis & Marjorie Levell	8402 W 141st St	Overland Park KS 66221
Roxanne White	7437 Belinder	Prairie Village KS 66208



April 16, 2013

To whom it may concern:

Monarch Montessori School, LLC will hold a meeting open to the public to field any questions or concerns regarding the renewal of a Special Use Permit from the city of Prairie Village to continue and expand Monarch Montessori School within the REACH Church facility at 7501 Belinder.

The general public is welcome to attend this meeting on Monday, April 22, 2013 from 7 until 7:45 p.m. in The Meeting Room of Latte Land located at 7900 State Line Rd, Prairie Village, KS.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsay McAnany", is written over the typed name and title.

Lindsay McAnany  
Administrator & Co-Founder

**Monarch Montessori School**

7501 Belinder  
Prairie Village, KS 66208

913-649-4114 (school)  
816-682-1550 (mobile)  
LINDSAY@MONARCHKC.COM  
WWW.MONARCHKC.COM

Monarch Montessori School SUP Public Meeting

Latte Land Meeting Room  
Monday, April 22, 2013  
7:00 to 7:45 p.m.

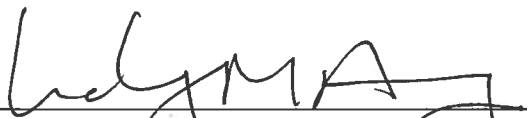
The meeting was called to order by Lindsay McAnany at 7:01 p.m.

In attendance was Casey Irwin and Lindsay McAnany.

No questions were put forward.

At 7:50, Casey Irwin moved to adjourn. The motion was seconded by Lindsay McAnany.

Meeting was adjourned at 7:50 p.m.

  
Lindsay McAnany, member  
Monarch Montessori School, LLC

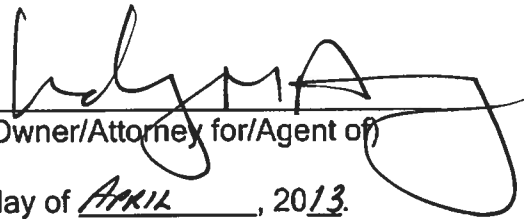
Application No. PC2013-04

**AFFIDAVIT**

STATE OF KANSAS )  
 ) ss.  
COUNTY OF JOHNSON )

LINDSAY McANAWY, being duly sworn upon his oath, disposes and states:

That he is the (owner) (attorney for) (agent of) the tract of land for which the application was filed. That in accordance with Section 19.28.025 of the Prairie Village Zoning Regulations, the applicant placed and maintained a sign, furnished by the City, on that tract of land. Said sign was a minimum of two feet above the ground line and within five feet of the street right-of-way line in a central position of the tract of land and had no visual obstruction thereto.

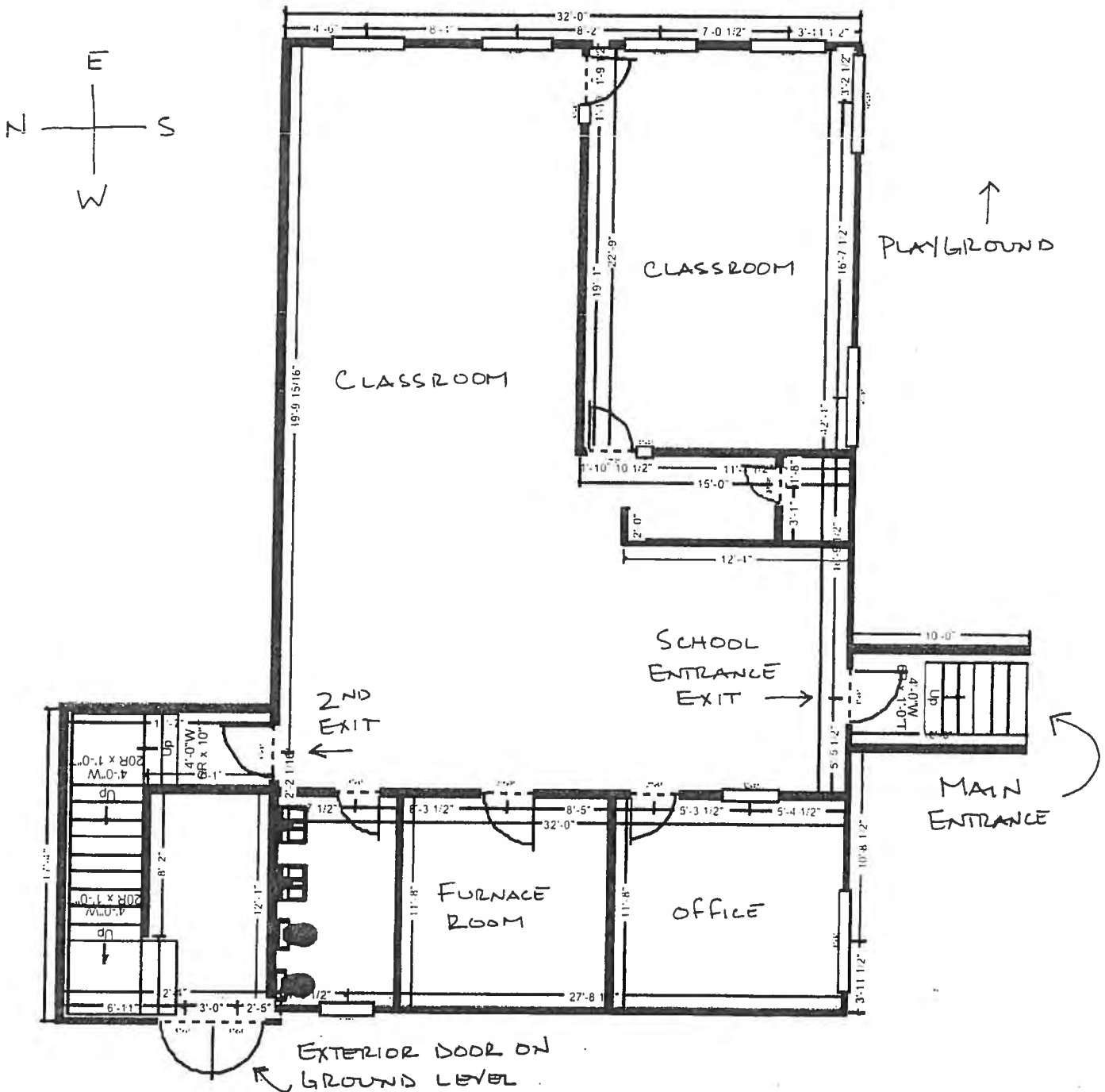
  
(Owner/Attorney for/Agent of)

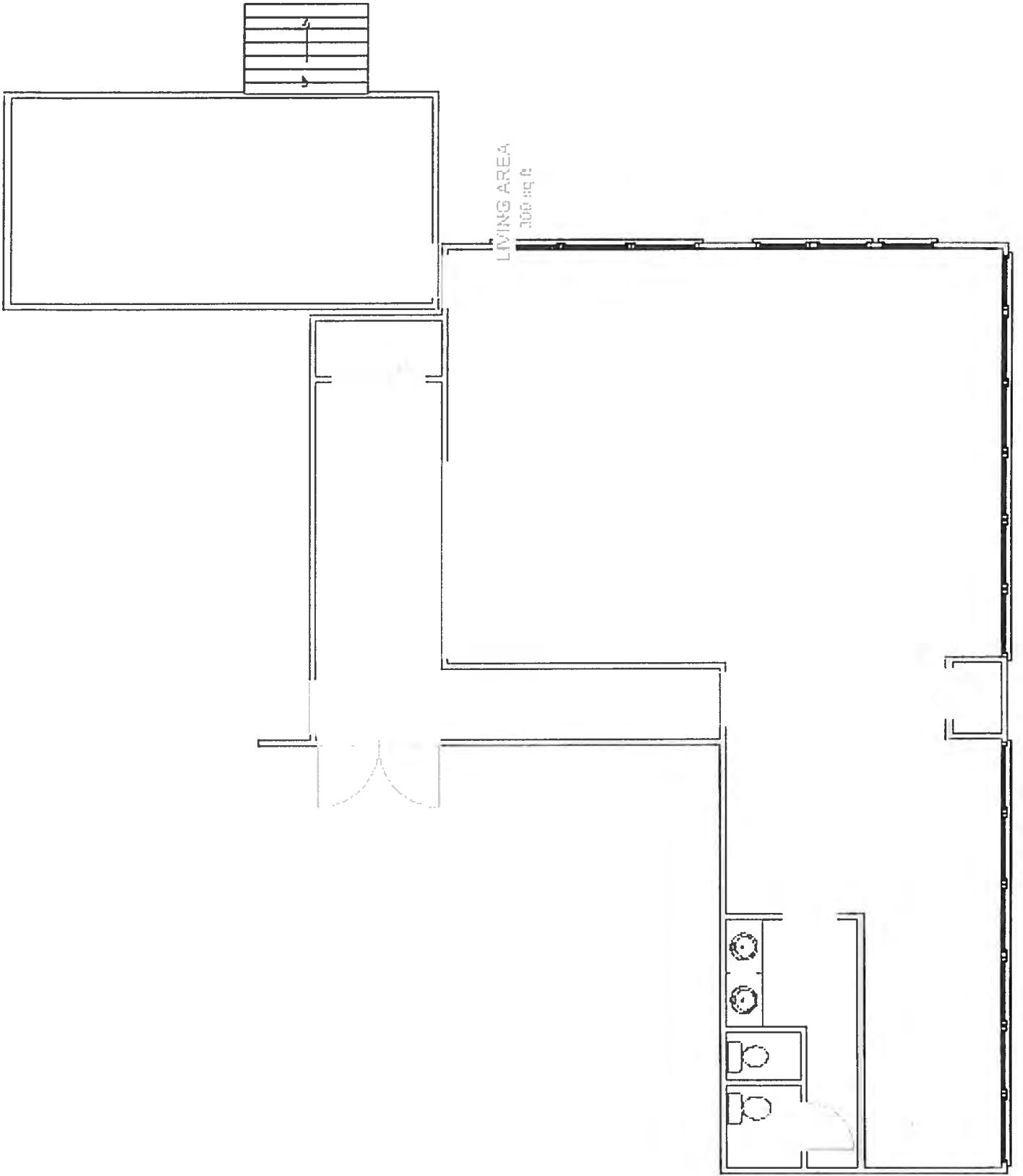
Subscribed and sworn to before me this 30<sup>th</sup> day of APRIL, 2013.

  
Notary Public of Planning Commission Secretary

## Monarch Montessori School Floor Plan within Congregation Kol Ami, 7501 Belinder

- ▶ This represents the garden level of the Southwest corner of the Kol Ami building. It is located below the Fellowship Hall and kitchen.
- ▶ There are 2 exits from within the classroom. The South Exit is a walk-out / walk-up exit to the ground level. The North exit is via an interior staircase; directly at the top of that staircase is an exit from the building to the West.
- ▶ There are 7 windows out to ground level.
- ▶ The South exit will be the main entrance and exit for Monarch Montessori School. In addition that door gives access to the playground.





## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** May 7, 2013 Planning Commission Meeting

Project # 000005977

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**Application:** PC 2013-05

**Request:** Special Use Permit for Adult Senior Dwellings

**Property Address:** 8500 Mission Road

**Applicant:** The Tutera Group

**Current Zoning and Land Use:** R-1A Single-Family District – Vacant Middle School

**Surrounding Zoning and Land Use:** **North:** R-3 Garden Apartment District - Apartments  
**West:** R-3 Garden Apartment District – Apartments  
**South:** R-1A Single-Family Residential District – Single Family Dwellings  
**East:** R-1A Single-Family Residential District – Single Family Dwellings  
**(Leawood)** R-1 Single-Family Residential – Single Family Dwellings

**Legal Description:** Unplatted – Metes and Bounds

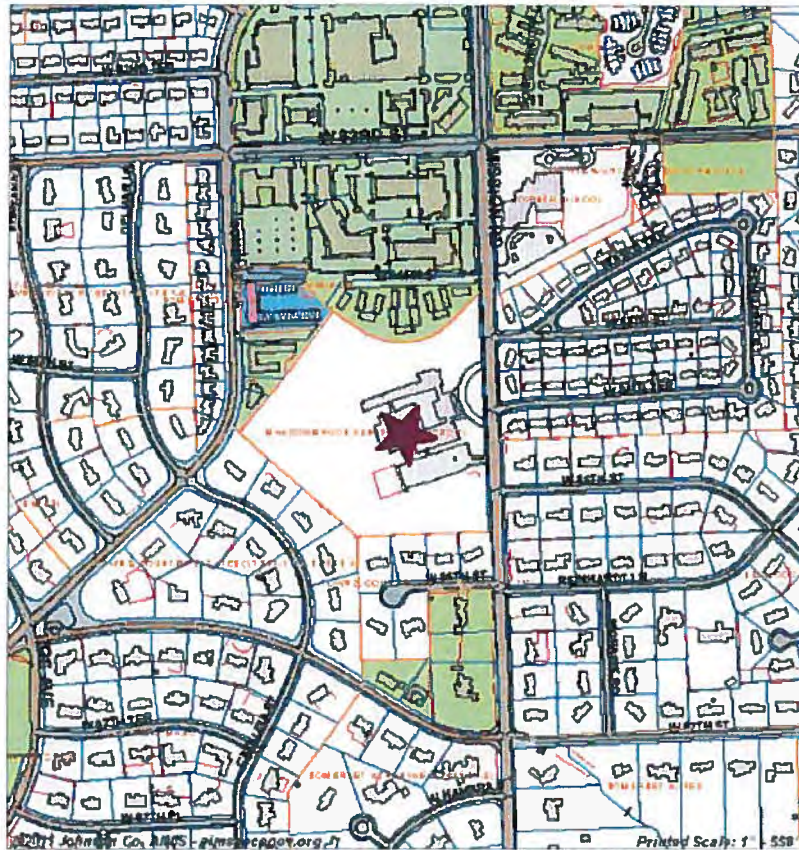
**Property Area:** 18.43 Acres

**Related Case Files:** PC 2013-05 Site Plan Approval for Adult Senior Dwellings  
PC 2004 Monument Sign  
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

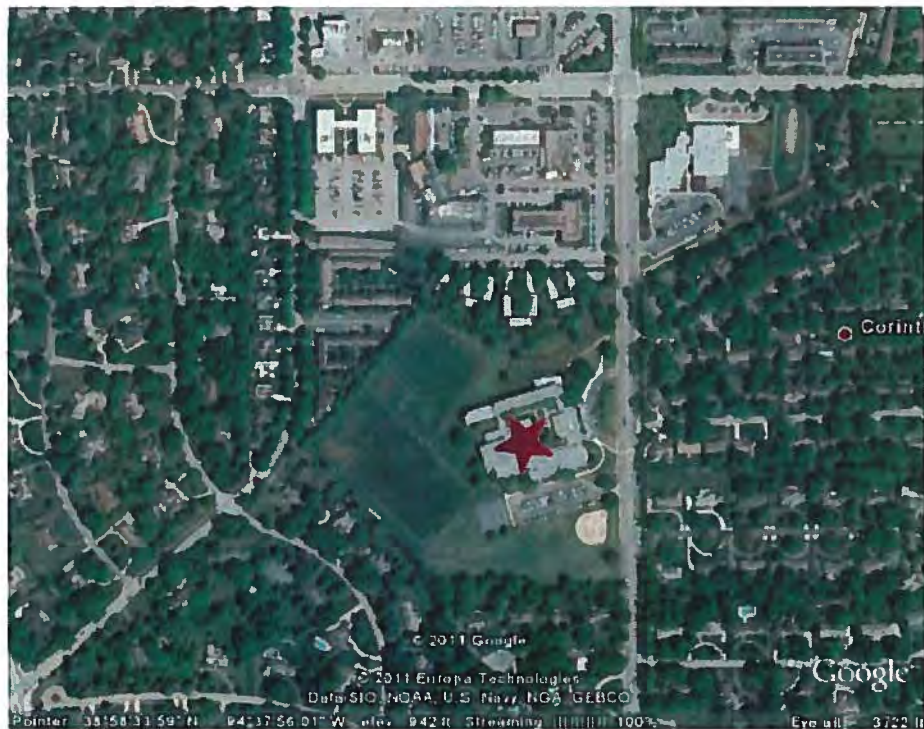
**Attachments:** Application, Photos, Plans



General Location Map



Aerial Map



It should be noted that this is a preliminary staff report with comments based on the initial documents submitted with the application. This staff report will be revised and finalized for the June 2, 2013 Planning Commission meeting.

#### COMMENTS:

The Tutera Group has purchased the former Mission Valley Middle School site and is proposing to construct and operate a mixed use senior residential community, named Mission Chateau. Mission Chateau will provide five residential options for seniors as follows: 160 independent living apartments; 60 assisted living apartments; 11 independent living villas; 36 memory care units; and 84 skilled nursing and rehabilitation units. This is a total of 351 units which could, at maximum occupancy, accommodate 450 people. The site is 18.4 acres (801,504 sq. ft.) and the proposed buildings cover 22.9% of the site. The combined footprint of all the structures is 134,007 sq. ft. or 4.22 acres. The total square footage of all the buildings is 387,244 sq. ft. The parking areas, drives and sidewalks total 173,038 sq. ft. The amount of the site devoted to green space is 444,459 sq. ft. or 10.2 acres. The majority of the development is within two large buildings. The villas are in six residential style buildings. The project is proposed to be developed in three phases.

Phase One will be the Skilled Nursing/Memory Care building which is located on the northwest end of the property. The footprint of the building is 58,268 sq. ft. The south wing is one-story and the north wing is two-stories for a total building area of 91,189 sq. ft. The peak height of the one-story portion is 26' 3" and the peak height of the two-story portion is 34' 6". The first floor elevation is 951.5 feet. The northwest corner of the site is low and the site will be filled approximately 9.5 feet to meet the first floor elevation of 951.5 feet. The first floor elevations of the properties adjacent to the northwest property line are: the duplex 955.50 ft.; the apartments 952.0 ft. and the condominiums 948.0 ft. Therefore, the first floor elevation of the proposed building appears to be reasonable compared to the existing buildings. The building sets back 131.5 ft. from the southwest property line. The closest residence is 48 ft. from the property line and the first floor elevation is 960.5 ft. which means it is 9 feet above the first floor of the Memory Care wing. With this elevation change and distance between the buildings, the impact of the facade of the building can be alleviated by landscape.

Phase Two will be the Independent Living/Assisted Living building which is the largest building in the proposed project. It is three stories tall; has a ground floor footprint of 100,824 sq. ft. and a total of 271,140 sq. ft. for the building. The second floor is 100,824 sq. ft. and the third floor is 69,942 sq. ft. The height of the two-story peak is 32' 4" and the height of the three-story peak is 40' 10".

Phase Three will be the six Villa buildings that back up to the south and southwest property lines and are conventional duplex or single-family attached residential design and construction. Each unit including the two-car garage is 2,265 sq. ft. and the peak height is 21' 4". These buildings set a minimum of 35 feet from the south and southwest property lines.

Mission Chateau will provide 351 units on 18.4 acres for a density of 19.1 units per acre. In comparison, Brighton Gardens has 164 units on 4.42 acres for a density of 37.1 units

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per acre; Claridge Court has 166 units on 4.74 acres for a density of 35.0 units per acre and Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre (only 59 units were built initially).

The applicant submitted phases for developing the project but did not include a schedule or timeline indicating when each phase would be constructed.

The applicant held a neighborhood meeting on April 25, 2013 and approximately 30 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, flooding, screen space, compatibility with the neighborhood, density, public safety and crime.

There has been a court decision that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using the "Golden Factors." The Special Use Permit ordinance has factors for consideration similar but not identical to the "Golden Factors" and therefore, both sets of factors will be presented.

The Planning Commission shall make findings of fact on both sets of factors to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. No one factor is controlling and not all factors are equally significant, but the Commission should identify the evidence and factors if considered in making its recommendation. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

#### **FACTORS AS SET OUT IN THE ORDINANCE FOR CONSIDERATION SPECIFIC TO SPECIAL USE PERMITS:**

- 1. The proposed special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and use limitations.**

For senior adult housing the ordinance requires 700 sq. ft. of land area per occupant for apartments or congregate quarters and 500 sq. ft. per bed for nursing or continuous care. The Skilled Nursing/Memory Care building has 136 beds which would require 68,000 square feet of land area. The Independent Living/Assisted Living building has 220 units with the potential occupancy of 292 people and at 700 sq. ft. per occupant the land area required is 204,400 sq. ft. The Villas have a potential of 22 occupants and at 700 sq. ft. per occupant the land area required is 15,400 sq. ft. The total land area required for the proposed use is 68,000 sq. ft. + 204,400 sq. ft. + 15,400 sq. ft. for a total of 287,800 sq. ft. The site is 801,504 sq. ft. and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance.

The property is zoned R-1A which requires a 30' front yard setback. The front yard is adjacent to Mission Road and the Independent Listing/Assisted Living building sets back 111' 2" at its closest point which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5' or 14' between buildings. The north and south property lines are side yards and the Villas set back 35' from the south property line and the Skilled Nursing/Memory Care building sets back approximately 180 feet from the north property line. The rear yard setback requirement is 25 feet and the

northwest and southwest property lines are the rear yards. The Villas set back a minimum of 35' and the Skilled Nursing/Memory Care building sets back 131.5' from the southwest property line. The Skilled Nursing/Memory Care building sets back 91.5' at its closest point to the northwest property line. The proposed project exceeds all the setback requirements of the zoning ordinance.

The maximum permitted height is 35 feet, however, in the R-1A district an additional 10 feet of height is permitted if the proposed buildings set back from the side property line a minimum of 35 feet. The project does meet the 35 foot setback requirement and therefore is permitted to build to a 45 foot height. The maximum height of the buildings is 40' 10" to the roof peak which is well within the height maximum. By ordinance, building height is measured at the midpoint between the eave and the highest ridge and therefore, the maximum building height by ordinance is approximately 35 feet.

The lot coverage in the R-1A district is 30%. The first floor footprint of the buildings is 184,007 sq. ft., but it does not appear that the carports were included. The 51 carports add 8,262 sq. ft. for a total of 192,269 sq. ft. or 23.9%. Therefore, the proposed project is within the maximum requirement of the zoning ordinance.

Off-street parking is required to setback 15 feet from a street and eight feet from all other property lines. Parking sets back a minimum of 35 feet from all property lines and meets the requirements of the ordinance.

**2. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.**

The Traffic Impact Study indicates that the AM peak traffic will generate 169 less trips than the middle school, but the PM trips would increase by 22 trips. The traffic impact would be significantly better in the AM peak and slightly worse in the PM peak. The two access drives have been designed to align with 84<sup>th</sup> Terrace and 85<sup>th</sup> Street. The convenience to the public should be minimally impacted and the impact should be less than the school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Stormwater Management Study has been reviewed by the City and the proposed improvements will handle the stormwater runoff.

The applicant has proposed a 35 foot wide landscape buffer along Mission Road and along the south and southwest property lines. The applicant also intends to retain the existing landscaping along the adjacent property lines.

The Mission Valley Middle School was originally built in 1958. For over 50 years this site was a public use and residents of the area were able to use it for recreational purposes. This opportunity will be diminished when it redevelops.

It does not appear that the proposed project will adversely affect the welfare of the public. It will, however, provide a senior housing community for area residents that are

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not currently being provided for in Prairie Village. The population is aging in northeast Johnson County and developments such as this provide accommodations for senior citizens to allow them to live near their former neighborhoods. It is anticipated that by providing senior housing, single family dwellings will become available for occupancy by young families. This will help rebuild the community and make a more sustainable area.

**3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The property to the north and northwest is high density development. Corinth Garden Apartments are adjacent to the north and there are 52 units on 3.27 acres for a density of 15.9 units per acre. To the northwest is Somerset Inn Apartments and there are 31 units on 1.29 acres for a density of 24.0 units per acres. Also to the northwest is the Chateau Condominium and there are 39 units on 1.7 acres for a density of 22.9 units per acre. The proposed project has 351 units on 18.4 acres for a density of 19.1 units per acre. The density of the proposed project reasonably compared to the developed projects to the north and northwest. If this project built out at 24 units per acre, it would have 441 units or 90 more than proposed.

While there is high density to the north and northwest the development to the south and southwest is low density single-family development. Only eight single family residences abut the south and southwest property lines. They range in size from 28,248 sq. ft. to 52,272 sq. ft. in size and the density is one unit per .86 acres. The 11 Villas along the south and southwest property line are approximately one unit per 7,200 sq. ft. or 0.17 acres.

Because the project sets back over 100 feet from Mission Road with a 35 foot wide landscape buffer and Mission Road is a five lane wide major street, the project will have little affect on the property value of the residences on the east side of Mission Road. The higher density apartments and condominiums to the north and northwest were built in the early to mid-1960s and are nearly 50 years old. This new project built with quality design and materials should enhance the value of these properties.

The residences adjacent to the south and southwest property lines would be the most impacted. The two unit Villas that back into their properties are on what would be 14,400 sq. ft. lots. The minimum lot area for conventional single-family dwellings in the R-1A district is 10,000 sq. ft. per dwelling.

Most of the senior living projects in Johnson County are located adjacent to or near single-family developments. The key to protecting the values of property in the neighborhood is to insure that the quality of design and construction is compatible with the neighborhood and that the completed project is visually attractive. Landscaping is also a major factor and it is important that the project be landscaped to the same level as adjacent residential properties.

**4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district**

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**regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:**

**a) the location, size and nature of the height of the building, structures, walls and fences on the site; and**

The proposed Mission Chateau has access from Mission Road which is a major street. The traffic impact will be less for this project that it was for the school.

The size of the project is 387,244 sq. ft. which will make it one of the largest, if not the largest, development in Prairie Village. The height and mass of the buildings may be an issue. It also will be similar to Claridge Court and Brighton Gardens in height. According to the Johnson County appraisers office Claridge Court has 241,073 sq. ft. This is also a large building, but it most likely includes the parking garage in the total area. Shawnee Mission East High School has 374,175 sq. ft. on 36.93 acres.

The taller buildings will be on the northern portion of the property, closer to the two and three story apartment buildings on Somerset Drive. The buildings adjacent to the south and southwest property lines will be a size, design and height of conventional single-family construction.

The height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium.

From the drawings presented it is difficult to compare the size and height of the proposed project with the existing adjacent development. It is recommended that the applicant submit perspective drawings that show the proposed buildings, as well as, the existing adjacent structures so that a comparison can be made between the proposed and existing development.

**b) the nature and extent of landscaping and screening on the site.**

The applicant has submitted a detailed landscape plan that provides screening for the low density projects to the south. The applicant proposes to retain the existing plant materials along the south, southwest and northwest property lines in order to retain as many mature trees as possible. Staff will provide a detailed review of the landscape plan with the site and the Tree Board will also need to review and approve it. The applicant has offered to construct a fence or wall along the south and southwest property lines, but the adjacent residents have not accepted the offer.

In summary, property around the proposed project is already developed. The mass of this project will dominate the area but through greater setbacks and landscaping, the use will not dominate the immediate neighborhood so as to hinder development or use of property.

**5. Off-street parking and loading areas will be provided in accordance with standards set forth in these regulations and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

The parking requirements for this use are three spaces for four apartments; one space for every five beds in a nursing home and one space per employee during the maximum

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shift. The Independent Living/Assisted Living facility has 220 beds which requires 165 spaces. The Skilled Nursing/Memory Care facility has 136 beds which requires 27 spaces. The 11 Villas would require 8 spaces. The applicant projects the maximum shift would have 85 employees. The total parking requirement would be 285 spaces. Staff is concerned that parking may be a problem at the afternoon shift change. This occurs at 3:00 pm when the first shift leaves and the new shift arrives for work about 2:45. The first shift has 85 staff of which 60 will be leaving at that time and 50 new employees will come in for the second shift. The total need for employee parking at that time will be 135 spaces. The applicant is providing 350 spaces on the site which is 65 spaces more than the ordinance requires and based on experience at other projects the applicant feels the number of spaces will be adequate. It should be noted, however, that 51 spaces will be in carports and will not be available for staff or visitor parking.

The parking along Mission Road will be screened from view with a combination of a wall, a berm, and landscaping. Parking along the south and southwest property lines will be screened with the Villas and landscaping. Parking along the northwest property line is screened by the existing vegetation along the property line. This will need to be verified in the field and additional plant materials may be needed to supplement the existing vegetation.

**6. Adequate utility, drainage and other necessary utilities have been or will be provided.**

The applicant has prepared a Stormwater Management Plan in accordance with the City's Stormwater Management Code. The amount of impervious area will increase from what currently exists on the site but peak flows will not increase. The stormwater will be managed by a variety of improvements. A storm drainage line currently exists along the south property line. The drainage area will be reduced from 5.4 acres to 0.80 acres and the line will be replaced. This area will drain to Mission Road and connect to an existing storm sewer line. Two raingardens will be built on the west side of the Independent Living/Assisted Living building. Inlets will be installed and excess runoff will be piped to a detention pond on the northeast corner of the site.

The Stormwater Management Plan has been reviewed by Public Works and its consultant and it is consistent with the APWA and City of Prairie Village requirements.

The site has access to other utilities which are adequate to accommodate the proposed use. The water line and location of fire hydrants will need to be coordinated with the Fire Department to be certain that adequate fire protection is in place.

**7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

Currently there are three access points to the site from Mission Road. The three will be reduced to two access points and they will be relocated to be in alignment with 84<sup>th</sup> Terrace and 85<sup>th</sup> Street on the east side of Mission Road. Both access points will have an entrance and two exit lanes. The 84<sup>th</sup> Terrace access will be the main entrance to the project.

The applicant has prepared a Traffic Impact Study and it indicates that after development an acceptable level of service will be available during the AM and PM peak hours. The number of trips will actually decrease by 169 trips during the AM peak and the PM peak will increase 22 trips compared to what existed with the school.

There is an existing pedestrian crossing signal on Mission Road just south of 84<sup>th</sup> Street. This signal was installed to serve school traffic. The applicant has agreed to retain or move the signal if requested. The City is still evaluating the need.

Public Works and the City's Traffic Engineer have reviewed the Traffic Impact Study and resolved any issues they discovered.

**8. Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

**9. Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed structure is to be built or located.**

The materials used on the project are compatible with those used in the neighborhood which are wood, stone, brick and stucco. There will be a substantial amount of stone and traditional stucco used on the building facades. The elevation drawings are inconsistent in labeling the stucco material. The legend lists only traditional stucco, but some of the elevations note synthetic stucco. The roof will primarily be asphalt shingles with standing seam metal roof accents.

In general the overall design is compatible with the area; however, the details of the design will be addressed on the Site Plan Approval.

**GOLDEN FACTORS FOR CONSIDERATION:**

**1. The character of the neighborhood;**

The neighborhood is a mixture of uses. Immediately to the north are apartments with a density of 15.9 units per acre. North of that is the south portion of Corinth Square Center that includes offices, restaurants and other retail uses. To the northwest are condominiums at 22.9 units per acre; apartments at 24.0 units per acre and a duplex. To the south and southwest are high end single-family dwellings. On 84<sup>th</sup> Terrace and to the north the lots are 12,000 to 15,000 sq. ft. On 85<sup>th</sup> Street and to the south the lots are 30,000 sq. ft. lots.

In summary the properties adjacent to the proposed project range from high density apartments to high-end large lot single-family dwellings. The Mission Valley School site has served as a buffer between the high density and low density residential uses.

**2. The zoning and uses of property nearby;**

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**North:** R-3 Garden Apartment District - Apartments  
**West:** R-3 Garden Apartment District - Apartments  
**South:** R-1A Single-Family Residential District - Single Family Dwellings  
**East:** R-1A Single-Family Residential District - Single Family Dwellings  
**(Leawood)** R-1 Single-Family Residential - Single Family Dwellings

**3. The suitability of the property for the uses to which it has been restricted under its existing zoning;**

The property is zoned R-1A which permits single-family dwellings, public parks, churches, public buildings, schools and conditional and special use permits. Most of the uses listed in the Conditional Use Chapter are uses that are accessory or supplemental to a primary use. The Special Use Permit list contains principal uses such as: country clubs, hospitals, nursing homes, assembly halls, senior housing, private schools, etc. Between the list of specific uses, the Conditional Use Permits, and the Special Use Permits, there are an adequate number of uses that could be economically viable for this property. Both Brighton Gardens and Benton House were approved as Special Use Permits in R-1A Residential Districts.

The Special Use Permit for a private school is an obvious good use of an abandoned school building; however, that is a very limited market.

**4. The extent that a change will detrimentally affect neighboring property;**

Traffic and storm drainage are issues with which neighbors have expressed concerns, however, the impact of those has been addressed by the technical reports that were prepared by the applicant and reviewed by the City. The mass and height of the buildings and the loss of open space have also been concerns of the neighbors.

The primary detriment will be to the single-family dwellings on the south and southwest and the multi-family on the northwest. The existing school is approximately 365 feet from the south property, 370 feet from the southwest property line and 340 feet from the northwest property line. They will lose the open green space they have enjoyed for many years. Also, the height and mass of the building are concerns. The existing school building is approximately 100,000 sq. ft. The Skilled Nursing/Memory Care building is 91,000 sq. ft. and the Independent Living/Assisted Living building is 271,000 sq. ft.; almost three times the size of the existing school. The height of the proposed Independent Living/Assisted Living building is about the same as the school gymnasium, but it is a much larger building and has a significantly greater impact because of its mass.

The drawings submitted make it difficult to visualize the size of the proposed development compared to the adjacent development. Perspective drawings need to be submitted in order to better assess the impact on neighboring property.

**5. The length of time of any vacancy of the property;**

The Mission Valley Middle School closed in the spring of 2011 so the property has been vacant for approximately two years.

**6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;**

This is one of the largest tracts of land in Prairie Village available for redevelopment. There is no gain to the public health, safety and welfare by not allowing the property to be redeveloped. It is located in the middle of a residentially developed area and its depreciation in value would have a depreciating effect on surrounding property. The hardship created for other individual landowners is the loss of open space and use of the area for recreational purposes. This was a benefit as a result of public ownership which changed when the property was sold for private development.

**7. City staff recommendations;**

The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The plan proposed is consistent with Amended Village Vision and in the opinion of Staff it is a workable plan. Some specific comments are as follows:

- a) A Traffic Impact Study has been prepared by the applicant and reviewed by Public Works and the City's Traffic Engineer and the issues have been resolved.
- b) A Stormwater Management Plan has been prepared by the applicant and reviewed by Public Works and the City's Stormwater Consultant and has been approved.
- c) The density of development is 19.1 units per acre which is on the lower end of other senior housing projects in the area that range in density from 10.5 units per acre to 37.1 units per acre. Two multi-family projects adjacent to this project have a density of 22.9 and 24 units per acre.
- d) The proposed plan has low density Villas on the south and southwest property lines adjacent to the low density single-family residences and has higher density development further north on the site.
- e) The major buildings set back a minimum of 131 feet from the southeast property line, 147 feet from the south property line and 111 feet from Mission Road.
- f) The design of the buildings for the Special Use Permit is primarily conceptual. The detail design of the buildings will need to be addressed as part of the approval of the Site Plan.
- g) There will be a loss of open space compared to what currently exists; however, over 10 acres of the 18.4 acres will be green space when the project is completed, however only 5.3 acres will be useable open space.
- h) The bulk of the buildings will be more than three times the bulk of the existing school, but the floor area ration (FAR) will be 0.48 which is low for urban development.
- i) The maximum peak height of the buildings will be 40' 10" which is approximately the same height as the gymnasium. Only the Independent

Living/Assisted Living building will be of this height, but it will appear to be a very large building given its overall massing and scale. The density of the project is reasonable for the size of the land area. If the mass and scale of the buildings are reduced, the buildings will cover more land area and more green space will be lost.

- j) The size and mass of the two large buildings is a concern and from the drawings submitted cannot be adequately evaluated. The applicant needs to provide perspective drawings of the site that include both the proposed buildings as well as existing buildings adjacent to the site so that a reasonable comparison can be made.
- k) The applicant needs to submit a time schedule indicating when each phase of the development will be constructed and this schedule will be a condition attached to the Special Use Permit if it is approved.

#### **8. Conformance with the Comprehensive Plan.**

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

The recommendations of the Plan Amendment included two sections as follows:

##### **1. Encourage developers to obtain community input.**

The proposed developer has held a number of meetings with area neighbors as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions, but still has not received endorsement from the neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

##### **2. Limit the uses to those allowed in the R-1A Single-Family District.**

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed with approval as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 351 units on 18.4 acres of land for a density of 19.1 units per acre which is less than the apartments and condominiums on the northwest but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density on

the south and increased the density on the north. Major buildings have been set back 131 feet from the southwest property line and 147 feet from the south property line to provide a distance buffer for the adjacent single family residences. Also, Villas are proposed along the south and southwest property lines and will act as a buffer.

The proposed developer has met with the surrounding neighbors and has addressed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

Village Vision also addresses the fiscal condition of the City and pointed out that redevelopment needs to stabilize if not enhance the economic base of the community. The applicant has stated that this will be a \$50 million development. It is estimated, based on that value that the property would generate approximately \$112,000 in City property tax plus \$14,235 in Stormwater Utility revenues.

#### **RECOMMENDATIONS:**

It is the recommendation of Staff that the Planning Commission continue this application and the Public Hearing until its June 4, 2013 meeting to give the applicant an opportunity to prepare and submit perspective drawings that adequately depict the size and mass of the proposed development compared to the existing adjacent developments as well as to address other matters that may have been discovered during the public hearing.

\*Senior Living -  
Independent

App 0005548

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2013-05

Filing Fees: \$25

Deposit: \$100



Date Advertised: 4/16/13

Date Notices Sent: 4/16/13

Public Hearing Date: 5/7/13

APPLICANT: Polsinelli Shughart, PC PHONE: 913.234.7405

c/o John Petersen

ADDRESS: 6201 College Blvd. Ste. 500 E-MAIL: jpetersen@polsinelli.com

Overland

OWNER: MVS, LLC c/o Joe Tutera PHONE: 816.444.0900

ADDRESS: 7611 State Line Rd. Ste. 301 ZIP: 64114

Kansas City, Mo

LOCATION OF PROPERTY: 8500 Mission Road

LEGAL DESCRIPTION: Block 1, Meadowbrook Junior High School

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential</u>	<u>R-3</u>
South	<u>Residential</u>	<u>R-1A</u>
East	<u>Residential</u>	<u>R-1A</u>
West	<u>Residential</u>	<u>R-1A + R-3</u>

Present Use of Property: vacant middle school building

Please complete both pages of the form and return to:  
Planning Commission Secretary  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

- |   | <u>Yes</u> | <u>No</u>     |
|---|------------|---------------|
| 1. Is deemed necessary for the public convenience at that location.   | <u>X</u>   | <u>      </u> |
| 2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.   | <u>X</u>   | <u>      </u> |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed.   | <u>X</u>   | <u>      </u> |
| 4. Will comply with the height and area regulations of the district in which it is proposed.  | <u>X</u>   | <u>      </u> |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | <u>X</u>   | <u>      </u> |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.   | <u>X</u>   | <u>      </u> |

Should this special use be valid only for a specific time period? Yes        No X

If Yes, what length of time? Indefinite

SIGNATURE: John Petersen

DATE: 11.6.2012

BY: John Petersen

TITLE: Agent for Owner

Attachments Required:

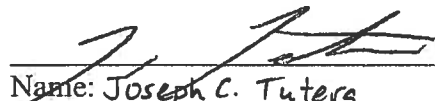
- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

**AFFIDAVIT**


STATE OF <sup>MISSOURI</sup>~~KANSAS~~ )  
                    <sup>JACKSON</sup> )       ss.  
COUNTY OF ~~JOHNSON~~ )

Comes now Joseph C. Tutera, being first duly sworn upon his/her oath, deposes and states as follows:

1. I am the Manager for MVS, LLC. ("MVS").
2. MVS is the owner of property located at 8500 Mission Road, Prairie Village, Kansas (the "Property").
3. MVS has authorized Polsinelli Shughart to act as applicant and agent for the Property in regard to all zoning and land use entitlement applications.

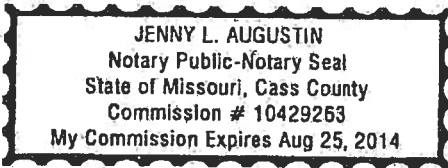
  
Name: Joseph C. Tutera  
Title: Manager  
MVS, LLC

Subscribed and sworn to before me this 6th day of November, 2012.

  
Notary Public

My Appointment Expires:

8-25-14



# THE TUTERA GROUP

**Mission Chateau**  
**8500 Mission Road**  
**Prairie Village, Kansas**  
**SUP Permit 4-5-2013**  
**Narrative Overview**



Mission Chateau has been designed to look like a grouping of French villas and chateaus. Special care has been taken to incorporate design elements complementary to Prairie Village while including unique signature elements inspired by the surrounding architecture.



## **The Owner and Developer**

Tutera Group is a nationally recognized senior living and health care company founded in 1981 by Dr. Dominic F. Tutera, a well-known and respected obstetrician, who practiced in Kansas City for over thirty years. The founder's vision of providing the highest quality, innovative, and progressive lifestyles for the seniors in the communities it serves is embodied into the company's vision for Mission Chateau. Joe Tutera, Tutera's CEO, has resided in Kansas City his entire life. The company is headquartered just over two miles from the Mission Chateau site. The Tutera Group has grown into a company of national prominence, which owns and/or operates 40 senior living communities in 11 states. Tutera Group's Johnson County facilities include: The Atriums, Lamar Court Assisted Living Community, Rose Estates Assisted Living Community, and Stratford Commons Assisted Living Facility. Tutera Group operates a total of 12 facilities in the metropolitan area. With its over thirty years of experience, Tutera Group is one of the longest standing senior living operators in the country of its size, having provided services to hundreds of facilities throughout the country. Tutera Group is proud to utilize its years of experience to bring the best of senior living lifestyle opportunities to the residents of Prairie Village.

## **Mission Chateau**

Mission Chateau will be a mixed use senior residential community located on 18.4 acres at 8500 Mission Road. It provides five residential housing options for seniors, each with its own level of service designed to meet the current and future needs of its residents and the seniors in the community.

- **Independent Living Apartments**, consisting of 100 one-bedroom units and 60 two-bedroom units. The facility is located to the east of the property and faces Mission road. It is located approximately 110 to 240 feet from the eastern property line, 140 feet from the northern property line, and 140 to 340 feet from the southern property line. The facility's central community space is two stories and residential spaces are both two and three stories tall. The Independent Living Apartments' ground elevation is approximately 3 feet below the existing structure, which is about 100 feet from the eastern property line and 80 feet from the northern property line. At its highest elevation, the facility will be about the same elevation as the highest elevation of the existing structure. The ground elevation of the Independent Living Apartments at the center of the site will be about 4 feet lower than the elevation of Mission Road.

The apartments are of a state of the art design and include all the appointments and amenities expected in a modern apartment including: a full kitchen with granite counter tops, living rooms and/or dens, walk-in closets, spacious living space, high

ceilings, and laundry facilities. Included will be a complement of units with balconies or walk-out patios. The Independent Living Apartments are for residents who don't need any assistance with daily activities but do want access to services and the lifestyle amenities. The amenities include: a host of various dining venues and options; entertainment options and spaces that include a theater, coffee and sundry shop; a library; housekeeping and laundry services; an enclosed indoor pool and spa; a fitness and wellness center; scheduled activities; transportation, valet services, covered parking, concierge services, 24-hour security; and access to the health care services provided within the community.

- **Assisted Living Apartments**, consisting of 48 one-bedroom units and 12 two-bedroom units, are included and connected to the Independent Living facility. The apartments are of similar style and design to the Independent Living Apartments; however, the included amenities have been designed around the needs of those residents. For example, a kitchenette versus a full kitchen is included since full meal services are provided to each resident. The units do not include balconies but walk-out patios are available. The Assisted Living Apartment is for the resident who requires a little help with the activities of daily living; such as, full meal service or assistance with medication. The facility has its own entrance to the south and includes a complement of dining, wellness, and social spaces located conveniently to the resident's apartment. The Independent and Assisted Living facilities are connected so that they can also share services, amenities, and provide for convenient social interaction between family and friends throughout the community. The assisted living and independent living facilities combined contain approximately 271,140 square feet.
- **Independent Living Villas**, consisting of 11 one-story villas, contain a total of 24,915 square feet of enclosed space (including the garages), or approximately 2,265 square feet per unit. The ground elevations of the villas are also on average 3 feet below the existing structure. There are 5 duplex units and 1 single family residence. The villas are located along the entire southern side yard and about half of the southern rear yard. The villas are 35 feet from the southern property line at their closest point and 125 feet at the farthest point.

The villas offer all the amenities of a modern carefree patio home, including an attached 2-car garage, private patios, private entrance, spacious private front and rear yards, 10-foot ceilings, and top quality interior and exterior appointments and finishes. In addition to the independent lifestyle however, the residents will be provided full access to the amenities and services offered in the Independent Living community and the health care services provided within the community.

- **A Memory Care Neighborhood** for people who require a little help and have memory issues is a one-story structure located in the southwest portion of the property. This neighborhood is 130 feet from the southern property line. From the western property line, it is 90 feet at its closest point and 130 feet at its farthest point. The ground elevation of the Memory Care Neighborhood is also 3 feet below the existing structure.

It includes 36 private units designed around the neighborhood model. Special care has been taken to match the design to the needs of the residents to maximize their lifestyle and quality of life. These design features include views of not only one of the three micro-parks located within the community to the southwest but also will have its own private, protected interior courtyard. Resident rooms are located on only one side of the hallway to provide unobstructed views to the outside and a maximum amount of natural light.

- **A Skilled Nursing and Rehabilitation Neighborhood** will be provided for skilled nursing care and rehabilitation services, both short term and long term. The facility is two stories tall and is located to the northwest and is connected to the Memory Care Neighborhood facility on its south. It is set back 90 to 150 feet from the western property line and 150 to 170 feet from the northern property line. The ground elevation of this Neighborhood is also 3 feet below the existing structure.

The facility is like no other community in the region in terms of character, functionality, and design. It offers the residents the highest level of service, amenities, and quality of life. Each element has been designed around a residential scale and lifestyle from the exterior carrying through to the interior. The facility consists of 68 private suites and 16 deluxe suites able to be configured as small apartments with a bedroom and den or for two residents who want privacy or shared spaces. The facility offers not only its own secure, enclosed courtyard but also magnificent views to the north into the community's second of three micro-parks. It will have a large patio, elevated dining spaces, theater, library, coffee and sundry shop, state of the art wellness gym and rehabilitation center with modern equipment and amenities, and a host of other shared and private social, entertainment, and dining spaces. One of the facility's key elements, giving the facility such a unique residential feel from both its interior and exterior, is that there are eight private, self-contained neighborhoods, containing 7 suites each. Each suite opens to its own study and social space providing living options and privacy at each resident's choice throughout the day. The facility, when combined with the memory care neighborhood, is 91,189 square feet.

## **Design Plan**

### **Lot Coverage, Green Space, Concentrated Active Open Spaces, Height, Walking Paths, Streetscape, Unit Type and Resident Capacity**

#### **Lot Coverage, Green Space, Concentrated Active Open Spaces**

As discussed above, the five living environments and lifestyles are included in eight separate components on the 18.4 acres site. The combined footprint of the structures covers 22.9% of the lot. When combined with drives, parking, patios, and walks, 55% of the site, or over 10 acres, remain green space. What is remarkable, however, is that these green spaces are configured in a manner to provide “Concentrated Active Open Space Amenities” in the form of three micro-parks on 5.34 acres, 1.7 acres to the southwest, 2.5 acres to the north, and 1.1 acres on the east fronting Mission Road.

Contained within these parks and throughout the community are 1.23 miles of walking paths, which are inviting to not only residents, families, and visitors but also those in adjacent neighborhoods simply out for a walk.

#### **Height**

The eight separate components include one to three story residential structures in height and proportion as follows:

<b>Height to Peak</b>	
<b>One Story Villas</b>	21'-4"
<b>One Story Memory Care</b>	26'-3"
<b>Two Story Skilled Nursing</b>	32'-4"
<b>Two Story Independent Living</b>	36'-6"
<b>Three Story Independent Living</b>	40'-0"
<b>Three Story Assisted Living</b>	40'-0"

Although height to its peak is provided above, each of the structures includes a pitched roof, which reduces the impact of the height. Per regulations, height is measured from the midpoint of the roof structure to the midpoint of the ground at 6 feet from the property. Using this comparative measure, the elevation ranges from 16 feet to a maximum of 35 feet.

The eight separate components are all set at approximately the same ground elevation. This elevation is approximately 3 feet below the existing structure and about 4 feet below Mission Road at its midpoint of the property. The maximum elevation is approximately the same as the maximum elevation of the existing structure.

**Mission Road Streetscape**

Mission Chateau is providing better walkability and a more aesthetically pleasing streetscape along Mission Road. Fronting the entire distance of Mission Road is a 1.1 acre, 45’ deep extensive streetscape. Curved sidewalks, fencing, landscaping, and berms are provided within this green space. These elements when combined with the lower ground elevation, sculpted building façade, 110-foot to 240-foot setbacks, and residential elements, greatly enhance and compliment the aesthetic experience. The existing streetscape includes a sidewalk adjacent to the curb, minimum green space and landscaping, and minimal screening. The existing improvements are located at the approximate elevation of Mission Road.

**Unit Count and Resident Capacity**

Mission Chateau has a total of 351 units located within eight separate residential components. Actual occupancy is expected to be 360 residents based on 90% occupancy with half of the two-bedroom units being occupied by two residents. The total number of units, including the villas, is reflected below at 351. The total potential occupancy is 450 residents, assuming 100% occupancy with every semi-private, two-bedroom unit, and each unit with a den occupied by two residents.

	<b>Unit Count</b>	<b>1 BR</b>	<b>2 BR, Semi private or units with dens</b>	<b>Potential Occupancy</b>	<b>Residents at Expected Occupancy</b>
<b>Assisted Living</b>	60	48	12	72	59
<b>Memory Care</b>	36	36	0	36	32
<b>Independent Living</b>	160	100	60	220	171
<b>Skilled Nursing and Rehabilitation</b>	84	68	16	100	83
<b>Total without Villa</b>	340	252	88	428	345
<b>Villas</b>	11	0	11	22	15
<b>Total</b>	351	252	99	450	360

## Access and Circulation, Traffic Impact, and Parking

### Access, Drives, and Circulation

The sole point of access for Mission Chateau will be similar to the existing three access points off Mission Road, although they will be more appropriately realigned based on current planning practices. All circulation will be self-contained within the site. The delivery access and locations are located to the north and northwest of the property. The parking and drives are located away from residential neighbors to the south and southwest. The neighbors to the east will have the similar access points, more screening, further setbacks, and an improved streetscape.

### Traffic Impact

Based on studies conducted by Olsson and Associates, the AM peak traffic reduced by 169 trips and the PM peak traffic will slightly increase by 22 trips.

**Table 4: Trip Generation Comparison**

<b>AM Peak Hour Comparison</b>				<b>PM Peak Hour Comparison</b>			
Previous Land Use				Previous Land Use			
	Enter	Exit	Total		Enter	Exit	Total
School	149	121	270	School	39	41	80
<b>Total</b>	<b>149</b>	<b>121</b>	<b>270</b>	<b>Total</b>	<b>39</b>	<b>41</b>	<b>80</b>
Proposed Land Use				Proposed Land Use			
	Enter	Exit	Total		Enter	Exit	Total
Residential	43	58	101	Residential	48	54	102
<b>Total</b>	<b>43</b>	<b>58</b>	<b>101</b>	<b>Total</b>	<b>48</b>	<b>54</b>	<b>102</b>
Comparison				Comparison			
	Enter	Exit	Total		Enter	Exit	Total
Previous	149	121	270	Previous	39	41	80
Proposed	43	58	101	Proposed	48	54	102
<b>Total</b>	<b>-106</b>	<b>-63</b>	<b>-169</b>	<b>Total</b>	<b>+9</b>	<b>+13</b>	<b>+22</b>

### Employee, Staff, and Resident Parking

A total of 350 parking spaces are provided, including 262 surface spaces, 51 carports, 22 garages, and 15 handicapped spaces. Employee, visitor, and resident parking is designated and in controlled locations on the site.

At full capacity during the day shift, Mission Chateau will have 85 employees. 135 employee parking spaces are provided on site in designated areas to the north and the northwest of the site. The additional spaces permit all employees to remain in employee designated spaces during shift change when the maximum amount of employee parking is required.

## Employee Count

	Staff Count	Arrival time	Departure Time
<b>Administrative Staff</b>	25	8:00 AM	5:00 PM
<b>First Shift</b>	50-60	6:45 AM	3:00 PM
<b>Second Shift</b>	50	2:45 PM	11:00 PM
<b>Third Shift</b>	20	10:45 PM	7:00 AM

\* Note 15 minutes overlapping shift schedule.

## Storm Water

MVS LLC will construct a retention pond located on the northeast of the site. Storm water runoff will materially improve from existing conditions. The peak water runoff rate will reduce from 151 cfs to 73 cfs over the entire site.

## Mission Chateau Community Impact

Mission Chateau will be an integral part of the re-gentrification of Prairie Village. It will allow Prairie Village Seniors to remain in their City. It will promote the resale of non-family occupied homes to growing families rather than seeking housing options outside the city. It will provide the lifestyle and housing options appropriate for seniors so that the quality of their life can be maximized without having to move to another City so they can stay close to their families, friends, and community services. Having several health care and living options available in one community is a wonderful benefit as it provides the resident with the security of knowing that if you need the continuum of health care services at some point in the future, you won't have to move to another facility to get those services. Couples find a continuum of care facility especially appealing. If one spouse needs the services provided in another part of the continuum of care campus, the other can easily visit any time of day. This means couples can regularly spend time together socializing, dining, or engaging in activities knowing that their loved ones are receiving the services they need to thrive and maintain as much independence as possible. Mission Chateau will assist in meeting the needs of the Prairie Village community that have gone largely unmet for the last twenty years.

## Tutera's Kansas City Area Facilities

The Atriums  
7300 West 107<sup>th</sup> Street  
Overland Park, KS 66212

Plaza Manor  
4330 Washington  
Kansas City, MO 64111

Lamar Court Assisted Living Community  
11909 Lamar  
Overland Park, KS 66209

Westridge Gardens Nursing &  
Rehabilitation Center  
11901 Jessica Lane  
Raytown, MO 64138

Rose Estates Assisted Living Community  
12700 Antioch Road  
Overland Park, KS 66213

Stratford Commons Assisted Living Facility  
12340 Quivira  
Overland Park, KS 66213

Victory Hills Senior Living Community  
1900 North 70<sup>th</sup> Street  
Kansas City, KS 66102

Beautiful Savior  
1003 South Cedar Street  
Belton, MO 64012

Carnegie Village Independent Living  
107 Bernard Drive  
Belton, MO 64012

Carnegie Village Assisted Living  
103 Bernard Drive  
Belton, MO 64012

Highland Nursing and Rehabilitation Center  
904 East 68<sup>th</sup> Street  
Kansas City, MO 64131

Monterey Park Nursing Center  
4600 Little Blue Parkway  
Independence, MO 64057



# MEMORANDUM

TO: Prairie Village Planning Commission

FROM: Ron Williamson, Lochner, Planning Consultant

SUBJECT: Senior Living Communities

DATE: April 23, 2013

The following is a list of senior housing projects in the Metropolitan area that have some characteristics that are similar to the Mission Chateau proposal. If you have time, it might be beneficial to drive through a couple of these projects to get the feel of the size and mass of the buildings and how they relate to the adjacent residential uses. Several of these have the combination of independent living, nursing home and villas.

1. Kingswood Senior Living Community – 100000 Wornall Rd, KCMO
2. Park Meadows Senior Living – 5901 W. 107<sup>th</sup> St. – Overland Park
3. Aberdeen Village Senior Living – 17500 W. 119<sup>th</sup> St. – Olathe
4. Santa Marta Senior Housing – 13800 W. 116<sup>th</sup> St. – Olathe
5. Lakeview Village Senior Living – 9100 Park St. - Lenexa



March 26, 2013

Mr. Dennis Enslinger  
Assistant City Administrator  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Re: Mission Valley Development

Dear Mr. Enslinger:

Our company Somerset Apartments, L.L.C. is the owner of Somerset Apartments at 8401 Somerset Drive which is located directly west of the proposed Mission Valley Development project.


After having reviewed the proposed site plan for this project, we are opposed to the plan for the following reasons:

- Current plan consists of a large parking lot with lighting which will be clearly visible from our resident's homes and from their courtyard which have views to the east and south. Our residents currently enjoy a view of green space and the school.
- Current plan will result in traffic noise from arriving and departing employees and deliveries for the development at all hours of the day and night which will be audible from our resident's homes and their courtyard. Our residents currently do not hear any traffic noise from their courtyard or homes. This type of traffic and noise is completely inconsistent with the residential nature of our community.

Based upon the above concerns, we request that the developer revise the proposed plan by relocating the parking lot and delivery entry adjacent to our property to an area that is not bordering a residential area of the project.

Thank you for your assistance with the above.

Sincerely,

  
Ronald J. Seufferling  
President

## Joyce Hagen Mundy

---

**From:** Jeanne Koontz  
**Sent:** Thursday, April 25, 2013 8:39 AM  
**To:** Dennis Enslinger; Joyce Hagen Mundy  
**Subject:** FW: Nancy White commented on City of Prairie Village City Hall's status.

Do we want to include comments we receive on Facebook in the Planning Commission packet as we do other comments?

Thanks,

Jeanne

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[www.facebook.com/CityofPrairieVillage](http://www.facebook.com/CityofPrairieVillage)

Follow us on Twitter @Prairie Village

**From:** Facebook [<mailto:update+2maeq55x@facebookmail.com>]  
**Sent:** Wednesday, April 24, 2013 10:16 PM  
**To:** Jeanne Koontz  
**Subject:** Nancy White commented on City of Prairie Village City Hall's status.

facebook



### **Nancy White commented on City of Prairie Village City Hall's status.**

Nancy wrote: "I think this development is great for the neighborhood. It would be nice to have other senior living options available in Prairie Village"

[Reply to this email to comment on this status.](#)

[See Comment](#)

[jkoontz@pvkansas.com](mailto:jkoontz@pvkansas.com) If you don't want to receive these emails from Facebook in the future, you can [unsubscribe](#)

Facebook, Inc. 1601 Willow Oaks Expressway, Suite 1000, Menlo Park, CA 94025

# THE TUTERA GROUP

## Mission Chateau FAQ Supplement 3-5-2013



\* Concept sketch of Mission Chateau Independent Living facility entrance from Mission Road.

1. Will there be any retail or mixed use?

**No**, our plans include **only residential uses** allowed in R1-A per an SUP.

2. Most of your green space is in the center of your development. Can it be moved, and can you add more?

**Yes**, there will be more green space. **Lot Coverage decreased 28,654 square feet, from 26.3% to 22.7%, a 14% reduction in building footprint.** Keep in mind that the City planning benchmark provides for not more than 30%. We have modified the plan to move the circulation

and parking, which was formerly to the south, to the center of the property. This resulted in **more green space to the perimeter and more total green space.**

3. Can buildings be moved farther away from property lines?

**Yes**, we have moved structures and site lines farther from the property lines. Please consider that the closest residential wings that face Mission Road remain approximately 100 feet from the road, consistent with the location of the existing school; however, the main façade of the building was moved from approximately **200 feet from Mission Road to about 240 feet from the road.** We also **eliminated the skilled nursing facility from the southern portion of the site** and relocated it to the far north of the site.

4. Can building heights be reduced?

**Lot Coverage Height Grid**

	Original	Revised	Change
<b>One Story</b>	96,291	46,373	(49,918)
<b>Two Story</b>	-	62,408	62,408
<b>Three Story</b>	114,372	73,228	(41,144)
<b>Total Footprint</b>	210,663	182,009	(28,654)

**Yes, by over a third.** Three-story structures have been **reduced by 41,144 square feet or 36%.** All or a portion of the heights and site lines have been reduced on each building. We have also taken into consideration the site grading and its impact on height. All **buildings far exceed the allowed setbacks.** Keep in mind that the **school gym is 38 feet tall;** and, to its north, **the existing school is three stories.** The building to the northwest was **reduced from three stories to two.** The building **facing Mission is now tiered** towards Mission Road and farther back. The one-story building to the **Southwest was mainly replaced with green space or villas.**

5. Can you add additional Villas?

**Yes**, 4 more. Duplex Villas now cover approximately **three-fourths of the southern property line.**

6. Can you move delivery locations to north of the property?

**Yes**, the **delivery access and location have been moved to the North and Northwest** of the property in connection with the re-engineered drives, parking, and access.

7. We don't like the road entrance and circulation to the South. Can you move them?

**Yes**, while the villas require a drive to the South for their access, **the road no longer circulates to the southern perimeter.**

8. Have you considered walking trails, a parklet or micro-park or a dog park?

**Yes**, we have included approximately **1.23 miles of walking paths** within the community and a total of **5.3 acres of park space** located in three continuous sections, 1.7 acres to the Southwest, 2.5 acres to the North, and 1.1 acres on the East fronting Mission Road. We have not connected the walking paths to the public sidewalks to the West because we do not own the property that extends to the existing sidewalks. If this community desires this connection, we would be pleased to talk to the City about how that could be possible.

9. How are you dealing with the water runoff, and will it make a bad situation worse?

**It will improve** from existing conditions. The peak water runoff rate will reduce to about **40% from existing conditions**. Construction cannot begin until all regulatory bodies have reviewed and agree that the water runoff will perform as designed.

10. Can you reduce the number of units?

**Unit Counts by Type**

	Original	Revised	Change
Assisted Living	62	60	(2)
Memory Care	36	36	0
Independent Living	180	160	(20)
Skilled Nursing and Rehabilitation	91	83	(8)
<b>Total without Villas</b>	<b>369</b>	<b>339</b>	<b>(30)</b>
<b>Villas – Single and Duplex</b>	<b>7</b>	<b>11</b>	<b>4</b>
<b>Total</b>	<b>376</b>	<b>350</b>	<b>(26)</b>

**Yes. Total counts have reduced by 30 units or 8%, and duplex villas increased by 4 or 57%. Keep in mind that a lifestyle is being created; and, without enough residents, there is no lifestyle.**

11. Will morning traffic issues be addressed?

**Table 3: Trip Generation Comparison**

Daily Comparison				AM Peak Hour Comparison				PM Peak Hour Comparison			
Previous Land Use				Previous Land Use				Previous Land Use			
	Enter	Exit	Total		Enter	Exit	Total		Enter	Exit	Total
School	405	405	810	School	149	121	270	School	39	41	80
<b>Total</b>	<b>405</b>	<b>405</b>	<b>810</b>	<b>Total</b>	<b>149</b>	<b>121</b>	<b>270</b>	<b>Total</b>	<b>39</b>	<b>41</b>	<b>80</b>
Proposed Land Use				Proposed Land Use				Proposed Land Use			
	Enter	Exit	Total		Enter	Exit	Total		Enter	Exit	Total
Residential	400	398	798	Residential	39	47	86	Residential	41	54	95
<b>Total</b>	<b>400</b>	<b>398</b>	<b>798</b>	<b>Total</b>	<b>39</b>	<b>47</b>	<b>86</b>	<b>Total</b>	<b>41</b>	<b>54</b>	<b>95</b>
Comparison				Comparison				Comparison			
	Enter	Exit	Total		Enter	Exit	Total		Enter	Exit	Total
Previous	405	405	810	Previous	149	121	270	Previous	39	41	80
Proposed	400	398	798	Proposed	39	47	86	Proposed	41	54	95
<b>Total</b>	<b>-5</b>	<b>-7</b>	<b>-12</b>	<b>Total</b>	<b>-110</b>	<b>-74</b>	<b>-184</b>	<b>Total</b>	<b>+2</b>	<b>+13</b>	<b>+15</b>

\* Reports prepared for the City of Prairie Village by Olsson Engineering. Full report provided along with application for special use permit.

Yes, consistent with our previous traffic study, the **morning peak traffic** will be **significantly reduced**. The updated traffic study will show an overall reduction from the prior comparison provided above.

12. How many employees will work at Mission Chateau?

**Employee Count**

	Staff Count	Arrival time	Departure Time
<b>Administrative Staff</b>	25	8:00 AM	5:00 PM
<b>First Shift</b>	50-60	6:45 AM	3:00 PM
<b>Second Shift</b>	50	2:45 PM	11:00 PM
<b>Third Shift</b>	20	10:45 PM	7:00 AM

\* Note 15 minutes overlapping shift schedule.

At full capacity during the day shift, Mission Chateau will have 85 employees. 105 employee parking spaces are provided on site in designated areas to the North and the Northwest of the site. All staff is either licensed or screened for appropriateness.

13. How much light will be required for the roads, paths, and parking?

We will provide the amount required per the City requirements and resident and visitor safety. Design will require that **no light illuminates the perimeter**. The revised circulation will result in most of the lighting only being visible from within the community.

14. What will it look like from Mission Road, and will the pedestrian crosswalk remain?

The structure on Mission Road is anywhere from **100 feet to 240 feet off the street**. At the center of the property, the independent living residence is placed **4 feet lower than Mission Road** and includes a berm blocking any view of parking and much of the first level. Care has been taken to **reduce the height** in areas that have the most visual impact. An **extensive streetscape** with curved sidewalks, landscaping, and berms is provided off Mission Road. The current sidewalk is adjacent to the curb. We do not control the crosswalk; however, our desire would be for it to remain.

15. How will parking drives and access be addressed?

298 parking spaces are provided. Employee, visitor, and resident parking is designated and in **controlled locations on the site**. **Employee parking is restricted to the North and Northwest**. **No offsite parking** is required. The parking and drives are **located away from residential** neighbors to the South and Southwest. The neighbors to the East will have the same access points, more screening, further setbacks, and an improved streetscape.

16. Do these retirement communities create more crime?

**No**, there are no statistics that support a theory of increased crime in a senior community from either residents or staff. These are the residents' homes. The property is **monitored 24/7**, and all staff are either licensed or screened for appropriateness.

17. Is there an increase in ambulance or emergency vehicle traffic?

Emergency vehicles would enter from Mission Road. We do not experience a high volume of emergency vehicles in other locations. **Vehicles do not arrive with sirens and lights** unless merited by the type of emergency that would exist at any other residential property; i.e., a fire alarm or resident medical emergency.

18. Why do we need senior housing or services? Can't the seniors go to another community? Wouldn't the City be better off with more homes for families versus seniors? How much is needed and why Mission Road?

**Seniors, like other Prairie Village residents, like to stay in their own community** close to family, friends, familiar shops, community, and faith services, etc. Every city should embrace the opportunity to provide living alternatives in its community for its seniors rather than expect its seniors to move outside the city when a lifestyle change is needed or desired. Prairie Village is no different in its desire to provide for its seniors.

Additionally, Prairie Village is not different from many other cities facing **the graying of America as the baby boomer generation** ages. Please find attached a study from the Prairie



Village Parks and Receptions Master Plan and a second report commissioned by the City that contains demographic information.

Some of the key statistics are as follows:

**Demographics Information (Source PV)**

The peak population was in 1970 with 28,378 persons.

2010 population was 22,272 - a **21.5% decrease**

**Age Cohorts and Family Information (Source PV Parks and Recreation)**

Population 65 and above in 1980 - 11.4%

Population 65 and above in 2008 - 19.8% - a **74% increase**

Population 24 and under in 1980 - 33.7%

Population 24 and under in 2008 - 27.7% - a **18% decrease**

**Household Types Trends (Source PV Parks and Recreation)**

Family Households in 1980 - 78%

Family Households in 2008 - 60% - a **23% decrease**

Non-Family Households in 1980 - 29%

Non-Family Households in 2008 - 40% - a **38% increase**

**Trends from 2000 to 2015 Projected**

Projected population in 2015 is 22,462, **an increase of 390 of residents or 1.8%.**

The over 55 population increased from 6,334 to 7,885, **an increase of 1,504 residents or 24%.**

The reports are clear that **senior housing is appropriate and contributes to the overall health and prosperity of the community.** Senior Living Communities within the City allow the senior population and its **wealth to stay in the City**, while allowing **natural housing rotation** to younger couples starting families and growing families in need of larger homes.

**Independent Living**

Over the last 15 years (2000 to 2015, which year is the anticipated start of Mission Chateau), **no independent senior living has been provided in Prairie Village.** The only independent senior living project in the City is Claridge Court, which opened in 1988 with 135 units. There will be a period of **27 years between senior independent living opportunities** in Prairie Village.

**Assisted Living and Memory Care**

During the same 15 years, only 59 specialized private and semi-private Assisted Living and Memory Care units have been added, the Benton House, which opened in 2013. Brighton Gardens opened in 1997 with 124 units, **an 18-year span.**

**Skilled and Rehabilitation Care**

During the same 15 years, **no additional Rehabilitation or Skilled Care** has been provided in the City of Prairie Village. Twenty-seven years ago, Claridge Court added 35 skilled units and recently added 10 skilled units. However, Claridge Court is a Lifecare facility, and services are

primarily limited to its own residents. Claridge Court reports a **98% occupancy**. The Brighton Gardens, developed 18 years prior to the anticipated Mission Chateau 2015 opening, contains **45 predominantly semi-private skilled beds**.

The location on **Mission Road is the most appropriate** for this type of community. The Mission Road corridor provides the community with access to shops, services, and events that are integral to the desired lifestyle.

19. Don't we have plenty of Senior Living options in or around the City already?

**Senior Options within and close to Prairie Village**

	Year Built	Age as of 2015	MC	ALF	ILF	Skilled Rehab	Total	Occupancy
Benton House	2013	2	12	47	0	0	59	Now Leasing
Claridge Court	1988	27		0	135	45	180	Full
Brighton Gardens	1997	18	40	84	0	45	169	Full
<b>Total within City</b>			<b>52</b>	<b>131</b>	<b>135</b>	<b>90</b>	<b>408</b>	

Forum 1989	1989	26	0	30	118	56	204	Full
<b>Total within 2 Miles</b>			<b>52</b>	<b>161</b>	<b>253</b>	<b>146</b>	<b>612</b>	

<b>Mission Chateau</b>	<b>2015</b>	<b>0</b>	<b>36</b>	<b>60</b>	<b>160</b>	<b>83</b>	<b>339</b>	
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\* Existing community unit counts are estimated based on available information. Facility configurations change from time to time. Some units are combined and some are shared. Full occupancy is stabilized. At any given time residents will be moving in and moving out.

**No, 85% of the Senior Living options for Prairie Village were built 18 to 27 years ago** to accommodate the need that already existed. The facilities serve specialized markets. Senior housing needs continue to grow, and the product continues to evolve. Seniors desire and demand communities that are designed with their needs in mind and utilize the most recent design that offers a continuum of care in a residential environment.

The newest senior community serves a small portion of the market and offers no skilled or rehabilitation care, Villa or Independent living apartments. Even when looking beyond the City, the closest facility is twenty-six years old and fully occupied.

Mission Chateau will provide the **only option for the resident in Prairie Village to remain in his/her City**.

End of FAQ Supplemental 3-5-2013

## FAQ Supplemental 3-15-2013

How many Residents will live in Mission Chateau?

**Actual occupancy is expected to be 360; based on 90% occupancy with half of the 2 bedroom units being occupied by 2 residents.** The total number of units including the villas is reflected below at 350. The total potential occupancy is 451 residents, assuming 100% occupancy and every semi private, 2 BR unit and units with a den are occupied by two residents. For the purpose of our traffic study 100% capacity is assumed or 451 residents.

	1-24-2013 Unit Count		3-5-2013 Unit Count	1 BR	2 BR, Semi private or units with dens	Potential Occupancy	Residents at Expected Occupancy
<b>Assisted Living</b>	62		60	48	12	72	59
<b>Memory Care</b>	36		36	36	0	36	32
<b>Independent Living</b>	180		160	100	60	220	171
<b>Skilled Nursing and Rehabilitation</b>	91		83	65	18	101	83
<b>Total without Villa</b>	369		339	249	90	429	346
<b>Villas</b>	7		11	0	11	22	15
<b>Total</b>	376		350	249	101	451	360

Do you screen and evaluate employees prior to hire? If so what specific criteria is used?

**Yes, employees are screened and evaluated in a number of ways prior to hire. Kansas Statute (KSA 39-970 & 65-5117: Prohibited Offenses) provides a comprehensive list** of convictions that would otherwise prohibit the hiring of any individual in an Adult Care Home, as defined by the statute. In addition to those disqualifying offenses identified in the statute, **Tutera has chosen to also disqualify applicants** with a history of drug conviction, theft and violent crime. For individuals who have lived in states other than Kansas, **Tutera employs a third party CBC service** to evaluate potential past criminal history across the nation. In addition, Tutera conducts random drug testing prior to hire and periodically throughout the employee's tenure at the facility. Finally, each **applicant for hire is required to provide references** that are subsequently checked by facility personnel.

Why don't you have carports on the plans for the residents?

**We agree that carports are appropriate** and they will be added to the plan. Approximately 70 car ports will be located primarily within the interior access drive adjacent to the Independent Living Facility mostly on existing parking spaces.

Do you have enough parking for employees including shift changes?

**Yes, based on our experience, we believe we have provided the appropriate amount of parking.** However, on further review, to assure enough parking is available in employee designated spaces at shift change, an **additional 30 employee designated spaces will be provided.** Increasing the number of **employee designated spaces to 135 and the total to 328.** This will allow visitor and resident parking to remain available at all times.

Why haven't you contacted me as the neighbor to seek my feedback?

**We have been in contact with neighbors, representatives and Homes Associations** on multiple occasions **for over a year**. These discussions included the proposed services, life style, plans and design concepts. The meetings have ranged from one-on-one to small groups, in-person and by phone. The **feedback we have received has been invaluable** to our efforts and those concepts have been incorporated into the revised plan. **We will continue this outreach and welcome others to contact us** in hope that additional feedback will be provided.

I have attached a copy of the FAQ Supplemental and the site plan that was presented at the meeting on March 5<sup>th</sup> for your connivance.

Please contact George Holler or myself at 816-444-0900 with any questions.

Thank you,

Joe Tutera

## Joyce Hagen Mundy

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**From:** Ron Mayer [ron@solepatchbarbers.com]  
**Sent:** Monday, February 04, 2013 3:41 PM  
**To:** Joyce Hagen Mundy  
**Cc:** ron@solepatchbarbers.com  
**Subject:** Planning Commission Meeting Tomorrow - Mission Valley Proposed Site

Planning Commission:

I know early participation in projects like this, from those that have an opinion, is ideal. In this case, however, I didn't feel my point of view was "needed" until recently. I guess I always thought something similar to the idea that follows would have risen to the top. But as I've watched the Mission Valley conversation unfold for the last year or two, it never did. When Kevin Collison covered this story in The Star on 1/23/2013, I became motivated to participate in the process.

What follows is "my idea" as it grew on Facebook... I've basically cut and paste. My intention is to be part of a profitable, long-term, forward thinking solution... not a problem maker. I appreciate your consideration as you move into your meeting on Feb. 5<sup>th</sup>.

### **My Facebook response to Kevin Collison's article in The Star (1/23/2013)**

1. I own a business in Prairie Village, have for about 5 1/2 years... Sole Patch, some of you know it :) I know the proposed site in the attached article very well... 1 block from us... cut the hair of the kids and their families that went there while it was open as a school and still do. And since the schools closing, I have used it extensively for dog walking (sorry mayor but i have). Beautiful, big site, bordered by a creek. But it has been disputed about since its sale a two-ish years ago. In less than 24 hours they discuss it again at a "town meeting". I'm going to propose the following and when you get done reading the next couple sentences, "like it" if you like this... I want to show them I have moral and mental support! Basically it's this... turn this great site into a new, fun, metropolitan-meets-farm-meets-technology-meets-architecture-meets-social-meets-family living residential units... several high end, mostly middle, and a sprinkling of low cost. Across the country these developments are nailing it in look and feel and use... people love them, gravitate to them, talk about them! Imagine what could happen here... I mean our town just got Google fiber for cryeye, we are physically and could be culturally at the center of it all! OK... that's a little crazy, but the factual trend is that it's a younger community moving into and growing this area... we need something thing that supports, planned well, that stands the test of time in our community. Besides, the retirement center they are proposing will compete against a 60ish unit retirement facility just opening, less than 500 yards away... along with an older facility in between the two! It's simple, not complicated, and all parties win... especially the developer but not just for money... if they can first get creative, then really build it right... they would add to an even more valuable aspect of the their business which is the brand as a development company of doing this type of work.

### **My Facebook response regarding a quote of mine in the PV Post from the last townhall meeting... was asked if I'm envisioning another Mission Farms model. (1/26/2013)**

2. I'm not suggesting a Mission Farms that has Retail, I'm suggesting what is known as "new urbanism"... it's not mixed use so much, as it's mixed living... in one small area you would have everyone represented, a city within a city. Instead... of 18 acres being used for just one segment of our community (a retirement center) build a residential community that represent all segments. Instead of retail like Mission Farms on the main level, you might have a day care/montessori, you could designate some space to a "minute clinic" with a nurse or doctor, there would be meeting space and work stations with internet connection (almost a business incubator feeling), a community garden, underground parking. It would be multi-leveled and provide some high-end units, mostly medium-end units, and then some low-end unity for lack of better words. You might have some designed for elderly, and some design for family with little kids. What city/urban developers are finding is that single use facilities on pieces of land this big almost always fail the communities they are in in the long run... look at the malls that shut down, the corporate complexes that shut down. It might be good for the first guys that build it and sell it, but it's not good for the community in the long run. I hope Mr. Tutera makes a boat load of money off of this, I'm a business owner myself, and I'm thankful he purchased it and it not still sitting there for sale... but if they really wanted to do a retirement center then that would have been the first thing they pitched, but it wasn't... it means they are looking for the best idea. The retirement center is an ok idea... but this is better! It's not helpful to simply protest what we don't like... solutions must be the focus. Google "new urbanism" a see what ideas come to you and participate in this process. Mr. Tutera seems to have a very authentic interest in choosing the best project for himself as well as the community, and based upon the people we talk to in the barbershop, they want something like this.

### **Comments from another Facebook subscriber regarding a retirement center versus my idea of new urbanism (1/27/2013)**

3. Another classic 'spreadsheet mentality' development, violating every good planning practice imaginable. No member of the Urban Land Institute (ULI), American Planning Association (APA), or Congress of New Urbanism (CNU) would endorse such a spectacularly unimaginative plan as a retirement center. As imagined, this is a huge missed opportunity to add value and variety to the town and to compliment the surrounding neighborhoods.

**My Facebook comment regarding a post that we should look at the Cypress Springs to see how they're doing (1/27/2013)**

4. Cypress Springs is a very nice, well-built little center on a 1/2 acre parcel, maybe 20 units... but with all due respect, it's not even close to a comparison... Mission Valley is 18 ACRES... this is a different story, it's a different opportunity all together. Beside folks, we have closed two schools in our community in the last couple years, Mission Valley and Highland Elementary and a retirement center was built on Highlands.... we needed to, but the natural consequence is a disappearance of youth, it's an obvious slow strangling to PV if we don't compensate... We need this 18 acres to replace some of that through a residential living community that is almost a village within a village. Sorry, but no one is going to get excited about a retirement center the way we all would around a modern, forward looking development. Look at the energy in Corinth with BRGR, Sole Patch, UrbanTable, the New Johnny's, InClover, remodeled modern Sopra, remodeled modern Hen House plus Spin Pizza in the near future. That's not to mention the upcoming renovation to Prairie Village Shops that will have one of the hottest concepts in all of KC... the former AMC head doing a restaurant/movie concept in the old Macy's building. PV is screaming for innovative, energetic, forward thinking development... we, and the developer, can do better... but it needs to be known by speaking more and more with one voice about what we would be excited to support.

**Some additional thoughts since the last town hall. (2/4/2013)**

5. The developer, or at least the developer's attorney, is acting committed to this retirement idea even though it wasn't the proposed idea from the beginning... we need to continue the search for what's best even if a little time and money has already been spent.
6. Imagine the difference in support the community would show toward a new urbanism project, versus a retirement center project... no family, no growth, no up and coming energy would support a retirement center the way they would a new urbanist project.
7. Imagine the city-wide interest that would be created if we did something like this... a huge branding/marketing opportunity. It could prove to be a significant conversation piece with Google as they consider their next moves with their fiber network.
8. It may seem that financing would be easier for a retirement center than a new urbanist project... but I believe that if the right design is agreed upon the financing will quickly show up... who wouldn't want to be involved with something this "state of the art".

Signed,

Ron Mayer

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** May 7, 2013 Planning Commission Meeting

Project # 000005977

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**Application:** PC 2013-114

**Request:** Site Plan Approval for Adult Senior Dwellings

**Property Address:** 8500 Mission Road

**Applicant:** The Tutera Group

**Current Zoning and Land Use:** R-1A Single-Family District – Vacant Middle School

**Surrounding Zoning and Land Use:** **North:** R-3 Garden Apartment District - Apartments  
**West:** R-3 Garden Apartment District – Apartments  
**South:** R-1A Single-Family Residential District – Single Family Dwellings  
**East:** R-1A Single-Family Residential District – Single Family Dwellings  
**(Leawood)** R-1 Single-Family Residential – Single Family Dwellings

**Legal Description:** Unplatted – Metes and Bounds

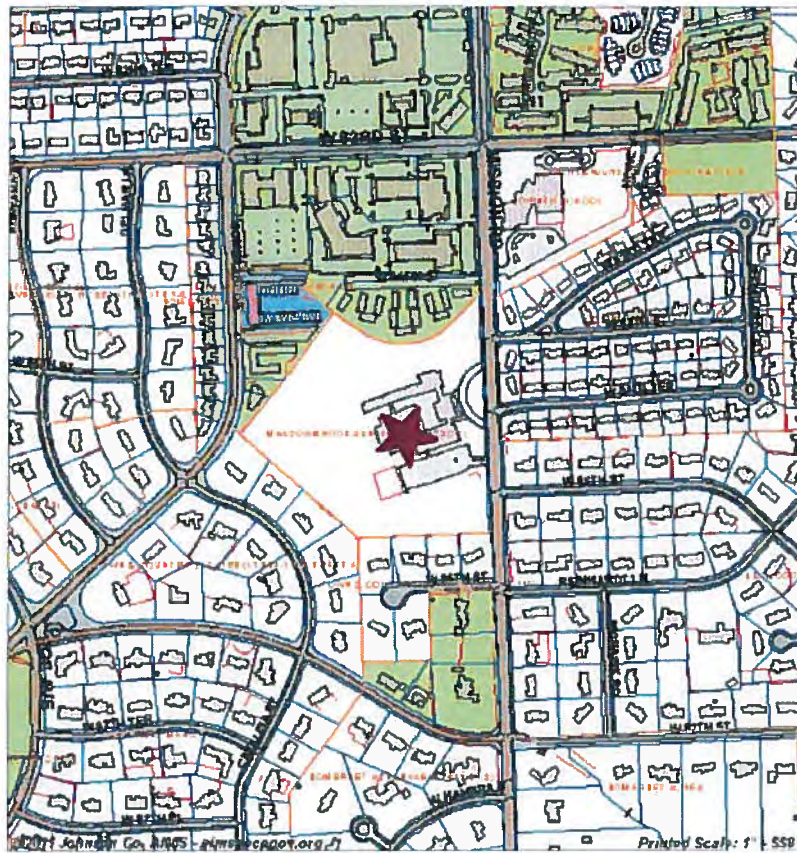
**Property Area:** 18.43 Acres

**Related Case Files:** PC 2013-05 Special Use Permit for Adult Senior Dwellings  
PC 2004 Monument Sign  
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

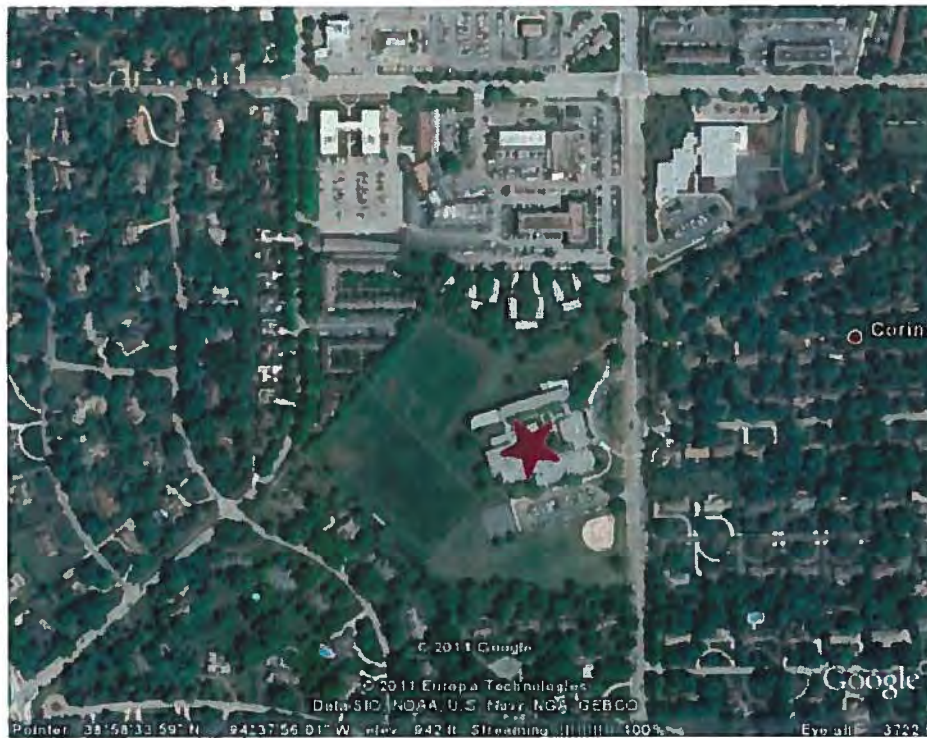
**Attachments:** Application, Photos, Plans



**General Location Map**



**Aerial Map**



It should be noted that this is a preliminary staff report with comments based on the initial documents submitted with the application. This staff report will be revised and finalized for the June 2, 2013 Planning Commission meeting.

#### COMMENTS:

The Tutera Group has purchased the former Mission Valley Middle School site and is proposing to construct and operate a mixed use senior residential community, named Mission Chateau. Mission Chateau will provide five residential options for seniors as follows: 160 independent living apartments; 60 assisted living apartments; 11 independent living villas; 36 memory care units; and 84 skilled nursing and rehabilitation units. This is a total of 351 units which could, at maximum occupancy, accommodate 450 people. The site is 18.4 acres (801,504 sq. ft.) and the proposed buildings cover 22.9% of the site. The combined footprint of all the structures is 134,007 sq. ft. or 4.22 acres. The total square footage of all the buildings is 387,244 sq. ft. The parking areas, drives and sidewalks total 173,038 sq. ft. The amount of the site devoted to green space is 444,459 sq. ft. or 10.2 acres. The majority of the development is within two large buildings. The villas are in six residential style buildings. The project is proposed to be developed in three phases.

Phase One will be the Skilled Nursing/Memory Care building which is located on the northwest end of the property. The footprint of the building is 58,268 sq. ft. The south wing is one-story and the north wing is two-stories for a total building area of 91,189 sq. ft. The peak height of the one-story portion is 26' 3" and the peak height of the two-story portion is 34' 6". The first floor elevation is 951.5 feet. The northwest corner of the site is low and the site will be filled approximately 9.5 feet to meet the first floor elevation of 951.5 feet. The first floor elevations of the properties adjacent to the northwest property line are: the duplex 955.50 ft.; the apartments 952.0 ft. and the condominiums 948.0 ft. Therefore, the first floor elevation of the proposed building appears to be reasonable compared to the existing buildings. The building sets back 131.5 ft. from the southwest property line. The closest residence is 48 ft. from the property line and the first floor elevation is 960.5 ft. which means it is 9 feet above the first floor of the Memory Care wing. With this elevation change and distance between the buildings, the impact of the facade of the building can be alleviated by landscape.

Phase Two will be the Independent Living/Assisted Living building which is the largest building in the proposed project. It is three stories tall; has a ground floor footprint of 100,824 sq. ft. and a total of 271,140 sq. ft. for the building. The second floor is 100,824 sq. ft. and the third floor is 69,942 sq. ft. The height of the two-story peak is 32' 4" and the height of the three-story peak is 40' 10".

Phase Three will be the six Villa buildings that back up to the south and southwest property lines and are conventional duplex or single-family attached residential design and construction. Each unit including the two-car garage is 2,265 sq. ft. and the peak height is 21' 4". These buildings set a minimum of 35 feet from the south and southwest property lines.

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Mission Chateau will provide 351 units on 18.4 acres for a density of 19.1 units per acre. In comparison, Brighton Gardens has 164 units on 4.42 acres for a density of 37.1 units per acre; Claridge Court has 166 units on 4.74 acres for a density of 35.0 units per acre and Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre (only 59 units were built initially).

The applicant submitted phases for developing the project but did not include a schedule or timeline indicating when each phase would be constructed.

The applicant held a neighborhood meeting on April 25, 2013 and approximately 30 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, flooding, screen space, compatibility with the neighborhood, density, public safety and crime.

The Planning Commission shall give consideration to the following criteria in approving or disapproving a Site Plan:

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The site is 18.4 acres with a total footprint of 192,269 sq. ft. for all the buildings which is 23.99% of lot coverage. Approximately 10.2 acres of the 18.4 acres will be open space and landscape. The open space calculation does not include sidewalks, drives and parking areas. Some of the open space will be used for rain gardens and a detention basin, but it still will be undeveloped area. The site is more than adequate in size to accommodate the proposed development.

**B. Utilities are available with adequate capacity to serve the proposed development.**

Since the site was developed as a middle school utilities are available at the site. The applicant has worked with the various utilities and adequate capacity is available to serve the development. The applicant will need to work with the Fire Department to ensure that five hydrants are properly located.

**C. The plan provides for adequate management of stormwater runoff.**

The applicant has prepared a Stormwater Management Plan which has been reviewed by the City's Consultant and Public Works and is consistent with the requirements of the City's Stormwater Management code. The applicant will need to work with Public Works in the final design of the system.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.**

The proposed development will reduce the number of drives on Mission Road from three to two. The new drives will be in alignment with 84<sup>th</sup> Terrace and 85<sup>th</sup> Street. A Traffic Impact Study has been submitted and reviewed by the City's Traffic Consultant and Public Works. Traffic issues have been resolved. The applicant will need to work with Public Works on the final design of the driveways on Mission Road.

There is an existing pedestrian crossing signal on Mission Road just south of 84<sup>th</sup> Street. This signal was installed to serve school traffic. The applicant has agreed to retain or move the signal if requested. The City is still evaluating the need.

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The Site Vehicle Mobility Plan, Sheet C-5, shows how the buildings will be served with emergency and delivery vehicles. The emergency vehicles appear to be adequately accommodated, but the delivery semi-trucks have a problem in serving the Skilled Nursing/Memory Care facility. Several parking spaces must be used in order to back the trucks into the unloading area. This area is primarily for employee parking and at least eight of these spaces are not usable. The applicant will need to find another solution to deliveries or provide some additional parking spaces.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The applicant has located the lower density housing, the Villas, along the south and southwest property lines and they back up to existing single family dwellings. The size of the Villas is significantly less than the existing residences but they do serve as a transition between the single-family dwellings and the larger buildings. The design has also tried to locate the two large buildings away from Mission Road and the south and southwest property lines. The Skilled Nursing/Memory Care facility is located 131.5 ft. from the southwest property line and 91.5 ft. from the northwest property line. A parking lot is proposed along the northwest property line and there are some steep slopes that will be created in that area. No landscaping is proposed in that area because of existing vegetation. This will need to be looked at in more detail as final plans are prepared. There needs to be adequate screening between this project and the apartments and condominiums to the northwest.

There are some retaining walls proposed along the north drive and the detailed design will need to be submitted for review and approval.

The first floor elevation of all the proposed buildings has been set at 951.50 feet. The floor elevation of the existing gymnasium is 954.50 feet so these buildings are three feet lower. The buildings will set below the grade of Mission Road for the most part.

The applicant has proposed a 35 foot wide buffer along Mission Road which will have a berm, screening wall and landscaping. This should screen the parking along Mission Road and provide screening for the buildings as well.

As previously pointed out, the service vehicle access to the Skilled Nursing/Memory Care facility does not work. Consideration should be given to extending that parking lot further south to add the number of spaces that will be unavailable for parking during deliveries. There also needs to be screening along the northwest property line to prevent car lights from shining on other properties.

There are some connectivity issues with the sidewalk/trail system that need to be resolved.

In general the Site Plan works; however, there are a number of details that will need to be worked out as final plans are prepared.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.**

The applicant has presented elevations of all facades of the buildings to indicate the general concept of the appearance of the buildings. The proposed materials are traditional stucco, hardie board, cultured stone veneer and wood trim on the building facades. The roofs will be asphalt shingles with standing seam metal roof at certain locations. The combination of materials and quality is good, and the ratio of stone to stucco seems appropriate. Staff had requested that the applicant provide more stone of the buildings which has been done. These are large buildings and at the scale presented are difficult to show detail. There are many design details that will need to be worked out and Staff will do that with the architect and owner.

These buildings are very large and in plan view they appear to have a variety of depth, but that is not conveyed in the elevation drawings. Also, Staff is still concerned about the overall massing and scale of the buildings. The applicant needs to prepare perspectives that show the buildings in three dimension in order to get a true feeling of the buildings' design, scale and massing and how they relate to the surrounding development. Perspectives need to be submitted from all sides so that a better picture is available regarding how this development fits within the existing developed area. Staff will have additional comments on design after reviewing the additional drawings.

The drawings are at a scale that can only show the concept of the design. It will be necessary for Staff to work with the developer on the details as final plans are prepared.

**G. The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.**

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

The recommendations of the Plan Amendment included two sections as follows:

**1. Encourage developers to obtain community input.**

The proposed developer has held a number of meetings with area neighbors as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions, but still has not received endorsement from the neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

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**2. Limit the uses to those allowed in the R-1A Single-Family District.**

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed is approval as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 351 units on 18.4 acres of land for a density of 19.1 units per acre which is less than the apartments and condominiums on the northwest but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density on the south and increased the density on the north. Major buildings have been set back 131 feet from the southwest property line and 147 feet from the south property line to provide a distance buffer for the adjacent single family residences. Also, Villas are proposed along the south and southwest property lines and will act as a buffer.

The proposed developer has met with the surrounding neighbors and has addressed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

Village Vision also addresses the fiscal condition of the City and pointed out that redevelopment needs to stabilize if not enhance the economic base of the community. The applicant has stated that this will be a \$50 million development. It is estimated, based on that value that the property would generate approximately \$112,000 in City property tax plus \$14,235 in Stormwater Utility revenues.

**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission continue consideration of the Site Plan until such time as the applicant can prepare and submit perspective drawings that can show how the proposed development fits in the existing area considering the mass, bulk and design of the buildings. The perspectives need to be from all sides and include the existing buildings that abut the proposed development. It also should be pointed out that consideration of the Site Plan should only occur if the Planning Commission recommends approval of the Special Use Permit.



**CITY OF PRAIRIE VILLAGE**

*The Star of Kansas*

**Planning Commission Application**

For Office Use Only
Case No.: <u>PC 2013-113</u>
Filing Fee: <u>\$100</u>
Deposit: <u>\$500</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>5/7/13</u>

Please complete this form and return with Information requested to:

Assistant City Administrator  
 City of Prairie Village  
 7700 Mission Rd.  
 Prairie Village, KS 66208

Applicant: Polsinelli Shughart, PC Phone Number: 913.234.7405  
c/o John Petersen  
 Address: 6201 College Blvd. Suite 500 E-Mail: jpetersen@polsinelli.com  
Overland Park, KS 66211  
 Owner: MVS, LLC c/o Joe Tutera Phone Number: 816.444.0900  
 Address: 7611 State Line Rd. Ste. 301 Zip: 64114  
Kansas City, MO  
 Location of Property: 8500 Mission Road  
 Legal Description: Block 1, Meadowbrook Junior High School

Applicant requests consideration of the following: (Describe proposal/request in detail) Site Plan Approval for development of a residential project including skilled nursing, assisted living and independent living components.

**AGREEMENT TO PAY EXPENSES**

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for Site Plan Approval.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

John Petersen  
 Applicant's Signature/Date

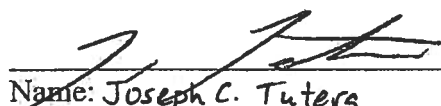
See Attached Affidavit  
 Owner's Signature/Date

**AFFIDAVIT**


STATE OF <sup>MISSOURI</sup> ~~KANSAS~~ )  
                    <sup>JACKSON</sup> )      ss.  
COUNTY OF ~~JOHNSON~~ )

Comes now Joseph C. Tutera, being first duly sworn upon his/her oath, deposes and states as follows:

1. I am the Manager for MVS, LLC. ("MVS").
2. MVS is the owner of property located at 8500 Mission Road, Prairie Village, Kansas (the "Property").
3. MVS has authorized Polsinelli Shughart to act as applicant and agent for the Property in regard to all zoning and land use entitlement applications.

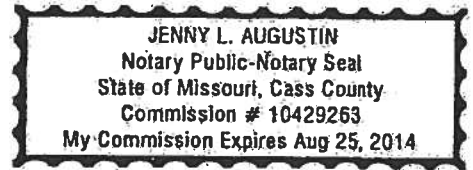
  
\_\_\_\_\_  
Name: Joseph C. Tutera  
Title: Manager  
MVS, LLC

Subscribed and sworn to before me this 6th day of November, 2012.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires:

8-25-14







March 23, 2013

Keith Bredehoeft  
Director of Public Works  
3535 Somerset  
Prairie Village, KS 66208

**Re: Mission Chateau Traffic Impact Study Review  
Prairie Village, Kansas**

Dear Mr. Bredehoeft:

In response to your request and authorization, we reviewed the traffic impact study prepared by Olsson Associates (dated March 2013) for the proposed Mission Chateau development on Mission Road between roughly 84th Street and 85th Street. It is proposed on the site previously occupied by the Mission Valley Middle School. I also reviewed the site plan you provided to me (titled Proposed Drainage Map and dated November 6, 2012).

My comments on the traffic impact study and site plan are listed below.

1. The report does not indicate the author. A traffic impact study should be signed by the author and/or professional engineer in responsible charge.  
**The traffic study has been updated and is now signed and sealed by a professional engineer (Todd Fredericksen).**
2. A new driveway is proposed across from 85th Street. There was no mention of available sight lines along Mission Road from this point. The study should include an evaluation based on current and proposed conditions. I did note some large trees behind the Mission Road sidewalk near the south property line. Similarly, sight lines at the north driveway should be assessed relative to proposed conditions. Berms are proposed, but not detailed, between the street and parking lot.  
**Prior to final design, sight distance requirements must be reviewed and meet or exceed requirements set forth by AASHTO. Report updated.**
3. The report notes that the two site driveways will align with 84th Terrace and 85th Street on the east side of Mission Road. Neither the traffic study nor the site plan shows the existing public streets to the east in sufficient detail to judge the alignments. It's important to specify that now to provide sufficient guidance to the designer. Absent a topographic survey, I'd suggest that the center lines of the driveways align with the center lines of the public streets on the opposite side of Mission Road.  
**Sight drive alignment is now depicted on the site plan to align with the center of the adjacent streets.**
4. Whereas the traffic impact study suggests marking a two-way center left-turn lane on Mission Road south of 84th Terrace, the additional width for that lane extends only about midway between 84th Terrace and 85th Street. It would be better to mark that space for a northbound left-turn lane.  
**Revisions have been made to the traffic study to provide a northbound left-turn lane rather than a two-way-left-turn lane continuation. Recommendations for a two-way-left-turn lane were made in**

**the initial study to provide better continuity through the roadway section north of the study area and also provide access to the private drive just south of 84<sup>th</sup> Terrace. Proper taper must be provided for either recommendation as the existing roadway-width will govern.**

5. The length of the throat of both site driveways is about 60 feet (it's difficult to know for certain since the curb line of Mission Road isn't clearly shown). Driveway throats should be at least 100 feet off of an arterial street for two main reasons - to store exiting traffic and to provide a transition for entering traffic. The relatively modest traffic volumes anticipated with this development suggest the shorter throat lengths could function adequately but provisions should be made to clearly give inbound traffic the right-of-way at the first intersection on the site. This would include stop-sign control of the other approaches and providing signage for inbound drivers (similar to what is used on many shopping center entrances).

**The traffic study now includes recommendations for internal drive signing at the two main entrances. Entering traffic shall have the right-of-way with northbound and southbound traffic stop controlled.**

6. The design of each end of the raised median on the northern most driveway should be modified to accommodate reasonable turning radii. In particular, the west end of this median should not extend to the very edge of the intersecting driving aisle. Final placement of sidewalk along Mission Road could influence the design of the east end of this median.

**The site layout was revised to make accommodations for this comment.**

7. The traffic impact study indicates that exiting traffic would operate at poor levels of service. That is primarily due to the traffic volumes on Mission Road. The site-generated traffic volumes, as well as the traffic volumes on the residential streets to the east, don't come close to warranting traffic signals at either driveway. Providing two outbound lanes on each driveway is the best way to mitigate this situation and minimize delay on the site driveways. The site plan shows two outbound lanes at the northern most driveway but only one at the south driveway. A recommendation in the traffic study is to add an outbound lane at this location.

**Recommendations made in the traffic study are accommodated in the updated site plan.**

8. Curvilinear sidewalk is proposed along Mission Road. The separation between Mission Road and the sidewalk on each site driveway is quite significant. I would encourage you to place these relatively close to Mission Road (5 to 8 feet) so pedestrians are visible to turning traffic and pedestrians don't have to cross behind outbound traffic stopped on the driveway. Bear in mind that exiting drivers will pull up very close to Mission Road in order to maximize their view of oncoming traffic and to lessen the time they are exposed to conflicting traffic as they turn.

**The site layout was revised to make accommodations for this comment. Sidewalks cross entrances much closer to Mission Road now.**

9. Sidewalk is proposed around the footprints of the two main buildings but it is incomplete. Further, there is no continuity across the two major driveways associated with the building closest to Mission Road. There is no sidewalk along the side of the interior drive where the villas are proposed.

**The site layout was revised to make accommodations for this comment.**

10. It would be preferable to have one-way traffic flow at each of the three major building entrances. Using angle parking where feasible would help reinforce the appropriate travel path.

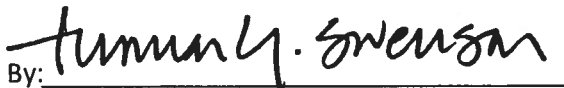
**This recommendation is currently under evaluation for future plans.**

11. The curve in the driveway at the northeast corner of the site is very tight. Virtually every driver will encroach into the opposing lane while navigating this curve, particularly traffic traveling towards the back of the site. The inside radius appears to have been abbreviated for parking. That radius should be developed fully and perhaps even increased somewhat.  
**The site layout was revised to make accommodations for this comment.**
12. Parking along a curvilinear driving aisle is problematic in that viewing distances for drivers in the aisle and drivers unparking will be limited. It is important to maintain a low-speed environment to minimize potential conflicts. One way to accomplish that would be by constructing raised crosswalks at strategic locations; in essence a traffic calming strategy.  
**The site layout was revised to make accommodations for this comment.**
13. The abundance of parking along driving aisles, as well as the curvilinear alignment and tight curves, makes it essential that sight lines be protected. Careful placement of potential obstructions such as landscaping and signage is critical.  
**The site layout was revised to make accommodations for this comment.**
14. The applicant should demonstrate how trucks will navigate through the site.  
**A copy of the truck turning templates is now provided in the Appendix of the report under Existing plus Development conditions.**
15. A signing and pavement marking plan should be developed for the site.  
**The interior signing is now shown on Figure 2 of the report.**

I will be available to review this matter with you at your convenience.

Very truly yours,

**TranSystems Corporation**

By:   
Thomas G. Swenson, PE, PTOE

TGS:ts:B101130015