

PLANNING COMMISSION MINUTES

June 4, 2013

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 4, 2013, in the fellowship hall of The Village Presbyterian Church at 6641 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, Andrew Wang, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard noted the misspelling of Mitch Hoefler on page 14; on page 17 "M Hobbs" should be "Milburn Hobson" and in Courtney Kounkel's comments her grandparents resided in "The Forum" not Prairie Village; on page 20 the first line should read "of mass and density" instead of "massive scale and density" in the 4th paragraph the words "gross building area" should be "building footprint". Randy Kronblad moved approval of the Minutes of May 7th as corrected. The motion was seconded by Nancy Vennard and passed unanimously.

AGENDA

Chairman Ken Vaughn noted two public hearings on the Commission's agenda with the second application being a renewal that should not take much time for consideration. Dirk Schafer moved the Planning Commission move PC2013-06 ahead of PC2013-05 on the agenda. The motion was seconded by Nancy Wallerstein and passed unanimously.

PUBLIC HEARINGS

PC2013-06 Amendment to Special Use Permit Expansion for Daycare Program at 7501 Belinder Avenue

Alison Erzen, Owner and Director of Little Owly's Nest for Knowledge Daycare located within the existing REACH Church's building facility at 7501 Belinder Avenue addressed the Commission seeking an amendment to the Special Use Permit originally issued in 2012 for a maximum of 45 children. The Daycare is requesting to increase the number of children from 45 to 69 and extend the approval for another five years. Little Owly's Nest provides child care services for children between infancy and age five. The hours of operation are 7:30 a.m. to 5:30 p.m. The current operation employs nine people. The expanded day care center could employ up to 17 people who will park in the east lot during the day. They will use the same facilities that were previously approved plus two additional classrooms for a total of four classrooms.

The operation will be contained within the existing structure and no changes will occur to the exterior of the building.

A neighborhood meeting was held on May 22, 2013 in accordance with the Planning Commission Citizen Participation Policy and no residents attended the meeting.

Chairman Ken Vaughn opened the public hearing to comments and with no one present to speak on this application closed the public hearing at 7:12 p.m. :

Nancy Wallerstein asked if the closing time was 5:30 or 6:00. Mrs. Ernzen stated they close at 5:30, but parents do not always pick up their children promptly. Ms Wallerstein suggested the special use permit state a closing time of 6:00 p.m. to accommodate late pick-ups.

Ron Williamson stated that would be acceptable and noted the children will be dropped off and picked up by parents from the north entrance of the building adjacent to 75th Street. This driveway is approximately 180 feet in length and could accommodate approximately nine vehicles which may not be adequate to handle all the vehicles at peak times. Vehicle stacking cannot be allowed to back up on 75th Street. Dropping off time tends to be less congested than pick-up time. The applicant has agreed to have parents park in the east lot and walk to the door to drop off and pick up their children.

The condition of the pavement in the east parking lot is poor. It is crumbling and breaking up and needs to be repaired. There are also potholes in the driveway on the south side that provides access to 75th Terrace.

In 2009, a Special Use Permit was approved for Monarch Montessori School. It is in a different part of the building and is accessed from the south side with parking in the west lot. In May 2013 the Special Use Permit for Monarch Montessori School was recommended for renewal for another five years.

Chairman Ken Vaughn led the Planning Commission in review of the following findings of fact for the requested Special Use Permit:

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

The child care program 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 child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located within an existing building and will not adversely affect the welfare or convenience of the public.

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 child care center will be located within an existing structure and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood. The request should be approved for a five year period so it can be reevaluated at that time.

- 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 permit 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 child care center will accommodate a group of up to 69 children, and will use the church 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 building is proposed.

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

Access to the child care center will be from the existing north driveway and east parking lot. The operation will occur during normal business hours and not during the hours where other major events will occur at the church. The east parking lot is in poor condition and needs to be repaired. This was discussed at length in 2008 when the KCATC application was renewed and again in 2012 when Little Owlly's Nest was approved. Some of the lot was repaired but some of it has deteriorated further. Currently the lot provides approximately 50 spaces which should be adequate to accommodate this use.

- 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 and this proposed special use will utilize the existing infrastructure that is already in place. The access drive to 75th Terrace, however, has potholes and needs to be repaired.

- 8. Adjoining properties 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 style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The special use will not require any changes in the exterior architecture or style of the existing building. It should be pointed out that there are numerous signs on this property that need to be in conformance with the sign code. There are three signs on 75th Street.

Chairman Ken Vaughn led the Planning Commission in review of the following Golden Factors:

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 75th Street. Northeast of the site is a large office building along with other office buildings on the north side of 75th 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

3. **The suitability of the property for the uses to which it 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 Montessori school occupies another portion of the building.

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

The use has been in existence for approximately one year and has not created any detrimental neighborhood issues. The renewal request, however, will increase the school from two to four classrooms and 45 to 69 students which is a significant increase. Traffic is the main concern. The north drive will be the main drop off and pickup area and should be adequate to accommodate the traffic. Staff parking and additional parking for parents will be located in the east parking lot which has 50 spaces.

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. 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 one year with no complaints; the use will be within an existing building with no 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. It is recommended that it be approved for five years so that it can be evaluated 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 day care center is an amenity that will improve quality of life in Prairie Village and help make it a desirable location for young families. This application for approval of the day care center is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

Gregory Wolf moved the Planning Commission find favorably on the Special Use Permit factors and the Golden Factors and recommend the Governing Body approve the requested Amendment to the Special Use Permit for a Child Care Program at 7501 Belinder Avenue subject to the following conditions:

1. **That the child care center be approved for a maximum of 69 children**
2. **That the child care center be permitted to operate year round from 7:30 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.**
3. **That the special use permit be issued for the child care center for a period of five years from the date of Governing Body approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and Governing Body.**
4. **That the property owner shall submit a plan to the Planning Commission setting out a schedule for repairing and maintaining the east parking lot and the driveway to 75th Terrace.**
5. **That the property owner shall meet with the City Staff to resolve the signing issues.**
6. **If this permit 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.**

The motion was seconded by Nancy Vennard and passed unanimously.

Chairman Ken Vaughn noted this is a continuation of a public hearing begun at the May 7th meeting of the Planning Commission. He reconvened the public hearing and called upon John Duggan, representing the Mission Valley Homes Association to continue his comments.

John Duggan, of Duggan Shadwick Doerr & Kurlbaum, LLC., representing the Mission Valley Neighbors Association, began his presentation with photos of the Santa Marta facility in Olathe noting comparisons in density and height. Mission Chateau would be the second largest elder care facility in Johnson County. The proposed development is four times the size of the existing school on this property. The proposed site plan was shown reflecting massive buildings and minimal green space. The south elevation of the project shows a continuous structure 520' long (almost the size of two football fields) along Mission Road. He noted there is 740 total feet of building along Mission Road. Approximately 800' of the building is exposed to the residents on the south side of the project. The 271,000' three-story building will project well above the surrounding ranch-style homes.

If constructed, this facility will be the second largest senior care facility in Johnson County with Claridge Court being the third largest. He asked "does Prairie Village need two of the three largest senior facilities in the area". The proposed development is almost two times more intense than the mixed use development to its north which has 11,902 square feet compared to the 21,122 square feet proposed.

Staff uses units per acre to measure density and Mr. Duggan feels that residents per acre is a more accurate measure and should be used.

Mr. Duggan reviewed density by total residents per acre of the following facilities:

- Tall Grass - 300 residents on 65 acres - 4.6 residents per acre
- Lakeview - 750 residents on 100 acres - 7.5 residents per acre
- Santa Marta - 342 residents on 46 acres - 7.5 residents per acre
- Benton House - 71 residents on 6.79 acres - 10 residents per acre
- Mission Chateau - 451 residents on 18 acres - 25 residents per acre.

Mr. Duggan shared quotes regarding a proposed high density apartment complex Mr. Peterson represented.

One of the concerns of the neighboring residents is on-site parking for the Independent Living facility based on the following parking provided by similar facilities in the area:

- Santa Marta - 138 units - 135 parking spaces used - 98%
- Lakeview - 555 units - 515 parking spaces used - 93%
- Tall Grass - 225 units - 200+ parking spaces used - 90%

For Mission Chateau to provide parking for its 160 units at the indicated 95% level would required 152 parking spaces. They are providing 112 spaces. Mr. Duggan noted that this is day to day parking and the demands created by special events or holidays would add another 50 to 200 visitors. Claridge Court does not have adequate parking and this project is woefully short of parking.

The Mission Valley Neighborhood Association would like to see Mission Chateau follow the precedent set by the Benton House Project built on the former Somerset

Elementary School site. The previous school was 49,800 square feet located on 6.79 acres. Benton House currently has 59 units with a total square footage of 39,512 square feet. They have been approved for an expansion of 12 additional units creating a total of 47,548 square feet. This project has retained significant green space, is constructed in compatible single story architecture. These are the standards they would like to see followed in the development of Mission Chateau.

Mr. Duggan stated that 82 percent of all national Continuing Care Residential Communities (CCRC) are not-for-profit as reported by Ziegler Capital Markets. In Johnson County the following communities are not-for-profit: Lakeview, Tall Grass, Aberdeen, Santa Marta, Claridge Court and Village Shalom. If at a future date, Tutera decides to sell the community only 18% of the potential buyers would be for profit organizations. The loss of tax dollars to the City from the community going not-for-profit would be significant.

Mr. Duggan noted taxes paid on a residence at 4000 West 86th Street to the City of Prairie Village are \$1,477.62. If this property were developed into 50 home sites of comparable value the additional revenue created by the proposed development would be approximately \$32,000. The proposed project would generate approximately \$126,235 in taxes and based on the city's budget this is an increase of .0001% and asked if this minimal increase in taxes is worth a major change to the character of this neighborhood.

John Duggan challenged the city attorney's opinion that the special use permit application should be approved for construction in Phase 1 as an accessory use to the primary use which has not yet been constructed. Mr. Duggan referenced rulings from the states of Ohio, New Jersey, New York, Massachusetts and Kansas finding that there cannot be an accessory use where, as here, there is no demonstration of the primary use.

Mr. Duggan also referenced Gump vs. City of Wichita noting the court's ruling that found the City was entitled under the law to make its determination solely upon the visual impact and aesthetics and that Gump had not proven the unreasonableness of the denial of the conditional use permit. As long ago as 1923 it has been recognized in a zoning case that there is an aesthetic and cultural side of municipal development which may be fostered within reasonable limitations. The concept of public welfare is broad and inclusive. Mr. Duggan asked the Commission not to sell out the neighborhood for \$32,000 more in taxes per year.

Jori Nelson, 4802 West 69th Terrace, urged the City to stay within the factors of Golden vs. Overland Park when considering any development within the City and to follow the Village Vision adopted by the Planning Commission and City Council in 2007 and noted how specific goals stated in Village Vision align with Golden v. Overland Park addressing 1) Community Character & Activities, 2) Community Facilities & Services, 3) Housing, 4) Land Resources and 5) Prosperity while addressing the following principles: 1) Integrating development, 2) Incorporating open space, 3) Creating safe and stable neighborhoods, 4) Promoting high quality design, 5) Creating a range of housing choices and 6) Leveraging investment. Mrs. Nelson opposes the project and her full comments can be found in the public record of this hearing.

Craig Satterlee, 8600 Mission Road, addressed the concerns with the proposed stormwater management plan which redirects the storm water from the increased impervious cover on the site to the northeast corner where it uses swales, rain gardens along with the primary treatment in an extended dry detention basin. Mr. Satterlee believes dry detention basins create an attractive nuisance and potential safety hazard as they fill very quickly during rains; accumulate trash when dry and breed mosquitoes with standing water. Mr. Satterlee presented statistics on childhood drowning. His research found dry detention basins to be only moderately effective and asked that the stormwater go into an underground detention facility. He also noted that one study found that a dry detention basin located on adjacent property decreased home values from three to ten percent.

Nancy Price, 4115 West 92nd Terrace, noted she became a second generation Prairie Village resident when in 2007 they purchased the home where she grew up. She stated that families are the foundation, the future and history of a community. She is grateful to have this opportunity to participate in this process as her neighborhood is important to her. The proposed development is out of balance with the neighborhood. She supports seniors being able to remain in Prairie Village but cannot support such a large building on this property. She noted the splendid, graceful rhythm as you drive through this area of homes and asked the Commission to seriously consider the balance of the community and the impact the proposed development will have on that balance.

David Lillard, 3607 West 84th Terrace, noted his opposition to the proposed development for the following reasons:

1. It is not a good fit for the residential neighborhoods it adjoins.
2. It is a massive complex of structures, driveways and parking spaces that eliminate any reasonable use of green space.
3. It is not needed to serve the residents of Prairie Village.

Mr. Lillard noted Prairie Village is a community of neighborhoods. This site is surrounded on three sides by single family homes and the fourth side by modest two-story apartments. As a former Park Board member he stated green space has always been a prime concern of Prairie Village leaders as reflected in our system of park properties. School grounds, such as those of Mission Valley have always been a part of the "green space" equation. They lend themselves to sports and practice areas of a size that cannot be accommodated in space usually available for parks. The proposed project eliminates any possibility of such use. Mr. Lillard advised the Commission that they have the authority and responsibility to protect and secure neighborhood communities and their way of life.

Brian Doerr, 4000 West 86th Street, read a statement from former Mayor Monroe Taliaferro now residing at 8101 Mission Road. During his ten years as Mayor, Prairie Village approved two major developments for elderly citizens, Brighton Gardens at 71st & Mission Road and Claridge Court at Somerset and Mission Road. Mayor Taliaferro was asked during that time if Prairie Village planned to become the headquarters for the elderly in the region. He responded to the individual of the long history of Prairie Village as a growing, dynamic community made up of mostly single

family homes, but noted the City Council recognized the growing trend to provide limited congregate housing for the elderly.

Mayor Taliaferro wrote in his statement, "We now have three large facilities to house the elderly that were not considered a part of our forward planning Village Vision. Massive developments are not compatible with our vision for Prairie Village, Star of Kansas. Our emphasis has focused on young families with parks, recreation areas, shopping centers, schools and soccer fields. To ask the citizens of Prairie Village after more than 70 years of dynamic growth to reverse course with a promise of new modern, architecturally pleasing structures is "selling out" our real vision for our community. New populations in Prairie Village need to bring new energy, creative ideas and inspired young families."

John Duggan reviewed the findings of fact as required by Prairie Village Zoning Regulations as he views the proposed application.

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

The staff report fails to address the requirement that the SNF and Villas be a subordinate and accessory use. The project has been platted as one lot so the applicant has been able to avoid a number of requirements. The staff report addresses lot coverage to reflect that it falls within 30% lot coverage ratio; however, if you subtract 2.5 acres located in flood plain, it falls to 27.7%. The floor area ratio does not take into account height.

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

For reasons stated (density, lack of real transition, etc.) they believe that the welfare or convenience of the public is adversely impacted and the need for senior housing is already available for Prairie Village residents. Increased traffic and insufficient parking, especially during the changing of shifts and for special events will adversely impact the public.

C. 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 staff report misleadingly uses "units per acre" to address the impact on the value of the other properties in the neighborhood. Other density calculations more accurately reflect the dominating impact of this project. They believe the properties across the street, although separated by Mission Road, will experience a negative impact on property values. Landscaping and construction design only get a developer so far if they are trying to over-build. The grading proposed will negatively impact vegetation on the south property line according to their land planner.

D. 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 permit 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 traffic impact from this project will not be for 190 days a year during normal school hours, but will be for 365 days per year operating 24/7. It was noted that this project is larger than Shawnee Mission East on less than half the acreage. Although the height will be the same as the school gymnasium, the mass of the building is much greater. Greater setbacks and landscaping only go so far in protecting against domination.

E. Off street parking and loading areas will be provided with standards set forth in these regulations and areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

Although the minimum parking requirements for this use may have been met, Prairie Village cannot afford to be wrong in its parking requirements. The parking requirements are inadequate when compared with other senior dwelling facilities in Johnson County and do not address parking for special events or holidays.

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

The drainage detention should be handled underground.

G. 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.

The driveway is too narrow for elderly drivers and will not prevent hazards or minimize congestion.

H. Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.

No analysis has been undertaken regarding noise during shift changes in the nighttime hours.

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

A three story, 271,000 square foot building equivalent in size to two footballs fields next to single family residences is not compatible or consistent with the neighborhood.

Regarding the Golden Factors, Mr. Duggan offered the following analysis:

1. The character of the neighborhood;

Proposed project is entirely inconsistent with the character of the single family homes that surround it.

2. The zoning and uses of property nearby:

The primary zoning and uses of the property nearby are single family residences.

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

The size of this project is a distinct and drastic change in its use.

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

Open space that the community has enjoyed for 50+ years is going to be lost. There is room for density without compromising the open green space. Although 10 acres of green space are proposed, they are in small portions within the development, including 2.5 acres in the flood plain, the dry detention basin and areas covered with vegetation. The skilled nursing facility is essentially a commercial enterprise that is not intended to merely serve the senior dwelling facility. Although the proposed height of the Independent Living/Assisted Living Building is the same as the existing gymnasium, it is a much larger building and will have a significantly greater impact because of its mass.

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

Although the school has been vacant approximately two years, the existing zoning/use restrictions are not negatively impacting the use of the property or the ability to develop it.

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 land owners.

MVNA believes the adjoining property values will decrease if this project is approved and that there are other projects or uses that will enhance the property values of the adjoining property. Studies have been done indicating a potential loss of property value of 10 to 20% if the proposed project is constructed. All Prairie Village residents will be negatively impacted by the loss of open space and use of the area for recreational purposes.

7. City staff recommendations.

MVNA does not feel appropriate consideration was given to the impact on traffic due to the continuous operation of this facility as compared to the School. The density of this project is unacceptable. Duplexes within 35 feet of the large lots to the south and southwest are not an acceptable transition. The Independent Living/Assisted Living building will be a very large building given its over mass and scale. Open space on this site will be dramatically impacted. If the skilled nursing facility can be a separate building despite the fact it needs to be a subordinate and accessory use, from a timing standpoint, it is unreasonable to allow the skilled nursing facility to be built prior to the Independent Living facility.

8. Conformance with the Comprehensive Plan

The two primary goals of Village Vision are to retain green space and to protect the character of neighborhoods. The proposed project is contrary to these goals.

Mr. Duggan concluded stressing the values represented are not just monetary issues. The Commission has ample authority and the responsibility to protect the future of the City and its community.

Chairman Ken Vaughn declared a ten minute recess and announced the meeting would reconvene at 9:10 p.m.

The meeting was reconvened at 9:10 p.m.

Chairman Vaughn noted that the Commission has received and read all correspondence e-mailed to them and asked that the public not read statements already received.

Ben Frisch, 8511 Delmar Lane, noted his property backs up to the proposed project. He shared his most recent appraisal and noted that since the school closed his property value has decreased by 13%. This project has had a negative impact and will continue to do so.

Betty Kerr, 4020 West 86th Street, read a letter on behalf of Esther Levins at 8601 Delmar Lane, opposing the proposed project stating it was contrary to the vision of Carson Cowherd, who developed the Town & Country community. It is also contrary to the plan for the City by not maintaining green space and retaining the character of Prairie Village neighborhoods. She referenced a study by AARP indicating that 84% of baby boomers prefer to stay in their homes as they age. She expressed concern should the project be approved and fail leaving massive empty buildings. The project is a mammoth commercial enterprise that does not conform to the character of the neighborhood, but in fact, would change the neighborhood completely.

Mr. John Worrall, 4824 West 86th Street, stressed the importance of maintaining green space as well as concern with the amount of lighting that would be required to protect residents, noting that lighting has not been addressed. He agrees the density of the project is too great and fears there will be increased traffic and noise from the operation of this facility. He expressed concern that the skilled nursing facility expand beyond an accessory use for this community into a regional skilled nursing facility caring for individuals outside the community. He asked what type of security would be provided for the community.

Whitney Kerr, 4020 West 86th Street, expressed his concern that the proposal is out of character with the area and the proposed project will detrimentally impact the neighborhood. He noted the number of retirement facilities already located within Prairie Village. Mr. Kerr cautioned the Commission on the unknown impact of the health care changes being implemented on the success of an operation of this facility that depends on Medicare and Medicaid.

John Houts, 8008 Granada, stated that people don't move into a community because of retirement facilities. They move into a community because of good schools, which is how this property should be used. He feared approval of this project would be approval of future blight. He urged the Commission to deny the project and seek what a growing community needs - quality schools.

Bob Schubert, 3700 West 83rd Terrace, stated the opposition to this proposal is not from a small isolated group of adjacent property owners. Out of the 150 homes in Corinth Meadows 86 have placed yard signs on their property voicing their opposition. The MVNA mailing list has 1500 e-mail subscribers. This is not a "very

small isolated group”; this is a majority of the immediate neighborhood. Mr. Schubert indicated he had submitted several letters of opposition for the record.

Sheila Myers, 4505 West 82nd Street, noted she moved to Prairie Village because of its diversity. She sees that diversity in her neighborhood. She agrees that several young families have moved out of the “Village” as reflected in the closing of Somerset Elementary and Mission Valley Middle School. Mrs. Myers noted this property was purchased from the school district at \$1 million more than the School District’s asking price. She believes the developer gambled on this property banking on the city embracing a rezoning to allow for higher density development. A project of this density is not appropriate for this site. To frame the size of this project, she noted a Wal-Mart Supercenter is between 180,000 and 220,000 square feet. This development is equivalent to 1 ½ to 2 Wal-Mart Supercenters.

Chuck Hitchcock, 8105 El Monte, noted a previous proposal several years ago for a large office building by JC Nichols was denied by the Planning Commission. He urged the Commission to show the same courage to make the right decision of what is right for Prairie Village.

Stephanie Stratemeier, 8500 Fontana, stated she grew up next to a similar facility in Ohio where she was constantly hearing ambulances. She has young children and is concerned with reliving that experience with her small children. She also asked if the local Fire Department and Med-Act have the facilities to provide services for an additional 450 residents.

Mark Swanson, 8225 Linden, stated he is a new resident of the next generation of Prairie Village. He fears that yet another senior citizen facility will give Prairie Village the stigma of, as Mayor Taliaferro stated, “the fading Star of Kansas” and will not attract the young families it needs to remain a growing and vibrant community. He is also concerned about the impact on his property value and the safety of his young children with the increased traffic.

Beverly Worrall, 4824 West 86th Street, stated that 65 to 75% of the seniors living in the existing facilities in Prairie Village are not from Prairie Village. She does not see Prairie Village residents occupying this expensive facility.

Jim Starcev, 3507 West 87th Street, Leawood who owns property on Somerset, expressed concern with the single access on Mission Road for this large complex. He noted that at a meeting with the developer in response to a question regarding the location of another facility, Mr. Tutera replied, “It was a neighborhood when the facility was built.” Mr. Starcev stated his biggest concern is that at some point, the same will be said about this neighborhood if this project is constructed.

Robert Jackson, 7427 Rosewood Circle, has lived in Prairie Village for 50 years and expressed his concern with what is happening in Prairie Village referencing the City’s efforts about 5 years ago to make major changes along 75th Street. He also stated this is related to Agenda 21 and he is opposed.

With no one else wanting to address the Commission, Chairman Ken Vaughn called upon John Petersen for a response by the applicant.

John Petersen, attorney for the applicant, responded briefly with Mr. Tutera's vision for this property that has driven the design of the project, its size, its buildings and its services.

In response to property values, he noted it is a battle of experts. There are studies done by professionals that state property values have increased and others that say property values will decrease. Mr. Petersen stated he did not say that the "Santa Marta" facility was comparable to the proposed project.

Mr. Petersen noted he had a prepared 45 minute presentation, but felt it was time to defer to the Planning Commission for comments and questions. He did review one slide presenting an extensive listing the Mission Chateau Modifications that have been made per input from neighbors. Stating that they have and will continue to seek input from the neighbors. He asked that the public hearing be continued to the August Planning Commission meeting.

Chairman Ken Vaughn stated the public hearing is not closed and that the Commission will continue to receive information.

Bob Lindeblad asked about the findings of the real estate analysis presented by the applicant. Mr. Petersen responded the full report was submitted for the record. The study focused on the impact of school properties and senior facilities located behind or adjacent to residential properties. It looked at relevant Johnson County and Prairie Village sites including studies on Brookwood Elementary School, Indian Woods Middle School, Pioneer Middle School, Brighton Gardens, Village Shalom and Santa Marta.

The study found a 2.9 - 7.9% premium paid for properties backing up to or within 1 block of adult senior dwellings. Village Shalom had a 3.7 to 5.8% premium on surrounding residential property values. The opposition's study did not cover comparable properties.

Nancy Vennard asked if any of the Tutera facilities had a not-for-profit status or has requested to become non-for-profit. Joe Tutera responded they did not have any non-for-profit facilities and had no intention of requesting such status.

Mrs. Vennard asked about their plans for the skilled nursing facility. Mr. Petersen responded that their construction, phasing and timing of the elements will comply with state law, the city's municipal code and in conformance with the city attorney's opinion.

Dirk Schafer requested clarification by the city's legal staff if the City is subjecting itself to litigation. He feels the proposed phasing is placing the cart before the horse and should start with the primary use. John Petersen replied they would like to have the opportunity to come back with a concept plan that will not put the cart before the horse. He believes the project complies and has no reservation from the legal standpoint with the accessory use/primary use principal.

Dirk Schafer asked why not construct the primary facility first. Joe Tutera responded that to be successful in continuing care facilities it is important to have the skilled nursing capability operational upon opening.

Nancy Wallerstein asked how long the project would take to complete all phases. Mr. Petersen responded 24 months.

Nancy Vennard expressed appreciation for the input from the neighborhood. She felt a lot of the areas will be very tight for deliveries and would also like to see more buffer on the west property line since most of that parking is for employees. Consideration should also be given to providing a greater setback for the villas along the south property line.

Mrs. Vennard noted the first duplex is only five feet from the street and 17 feet from the property line. The main building needs to get smaller. The idea of having all levels of care in one complex is a good concept.

John Petersen responded the turning radiuses were checked. Mrs. Vennard responded they are turning over designated parking spaces. Mr. Petersen stated they would relook at it. He noted in terms of landscaping they were holding back on a final landscape plan in order to get input from adjacent properties, but will bring in a full plan in July.

John Petersen noted the difference between the length of the building and the length of the building in relation to the size of the lot, noting a 530' building on an 1100' long lot is 48% coverage. They feel there is plenty of green space.

Nancy Vennard noted the comparison to Benton House is not fair as Mission Valley had more open space to begin with. The proposed building will go onto the existing baseball field. It is longer than what Prairie Village is accustomed to seeing. She likes the setback from Mission Road. The horseshoe entrance in the front is good

Randy Kronblad stated, based on his experiences visiting similar facilities for holidays and special events, the proposed parking is not sufficient. It may even be tight on regular weekend visits. Mr. Petersen stated they will analyze parking again and come back with a full report and noted the shift change safety factor.

Nancy Wallerstein asked how the proposed project and its proposed stormwater plan would impact the stormwater issues at Fontana and Delmar and plans by the City to address those issues. Keith Bredehoeft, Interim Public Works Director, responded that area was researched in 2007-08 and is being reconsidered. He does not see either project impacting the other. Both projects will be analyzed in full prior to beginning either project.

Dirk Schafer stated the elephant in the room is the size of the proposal. His gut feeling is that the project is simply too big. Randy Kronblad agreed and noting the facility is well designed but does it have to be so big.

John Petersen questioned what was meant by too big, density - intensity - must have a quantifiable measurement. Mr. Schafer responded the building is just as tall as the gym but the mass is much greater. The three-story component is too large.

Ken Vaughn stated he was concerned with the intensity, density and narrow streets.

Nancy Vennard noted that when the property was first sold, she heard comments on building something like the Corinth Down development. The construction of villas would provide revenue to the city and create a better buffer zone while being very marketable. She would like to see more villas in the project and reduce the size of the independent living. Mr. Petersen responded it is a question of balance. Mrs. Vennard responded what the City does not have is a senior housing element such as villas.

Ken Vaughn asked if 60 days was sufficient time for the applicant to address the concerns raised. Mr. Petersen stated that if the Commission was willing to meet with the applicant in work session in July, he felt it was sufficient. Mr. Vaughn added that he hoped the applicant would get a large number of the neighbors in support. Although the Commission does not vote based on resident comment, their comments are important.

John Petersen stated the checklist presented earlier was a reflection of how the applicant has responded to the neighborhood input and will continue to do so.

Steve Carman, 8521 Delmar, stated Tutera has not been responsive to the neighborhood concerns. They have been told over and over again that the project is too big and too tall and they've reduced it by 4 percent. It's frustrating.

Nancy Wallerstein noted the neighbors have met with the applicant numerous times. The Planning Commission has heard both presentations, has received and read all correspondence directed to the City and now needs to have time to deliberate on this project as a group. She asked what the policy was for the height of a building.

Ron Williamson responded the height could go to 45' because of the setbacks but noted the applicant has reduced the height to 35 feet as measured by the ordinance.

Nancy Wallerstein stated that although the plan is within city ordinances, she would like to see the project broken up more with more space between buildings and a reduction in the number of stories noting that Prairie Village has primarily ranch and lower story homes.

Bob Lindeblad stated he felt the use proposed is good. He views this as a transitional site, not strictly a low-density residential area. The mix of retirement housing is good. The thirty-five foot setback for the villas is tight. He likes the villa concept as a transition but feels they need to be loosened up adjacent to the single family residents. Three stories are ok, but possibly more transition between the two and three stories on the ends like that done on the front of Mission Road at least on the southwest side so you see more transition from one to two-story to tree.

Dennis Enslinger asked the Commission if they would do a work session on July 2nd with design concepts and a continuation of the public hearing at the August 6th meeting. It was confirmed the work session would follow the regular meeting and would not be open to public comment.

Gregory Wolf asked if the plan is substantially redesigned that the Commission would again hear comments from the public. Chairman Ken Vaughn responded probably.

Randy Kronblad recommended that the neighbor's be advised and involved.

John Petersen stated the development team would work with the Commission at the work session and then the neighbors.

Nancy Wallerstein noted the first speaker for the MVNA had a vision in mind and suggested the applicant talk with them. Mr. Petersen replied that he would reach out to Mr. Duggan.

Bob Lindeblad moved to continue the Public Hearing on PC2013-05 to the August 6th meeting of the Planning Commission. The motion was seconded by Nancy Wallerstein and passed unanimously.

NON-PUBLIC HEARINGS

OTHER BUSINESS

PC2012-108 Hen House Site Plan, Corinth Square

Ron Williamson stated on June 5, 2012, the Planning Commission approved the Hen House Site Plan in Corinth Square subject to several conditions. Condition 6 stated:

“That the final plan for the proposed RTU screening be submitted to Staff for review and approval prior to issuing a permit and any RTUs That are taller than the screen be painted the same color as the screen.”

The Planning Commission did not require the applicant to submit a drawing of the west elevation because the applicant stated that they only planned to paint that side of the building. The applicant did install screening for the RTUs on the north, east and south sides of the building, but the screen is not tall enough to screen many of the units and no screening was provided on the west side.

The staff report pointed out that the RTUs must be screened on all sides of the building and it is the understanding of Staff that Condition 6 intended for all sides of the building to be screened from the RTUs. Mr. Williamson noted that perhaps a different RTU was selected that was taller than originally proposed, but the screening does not screen the RTUs as shown on the drawings submitted to the Planning Commission.

Ken Vaughn noted the west side has the worst visibility of the units.

Nancy Wallerstein asked staff what they recommended. Dennis Enslinger responded the larger units need to be screened, noting painted units are still visible. Nancy Vennard asked about a larger screen to align with the wall shown in the rendering.

Mr. Enslinger felt a larger screen would appear awkward and is not structurally feasible.

Dirk Schafer moved the Planning Commission require screening on the west side of the Hen House building and that painting of the RTU unit that are above the screening. The motion was seconded by Bob Lindeblad and passed unanimously.

ADJOURNMENT

Chairman Ken Vaughn adjourned the meeting at 11:00 p.m.

Ken Vaughn
Chairman