

An architectural rendering of a large, multi-story residential building with a mix of stone, brick, and wood siding. The building features numerous windows, some with shutters, and a prominent arched entrance. In the foreground, there is a paved area with a few cars parked and a person walking. The scene is set in a lush, green environment with trees and a clear sky.

Mission Chateau

Planning Commission Public Hearing

August 6th, 2013

Mission Chateau Enhancement Checklist

Enhance Transition Zones

- Created 300' transition zone to the South
- Moved the parking and ALF entrance from the Transition Zone
- Created a 4th Micro Park with connection to Mission Road

Reduce the Scale from Mission Road

- Reduced the size of the ILF/ALF by 30 units, 42,800 (16%) sq ft
- Reduced the width from 520' to 348' (33%)
- Lowered the ILF entrance facade to 1-story

Make the Architecture More Compatible to Neighborhood

- Reduced roof heights and integrated dormers into the 3rd level
- Introduced brick veneer and incorporated more traditional elements
- Improved the Southern facade of the Memory Care residences

Improve the Villas' Relationships to the Residences to the South

- Created a "Villa Village" in the Expanded 300' Transition
- Increased Rear Yard Setbacks to 50' and Front Yard to 15'
- Improved Drive Configuration and Side Yard Green Space

Address Heights in Relationship to Adjacent Properties

- Lowered Roof Heights 4' on Exterior Elevations
- Lowered the Memory Care from 26' to 16' and 22'

Mission Chateau Enhancement Checklist

Preserve the Quality of the Property, Services, and Lifestyle

- Preserved the Continuum of Care Lifestyle Choice
 - Preserved Unit Sizes and Amenities
- Maintained the Same Ratio of 1- and 2-Bedroom Units
 - Preserved All Private Occupancy

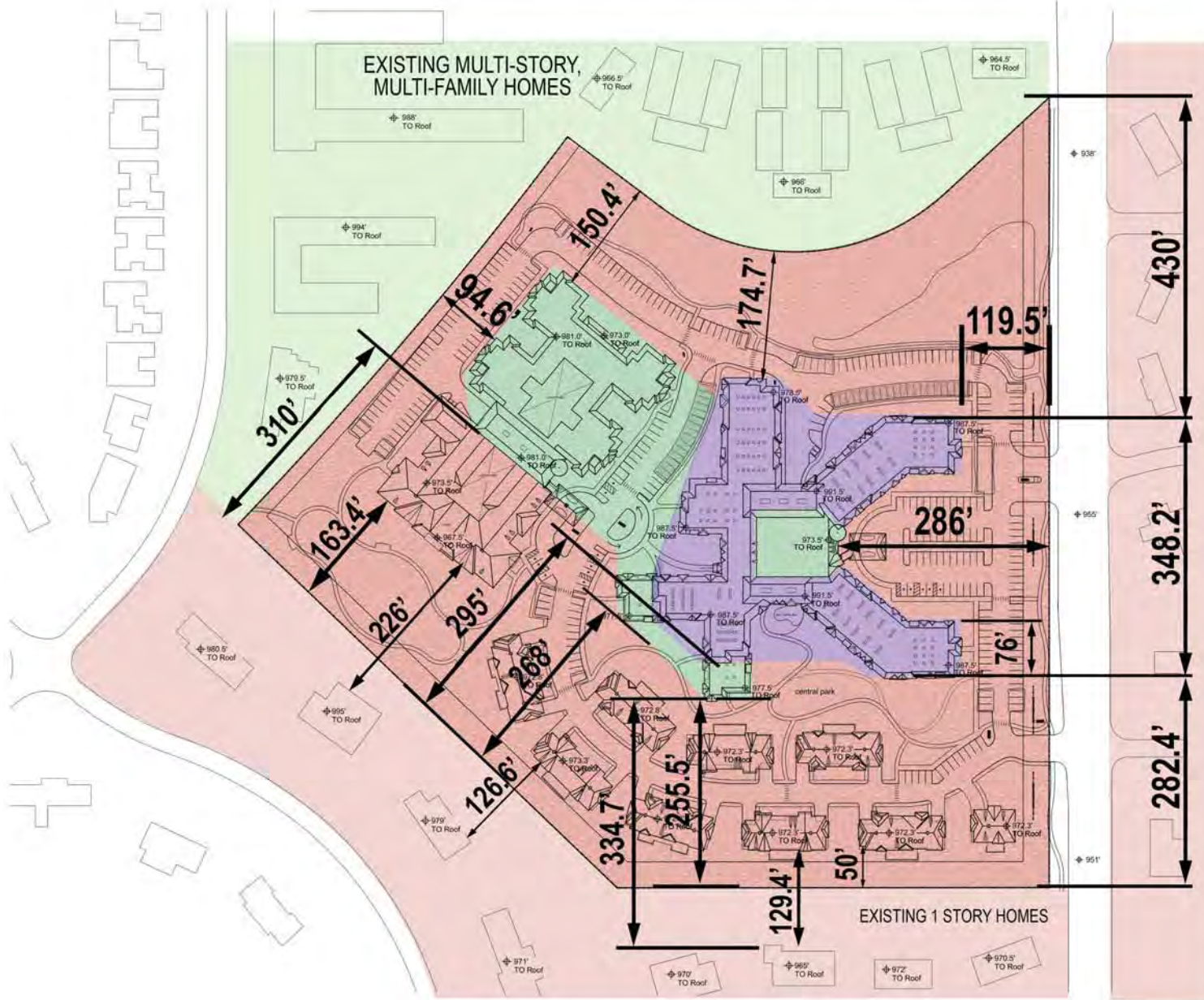
RENDERED SITE PLAN



TRANSITION ZONES

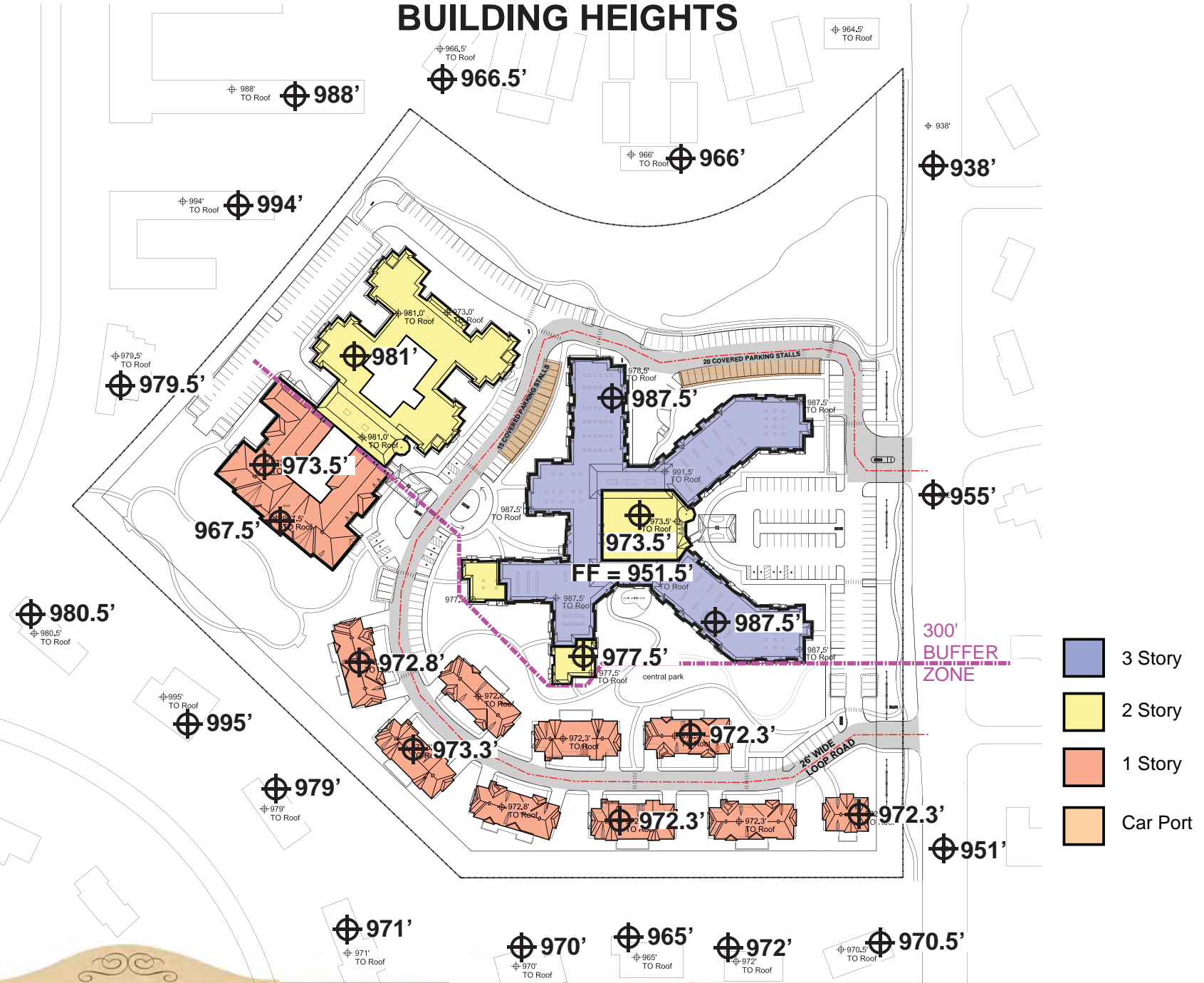


SETBACKS AND TRANSITION ZONES



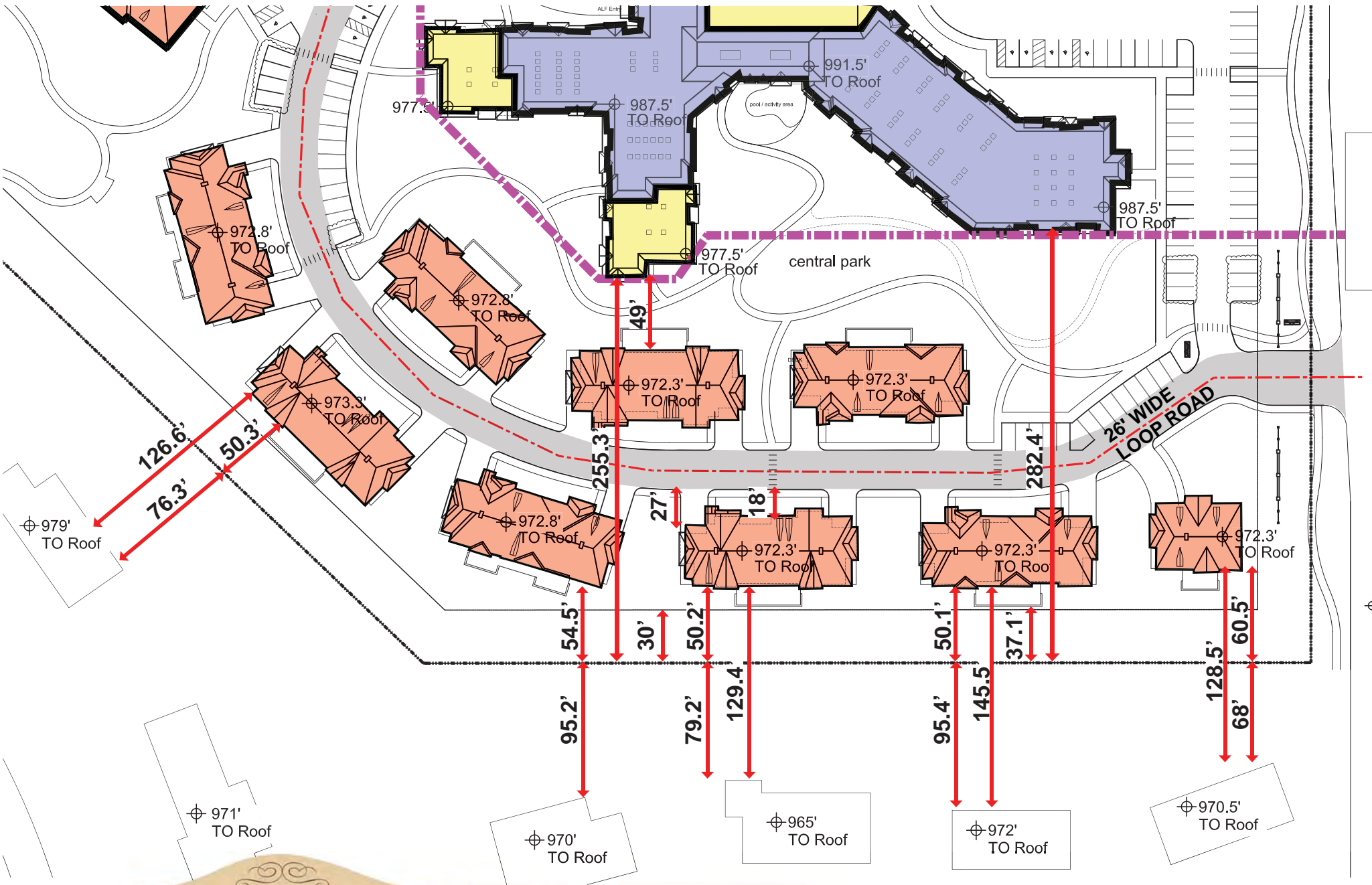
- 3 STORY ZONE**
- 2 STORY TRANSITION BUFFER**
- 1 STORY TRANSITION BUFFER / OPEN SPACE (~13.4 acres)**

BUILDING HEIGHTS



- 3 Story
- 2 Story
- 1 Story
- Car Port

VILLAS' SETBACK AND TRANSITION ZONE



ARCHITECTURAL CHARACTER



ARCHITECTURAL CHARACTER



RENDERED SITE PLAN



RECOMMENDATION:

After a review of the proposed application, consideration of testimony and making its findings in relation to the Factors for Consideration previously outlined, the Planning Commission may either recommend approval of the Special Use Permit with or without conditions, recommend denial, or continue it to another meeting. In granting this Special Use Permit, however, the Planning Commission may impose such conditions, safeguards, and restrictions upon the premises benefited by approval of the Special Use Permit as may be necessary to reduce and minimize any potentially injurious effect on other property in the neighborhood. If the Planning Commission recommends approval to the Governing Body, it is recommended that the following conditions be included:

1. That the project be approved for a maximum of 84 Skilled Nursing Units; 36 Memory Care Units; 136 Independent Living Units; 54 Assisted Living Units; and 17 Villa Units. The maximum number of residents shall not exceed 412.
2. That the project not exceed the building height or area and the buildings shall not be setback closer to the property lines than shown on the plans dated July 30, 2013.
3. That the Special Use Permit not have a termination or expiration time established for it; however, if construction has not begun within twenty-four (24) months from the approval of the Special Use Permit by the Governing Body, the permit shall expire unless the applicant shall reappear to the Planning Commission and Governing Body to receive an extension of time prior to the expiration.
4. That prior to the issuance of a building permit for the Skilled Nursing/Memory Care facility the owner shall provide evidence of financing for the entire project. That prior to the issuance of a certificate of occupancy for the Skilled Nursing/Memory Care facility, construction shall commence on the Independent/Assisted Living facility including material completion of construction including foundations, structural framing, three floors and roof enclosed.
5. The applicant shall prepare a final landscape plan for the entire project and will work with the residential neighbors to the south and southwest to develop a fence and/or landscape treatment which shall be reviewed and approved by the Planning Commission and the Tree Board.
6. That the applicant relocate the pedestrian crosswalk and signal if required by the City.
7. That the applicant plat the property in accordance with the subdivision regulations prior to obtaining a building permit.
8. That the applicant meet all the conditions and requirements of the Planning Commission for approval of the Site Plan.
9. That the applicant submit the outdoor lighting for review and approval by Staff prior to obtaining a building permit.
10. That the applicant will provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas.
11. That the minimum parking shall be established by the drawing dated July 30, 2013. If parking becomes an issue, the applicant will work with the City to resolve the parking problem. Possible solutions could include, but not limited to, providing more spaces on site, providing employee parking at an off-site location or sharing parking with other uses in the area.
12. That the trail and park areas will be open to the public, but the owner may establish reasonable rules for its use and hours of operation.
13. If the applicant violates any of the conditions of approval or the zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the Governing Body.

Mission Chateau Parking

CODE REQUIRED PARKING				
USE	# OF UNITS	CODE	Space Required	Spaces Provided
MC/SN	120 UNITS (136 BEDS)	1 Space/5 Beds	27	38
ILF/ALF	190 Units	3 Spaces/4 Units	143	143
Villas	17 Units	3 Spaces/4 Units	13	34
Employees	85 Max Shift Employees	1 Space/Max Shift Employee	85	135*
TOTALS	327 UNITS		268	350

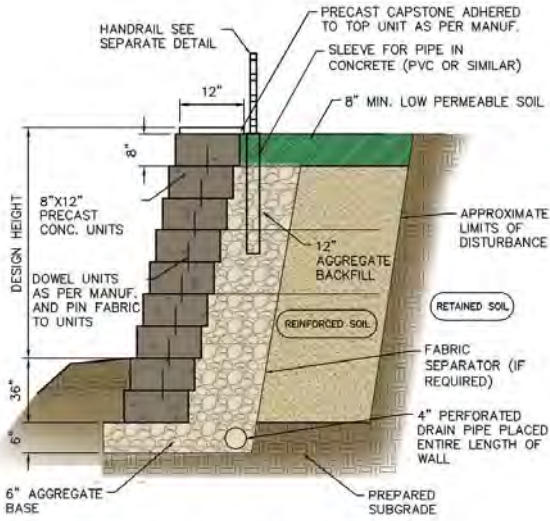
***This accounts for 3:00 p.m. shift change where total need for employee parking will be 135 spaces.**

RECOMMENDATION:

It is the recommendation of Staff that if the Planning Commission recommends approval of the Special Use Permit, approval of the site plan be subject to the following conditions:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.
2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
3. That the applicant will review the Stormwater Management Plan and submit final plans for the stormwater improvements for review and approval by Public Works.
4. That the applicant shall obtain all necessary permits from the Corps of Engineers and State of Kansas regarding drainage and flood control and shall prepare erosion control plans as required.
5. That all HVAC units except wall units be screened from adjacent streets and properties.
6. That all trash bins and dumpsters be screened.
7. That final plan details shall be reviewed and approved by Staff based upon the conceptual plans approved by the Planning Commission.
8. That the applicant incorporate LEED principles and practices as reasonable and practical in the demolition and final design of the project.
9. That the applicant submit the final Landscape Plan to the Planning Commission and Tree Board for review and approval.
10. That the applicant install a sprinkler system for the lawn and plant materials and the plan be approved by Staff.
11. That the applicant fence the detention pond and the final fencing plan be approved by Staff.
12. That the internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.
13. That pedestrian access remain open to Somerset Drive.
14. That the applicant will install fire hydrants at locations designated by the fire department.
15. That the applicant will be responsible for plan review and inspection costs associated with the construction of the facility.
16. That the applicant will work with Staff to redesign the carports so they are more compatible with the buildings.
17. That the applicant shall submit final plans for the retaining walls to Public Works for review and approval.

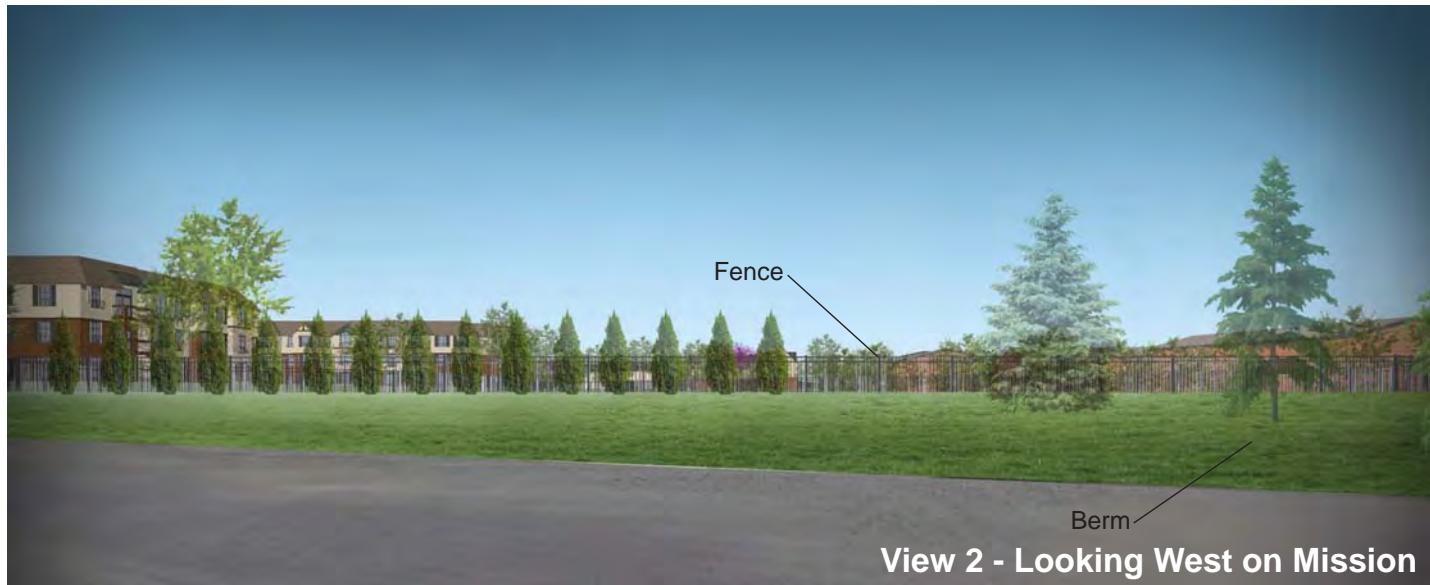
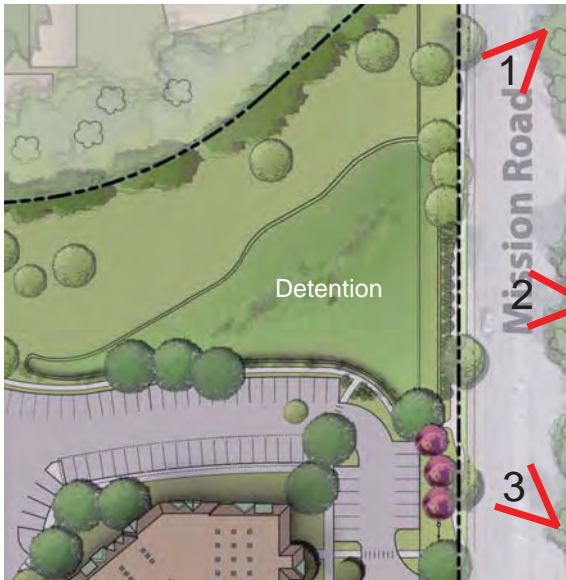
DETENTION AREA



RETAINING WALL DETAIL
NOT TO SCALE

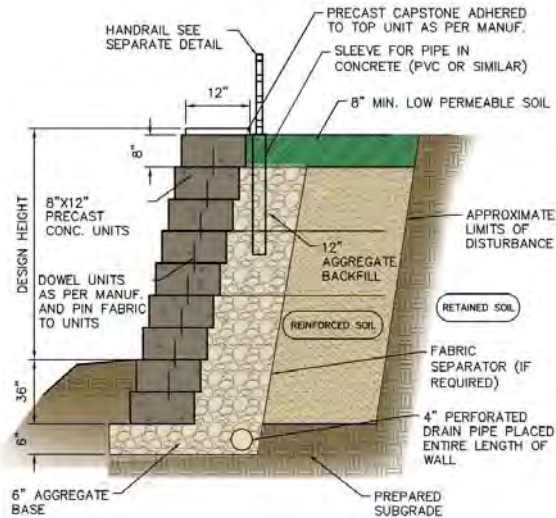


View 1 - Looking South on Mission



View 2 - Looking West on Mission

DETENTION AREA



RETAINING WALL DETAIL
NOT TO SCALE



View 3 - Looking North on Mission



Why so big (still)?

PC Comments (June 4, 2013)

Mr. Schafer: "But, I think the elephant in the room, maybe more so than property value, and maybe it's tied to property values, is the size of the project...**it just feels too big.**"

Mr. Kronbald: "But I was basically going to say, **why so big?**...it comes down to why so big?"

Mr. Schafer: [In comparison to Benton House]..."if they've got 50,000 feet on six acres and, you know, that scale seemed appropriate to the commission and to the neighbors and this is **150,000 feet on 18 acres makes sense.**"

Chairman Vaughn: "concern for the intensity of the use. And my question was going to be, can a project that's smaller be feasible? And I – suspect that it can...But the intensity of the development, the intensity of the structures, the narrow streets, those all concern me.

Mrs. Wallerstein: [Regarding height] I think it is that – the look of Prairie Village is the – a lot of it is the low flat ranch type houses. And it – **the three stories just seems to be completely out of place** when you have all these low ranches around you."

Chairman Vaughn: "I would hope that you would be able to get a large number, not necessarily a majority, but a large number of the neighbors...in agreement with what you propose...we're really concerned about the neighborhood and they need to—**they need to be enthused about the project**, also"

Neighborhood Meeting on July 11, 2013

More intense opposition than any prior neighborhood meeting.

No neighborhood input from the neighborhood meeting was incorporated into the re-design. Rather, the re-design was presented to the neighbors in a 40 minute presentation and a Q & A period followed with no changes to the re-design that was presented to the PC in the July 2, 2013 work session.

MVNA representatives met with the Applicant on July 17, 2013 to continue to keep lines of communication open but the re-design was already completed and ready to be submitted to the City on July 19, 2013.

In summary, there was no dialogue between the Applicant and MVNA before the re-design was created and other than meetings that occurred following the actual re-design, **MVNA has had no had input in the re-design being considered this evening.**

Neighbors not “enthused” by the re-designed project.

If the project were acceptable you would not have the continued opposition (consider the number of letters in opposition, the number of signs in the neighborhoods, and the number of people at the various meetings, including tonight’s meeting). The opposition would dissipate and eventually go away with a reasonably sized project.

The re-design submitted to the City on July 19, 2013 is actually 6,789 square feet bigger than what was presented at the July work session. The total square footage is now 358,029. Only a 7.5% reduction.

The Applicant has communicated that the project has to be this massive to maintain the “lifestyle” that he wants to provide.
Is this true?

Size of the re-designed Project:

- First plan (388,640 sq. ft.) (bigger than SME on a tract that is 20 acres smaller)
- Now:
 - Compare to residential buildings- The Independent Living Facility is still 228,340 square feet- Essentially a tie for the third largest residential building in Jo.Co. behind Santa Marta and Claridge Court.
 - PV would have two of the four largest residential buildings in Johnson County each serving seniors within one mile of each other.

TOP 10 LARGEST RESIDENTIAL BUILDINGS FOR 2013

Property Address	Building Name	Total Sq.Ft.
13800 W. 116 th St, Olathe, KS	Santa Marta	294,284
8101 Mission Rd., Prairie Village, KS	Claridge Court Retirement	241,073
6565 Foxridge Dr., Mission, KS	The Falls Apts	230,826
9100 Park St., Overland Park, KS	Lakeview Village (Southridge)	194,500
5901 W. 107 th St., Overland Park, KS	Park Meadows Senior Living	193,569
7300 W. 107 th St., Overland Park, KS	The Atriums	183,456
3501 W. 95 th St., Overland Park, KS	The Forum of OP	183,445
8101 Santa Fe Dr., Overland Park, KS	Santa Fe Towers	181,452
6555 W. 75 th St., Overland Park, KS	Overland Park Place	162,431
13750 Metcalf Ave., Overland Park, KS	Building 1.2 (Redtail View)	156,840

Mission Chateau- Independent Living Facility 228,340 sq. ft.

Santa Marta





Largest Senior Living in Johnson County

<u>Name</u>	<u>Zoned</u>	<u>Sq. Footage</u>	<u>Residents</u>	<u>Acreage</u>
Lakewood	RP-5	909,088	750	100
Mission Chateau	R-1a	358,029	412	18
Tallgrass	R-1	317,600	331	65
Brookdale	RP-3	312,418	355	19
Santa Marta	RP-4	294,284	242	46

MISSION CHATEAU (REVISED) would be the second largest Senior Living Facility in Johnson County on the smallest tract.

- Density Numbers- Compare to Corinth Square Density-
 - Mission Chateau (Revised) 19,459 sq. ft. per acre to 11,902 sq. per acre at Corinth Square.

CORINTH AREA OFFICE AND RETAIL

<u>Property</u>	<u>Acres</u>	<u>Square Footage</u>
1. Corinth South (Panera, First Watch, and Mission Antique Mall buildings)	6.92	89,076
2. Corinth Square (All buildings)	17.76	167,351
3. Corinth Office Building	2.01	51,818
4. Corinth Executive Building	<u>3.64</u>	<u>52,752</u>
TOTAL	30.33	360,997

Square footage/ acre of existing mixed use (properties 1-4 above) = $360,997/30.33 = 11,902$

	<u>Acres</u>	<u>Square Footage</u>
Development Proposal	18.4	388,640 358,029

Square footage/acre proposed = ~~21,122~~ 19,459

The proposed development is almost two times more intense a development than the mixed use development to its north.

Square footage/acre proposed	21,122 19,459
Square footage/acre existing mixed use	11,902

- Square feet per acre for other senior housing developments
 - Benton House- 5,816 sq. ft per acre
 - Average sq. ft per acre in R-1 zoning in Johnson County- 8,009 sq. ft per acre [see attached slide]
 - Average sq. ft. per acre for CCRCs in Johnson County – 8,196 sq. ft. per acre [see attached slide]

Mission Chateau (Revised)-19,459 sq. ft per acre

The square footage at Mission Chateau (Revised) is three times the density of Benton House on a square feet per acre basis.

Mission Chateau (Revised) on a square footage basis is more than twice the size of the average size of the other CCRCs in Johnson County.

SENIOR LIVING SAMPLE ZONED R1

Retirement Facility	Zoning	Indep. Living	ALF	SN	Memory Care	Total Res.	Bldg. Sq.Ft.	Acres	Res/Acre	Sq.Ft./Acre	BUS	Perimeter Type
Village Shalom	R-1	128	54	52	12	246	220012	25.5	96	8627.9	NF	TEMPLE,HO SPITAL,W-SF,E-MF
Forum	R-1	220	30	60	30	340	183445	7.5	45.2	24394.3	FP	2-R,2-B
Tall Grass	R-1	401	32	44	28	505	317600	65	7.8	4886.2	NF	2-MF,1-C,1-HWAY
Freedom Point	R-1		79		14	93	67443	4.6	20.4	14790.1		B, MF
Heritage of OP	R-1				48	48	30495	4.0	12.0	7604.7		CHURCH,3-R
Rose Estates	R-1		80			80	52195	5.9	13.5	8787.0		2-GREEN,1-R,1-2LANE MEDIAN
Brighton Gardens	R1B		106	45	25	176	80382	4.4	39.8	18186.0		MF-1,SINGLE-2
Benton House	R1A		47		13	60	39512	6.8	8.8	5819.1		RESI
TOTAL		749	428	201	170	1548	991084	123.7	12.5	8,009.4		
Mission Chateau	R-1A	242	72	100	36	412	358,029 (formerly 388,640)	18.4	22.4	19,459 (formerly 21122)		

JOHNSON COUNTY **CCRC'S**

Retirement Facility	Zoning	Independent Living Facility	Assisted Living	Skilled Nursing	Memory Care	Total Residents	Building Sq.Ft.	Acres	Residents Per Acre	Sq.Ft. Per Acre	BUS	Perimeter Type
Aberdeen Village	RP-3	153	56	60	16	285	164,722	35.5	8.0	464.1	NF	2-B,1-I,1-SF
Santa Marta	RP-4	231	32	32	16	311	294284	46	6.8	6394.5	NF	MF
Village Shalom	R-1	128	54	52	36	270	220012	25.5	10.6	8627.9	NF	TEMPLE,HOSPITAL,W-SF,E-MF
Claridge Court	CP-2	224		45		269	241073	4.8	56.3	50433.7	NF	2-MF,2-C
Forum	R-1	220	30	60	30	340	183445	7.5	45.2	24394.3	FP	2-R, 2-B
Tall Grass	R-1	401	32	44	28	505	317600	65	7.8	4886.2	NF	2-MF,1-C,1-HWAY
Lakewood	RP-5	300	26	172		498		100	5.0	9090.9	NF	MULTIFAM RES(BUILT AFTER LKVV)
Total		1657	230	465	126	2478	2330224	284.3	8.7	8,196.4		
Mission Chateau	R-1A	242	72	100	36	412	358,029 (formerly 388,640)	18.4	22.4	19,459 (formerly 21,122)		

Does the "lifestyle" really dictate the size of this project?

- Residents per acre in Johnson County:
 - Benton House – 8.8 residents per acre
 - Residents per acre in R-1 zoning in Johnson County-12.5 residents per acre
 - Residents per acre in CCRCs in Johnson County 8.7 residents per acre

Mission Chateau (Revised)-22.4 residents per acre

Based on residents per acre, the Mission Chateau (Revised) project is well in excess of relevant comparisons.

SENIOR LIVING SAMPLE **ZONED R1**

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Again, does the "lifestyle" really dictate the size of this project?

Applicant has communicated that the project has to be this size to maintain the "lifestyle" **BUT-**

- Other CCRCs in Johnson County do not need to be this size
- 6 Tintera developments in Johnson County do not even provide skilled nursing care
- The Skilled Nursing Facility in Mission Chateau (Revised) is the same size as originally designed. **Why no reduction?**
- Applicant has communicated that residents have to be in one connected building because of the amenities and our climate. If that is true, then why is the SNF in a separate building? Surely there will be residents who will need direct access to the SNF for visits and for their own care. **Why can the SNF be in a separate facility but the other facilities have to be in one contiguous building?**

We submit that the SNF should be connected to the "primary" building and it should be much smaller.

Skilled Nursing Facility (SNF):

- Mission Chateau (Revised)-SNF is twice the size of the existing Benton House project.
- Mission Chateau (Revised)-SNF is 91% the size of the existing Mission Valley School
- SNF is not subordinate and accessory. Its services will not be limited to the residents of Mission Chateau.
- SNF not reduced in size during the re-design

We have reviewed the other Johnson County SNFs to determine usage by residents in the applicable CCRCs.

Our review reflects that on average only 10% of the SNF patients will come from the CCRC residents. In other words, almost 90% of the patients on average will come from somewhere else.

Several weeks ago The Forum had only 3 out of 60 SNF patients that came from their facility.

If 10% of proposed Mission Chateau SNF patients come from the other facilities, then 90 patients served by the Mission Chateau (Revised) SNF will come from somewhere other than Mission Chateau.

Clearly, the size of the SNF is not dictated by "lifestyle".

The size of this proposed project is not about "lifestyle" it is about the size of the profits. Profits that are coming at the expense of the character of Prairie Village and the surrounding neighborhoods.

Skilled Nursing Facility

Legal Issue: Subordinate accessory use

Prairie Village Zoning Ordinance Section 19.28.070 (l) Dwellings for senior adults...“Nursing care or continuous health care services may be provided on the premises as a **subordinate accessory use.**”

How can the SNF be a subordinate accessory use if it is the first Phase?

As provided in detail in June, various jurisdictions have held that you cannot have an accessory use without the primary use.

Mola v Reiley, 100 N.J. Super. 343 (1968) (N.J. Superior Court)

"There cannot be an accessory use where, as here, there is no demonstration of the primary use"

Pecchio V. Saum , 2010 WL 4926760 (Ohio Court of Appeals)

Court ruled that if you do not have the primary permitted use, you cannot have an accessory use to it by definition.

Village of Old Westbury v. Hoblin, 41 N.Y.S.2d 186 (1955) (New York Supreme Court)

Court ruled you have to have the principal use before you can have an accessory use.

The Applicant continues to reflect that the SNF will be in the first Phase. The first Phase should be the primary use.

Why is this so difficult?

Phasing:

- Simply require the construction of the Independent Living Facility first.
- Why is it acceptable to have the SNF be the first phase; particularly when the Applicant has 6 area facilities that do not even have a skilled nursing facility?

Size is the issue.

All of the objections raised by MVNA relate to its proposed size.

Size impacts:

- Lack of transition
- Lack of Green space (see Village Vision)
- Parking
- Safety issues (driveway)
- Storm Water- Detention Facility
- Construction time period
- Property Values
- Traffic

Parking is a significant problem:

We have examined four other similar CCRCs in the area.

Regular use:

In summary, if you apply the minimum requirements of Prairie Village (similar to what was done at Claridge Court) to Mission Chateau (Revised), you come up significantly short on every day parking

On the conservative side, the proposed parking at Mission Chateau is short by as many as 89 parking spaces.

Mission Chateau Parking

	# of Units	Prairie Village Special Use 19.28.070	Code Rqd Parking	Staffing Counts	Staff	Changeover Ratio	Staff Changeover	Total
ILF	139 Units	3 spaces/4 units	102	Re: SUP Narrative pg. 8-4-05-13 (approx. 17% staff per unit)	24	Re: SUP Narrative	14	
ALF	51 units	3 spaces/4 units	39		9	Pg. 8 4-05-13	5	
Memory Care	36 units (36 beds)	1 space per 5 beds	8		6	(approx.55% staff change over ratio)	3	
SNF	84 units (100 beds)	1 space per 5 beds	20		42		24	
TOTAL SURFACE PARKING			172	Plus	81	Plus	47	
Villas	17 units	2 stalls/unit	34		0		0	
310 Total Units								
TOTAL PROJECTED PARKING			206	Plus	81	Plus	47	334

Parking Shortage

	Lakeview	Santa Marta	Aberdeen	Tallgrass	Total
Actual Parking Spaces	875	274	262	491	1902
Est. using Mission Cht. Formula	751	217	189	328	1485
Excess parking over formula	124	57	73	165	417
Formula error % (excess/estimate)	17%	26%	39%	50%	28%

Mission Chateau estimated parking before villas is 300 spaces,
 $300 \times 28\%$ error rate = 89 spaces short

Weekends/Holidays:

To suggest that parking during weekends and holidays can be handled operationally (as indicated by the Applicant) when your every day parking analysis is so short is an inadequate explanation.

If the project is designed to a size comparable to Benton House you will have enough room for adequate parking.

Construction Time Period:

- Size dictates a 2 ½ year construction period. This is not reasonable for a R-1 zoned-development.
- No other construction project in Prairie Village has had this construction time frame.

Transition:

- Still inadequate due to its size
- Three stories is out of place in these neighborhoods
- Rental duplexes are not desired
- Mission Chateau (Revised)-Buffer they describe uses 75 ft. of the neighbor's property. The 300 ft. buffer is exaggerated.

Transition:

- 63% of the perimeter of the Mission Valley School is single family residential. This percentage is higher than every nearby senior housing development in Johnson County (except for Benton House)



Santa Marta

Print Date: 07/25/2013
Image Date: 03/10/2012
Level: Community

46 Acres





Aberdeen Village

Print Date: 07/25/2013
Image Date: 03/10/2012
Level: Community

36 Acres



Tallgrass

Print Date: 07/25/2013
Image Date: 02/27/2012
Level: Community

65 Acres

Benton House comparison:

- Dictates 135,000 square feet

If you compare the size of the Benton House project (when fully completed as approved) against the Mission Chateau (Revised) project on a square footage basis then the size of Mission Chateau should be 135,000 square feet.

$$\begin{array}{l} \underline{49,800 \text{ sq. ft. at Benton House}} \\ 295,786.67 \text{ sq. ft of land} \end{array} = \begin{array}{l} \underline{\mathbf{135,154 \text{ sq. ft. at Mission Chateau}}} \\ 802,747.30 \text{ sq. ft of land} \end{array}$$

Applicant wants to compare this Project to Brighton Gardens. For all of the reasons previously provided, we do not think such a comparison is reasonable. For argument's sake, if it is a reasonable comparison, the density of a much smaller building is not going to dominate the surrounding neighborhoods the same as a much larger building. You cannot extrapolate the density of Brighton Gardens onto 18.4 acres without having a massive building that dominates the area.

Other CCRCs in Johnson County comparison:

- Dictates 150,100 square feet

The other CCRCs in Johnson County on average are 8,196 square feet per acre (including Claridge Court which is on property that is zoned C-2 and should probably be excluded).

8,196 sq. ft. x 18.4 acres at Mission Chateau = **150,150** square feet

Property Values:

In the simplest terms as possible, if the surrounding neighborhoods believed their property values would be increased by this proposed project, do you think the opposition would be so strong and deep?

No comparisons dictate **358,029 sq. ft.**

By all reasonable comparisons the size of this project is unprecedented. This is not about the "lifestyle" of the residents.

Detention Facility:

- Smaller size project decreases the impervious surface area and thus reduces the size of the detention facility.
- For safety reasons require an underground detention facility

Traffic:

You cannot only compare peak times of a school which has only two real traffic periods (on 190 days a year) with peak times of a facility that has varied peak times and which operates 24 hours per day 7 days a week.

Traffic Estimates for Mission Chateau

Using the Traffic Impact Study submitted by Tutera Group

Mission Valley School (2010-2011)

Mission Chateau Traffic Study

*440 Students

*49 Staff

*8 School buses with average 38 students per bus

**11% Students Walk to School = 48 students

***67 Single Cars – single student=67 students

***10 Carpool Cars = 25 students

Total trips: 220 x 2 times a day = 440 daily trips

440 x 5 days a week = 2,220 trips a week

2,220 x 36 weeks of school = **79,920 annually**

*Shawnee Mission School District (July, 2013)

**National Institute of Health (Oct. 2007)

***Prairie Village Safe Routes to School (Dec. 2007)

The proposed site and Traffic Impact Study only encompassed two hours a day (am and pm). This site will be used 24 hours a day, 7 days a week.

According to Tutera: 1,078 daily trip

1,078 x 7 days a week = 7,546 trips week

1,078 x 365 days a year = 393,470 **annually**

*Mission Chateau will **generate 5x traffic** on

Mission Road. Statement that is important!

Reminder of saturation:

- Within 5 mile radius-34 senior living facilities totaling 4,348 units (that may hold as many as 5,292 residents when double occupancy considered).

Summary of prior presenters

- Todd Bleakley
- Craig Satterlee
- Bob Higney
- Steve Carmen
- David Lillard
- Mayor Monroe Taliaferro
- Nancy Synovic
- Jori Nelson

Summary of MVNA Speakers

- Todd Bleakley-Local multi-family housing developer:
 - Showed the density presented by the Applicant is greater than what the City would permit for multi-family housing by a significant percentage. Based on the numbers provided by Mr. Bleakley, Mission Chateau (Revised) would be 38% larger than permitted in Prairie Village if it were multi-family.
- Craig Satterlee-Surgeon:
 - Addressed the uses of a SNF and articulated that a SNF of this size (100+ beds) is going to naturally serve more than the senior residents of Mission Chateau.

- Bob Higney-Marketing Expert:
 - Highlighted that Mission Chateau would be the 2nd largest elder care facility in Johnson County. This is the case even at the reduced 358,029 square feet.
 - The 75+ population in Prairie Village is projected to gain only 24 individuals from 2013 to 2018.
 - The 65+ population of Prairie Village is projected to grow less than 2% over the next five years.
 - 68:1 ratio of individuals in Johnson County for every senior housing unit compared to Prairie Village with a ratio of 30:1 with Mission Chateau.

- Steve Carmen-Former City Councilman-Neighbor
 - Addressed height issues and site lines from nearby homes.
 - His property values will be reduced between \$50,000 and \$75,000.
 - Appraisal states that there will be a diminution of at least 10% of your current market value.
 - Tax revenues generated by development will be set off by the reduction of tax revenue generated by the surrounding neighborhoods.
- Craig Satterlee:
 - Detention facility is an attractive nuisance.
 - The detention facility should be placed underground

- Former Mayor Monroe Taliaferro:
 - Addressed his past experience when overseeing the approval of both Brighton Gardens and Claridge Court.
 - Prairie Village-Star of Kansas does not need more senior dwelling units.
 - Our focus needs to be on young families with parks, recreation areas, shopping centers, schools and soccer fields.
- Nancy Synovic:
 - Second generation PV resident.
 - Not anti-senior but not in support of such a large building in this area.

- David Lillard-49 year PV resident:
 - PV is a community of neighborhoods
 - Corinth Meadows would be overwhelmed by the size and mass of the proposed structures.
 - Look for opportunities to set aside green space.
 - I do not sense any lack of options for senior living in my community.
- Jori Nelson-Prairie Village resident:
 - Village Vision
 - J.C. Nichols

Proponents-

No comment in favor of the Applicant was contingent on a 358,029 sq. ft. massive development:

- Senior housing needed
- Want to live there
- Will open single family housing stock in PV
- Tutera good operator

None of these points are contingent on the existence of a 358,029 sq. ft. facility.

Village Vision Summary

Goals of the Village Vision:

- 1) Community Character and Activities: provide an attractive, friendly, and safe community with a unique village identity appealing to a **diverse community population**.
- 2) Community Facilities and Services: provide diverse community recreation areas, cultural programs, **parks, green spaces**...
- 3) Housing: encourage neighborhoods with unique character, strong property values and quality **housing options for families and individuals of a variety of ages and incomes**.
- 4) Land resources: encourage a high quality natural and man-made environment that **preserves community character**, creates identity and sense of place, and provides opportunities for renewal and redevelopment.
- 5) Prosperity: promote a strong economy...that meets the **needs of residents** and attracts visitors.

Conceptual Framework Development Principles in the Village Vision

Principle #1: Integrating Development: Development should help “repair” or enhance existing neighborhood or create new ones and **should not take the form of an isolated project.**

Principle #2: Incorporating open space: **Development should incorporate open space** in the form of plazas, squares, and **parks that may include civic uses.**

Principle #3: Creating safe and stable neighborhoods: The physical design of a neighborhood should **create a sense of identity.** Buildings should be oriented to face the street in order to keep more “eyes on the street” and **enhance public safety.**

Principle #4: Promoting high quality design in the built environment: the image and character of development should respond to the **best traditions of residential architecture in the area.** Building **height and bulk should be consistent** even though buildings may be of various shapes and sizes.

Principle #5: Create a range of housing choices: **create a range of housing types** and price levels should be provided to **bring people of diverse ages, races, and incomes into daily interaction.**

Principle #6: Leveraging investment: areas within existing neighborhoods or along corridors should be reclaimed by using redevelopment strategically to **leverage current investment and strengthen social fabric.**

Village Vision

Executive Summary

Potential Redevelopment

These facilities should be strategically redeveloped in ways that will benefit the City and integrate the sites with surrounding neighborhoods.

While the proposed redevelopment opportunities presented in the Strategic Investment Plan will provide only a modest fiscal benefit, they should not be considered solely on the basis of financial feasibility or incremental fiscal revenues.

Goals & Actions

Residents want Prairie Village to retain the charm and character that it is known for; they want to preserve its identity, including its unique small town feel.

Amendment to Comprehensive Plan

Recommendation:

“The neighborhood is very concerned about the future of this site and will need to have significant input into any future change in use. If any change in use is considered, it is important that the site and the facility be designed compatible with the surrounding neighborhood.”

J.C. Nichols Comments

“Today almost every city of any considerable size is spending immense sums in correcting the evils of past city building. Fire risks, health standards, traffic needs, economic business hazards, protection of home surroundings, stability of property values and many other phases of city life are crying out for the better planning of our cities, to meet both their present and future needs.”

“Zoning is merely the application of common sense and fairness in governing the use of private property; it is placing the public welfare above individual and self rights.”

“It protects an owner in the enjoyment of his property rights, from unreasonable injury by the owner of adjoining property taking unfair advantage of his neighborhood.”

“Zoning checks the haphazard, piecemeal, selfishly directed growth of the city, according to the whim or desire of every individual owner and establishes higher standard of general benefit and public welfare, from which eventually every piece of property and every resident of the city procures a greater gain.”

“Zoning Boards: when an area has been zoned for specific uses and investments have been made depending on such uses, any board should be extremely cautious in later changing such zoning to higher uses.”

“Where a certain area has been zoned for single residences-two family homes or apartments, Zoning Boards officials and the neighborhood itself must always be on the alert to prevent encroachment of other uses detrimental to such areas, otherwise, basic home values can be quickly undermined.”

“Too late are the saddest words in city building.”

**SAMPLE OF PUBLIC
COMMENTS IN OPPOSITION
TO PROJECT**

Ben Frisch:

My property value has decreased by 13% since 2010 so this kind of development will have an impact.

Debbie Kerr on behalf of Ester Levens:

I have lived next door to Mission Valley for 55 years. This mammoth commercial development does not conform to the character of the neighborhood, when, in fact, it would change the neighborhood completely.

Larry Worrall:

Will the skilled nursing facility become a regional skilled nursing facility serving residents from other senior living developments?

John House:

Typical development strategy-propose an outrageously large project so the Commission will consider a lesser sized project. People do not move into an area because it has nice nursing homes.

Sheila Myers:

The developer gambled on this property...I don't think this senior living facility is appropriate for this site. A typical Wal-Mart Super Center is between 180,000 and 220,000 square feet.

Mark Baretta.

We are the next generation of Prairie Village. The retainage ditch will affect the safety of my one-year old and my three-year old. The potential decrease in property values will destroy and eliminate the equity that I have and the future that I have built for my family.

Benton House:

Comparison of Staff Reports for the Benton House project v. the Mission Chateau project:

Factors as Set Out in the Ordinance for Consideration Specific to Special Use Permits:

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

Benton House Staff Report:

"The main building-including 71 units-has an area of approximately 50,000 square feet which is about 17% lot coverage."

Mission Chateau Staff Report:

"The lot coverage in the R-1A district is 30%. The first floor footprint of the buildings is 178,133 sq. ft., but it does not appear that carports were included. The 35 carports add 5,670 sq. ft for a total of 183,803 sq. ft. or 22.9%"

[Keep in mind Benton House is only one story]

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

Benton House Staff Report:

"The proposed building is one story and has residential design. It is a low traffic generator..."

Mission Chateau Staff Report:

- *"The neighbors have raised several issues that may have a negative impact. First, the operation will be 365 days a year rather than just the days school was in operation. Traffic, lights and noise are a concern. Lighting will be at a greater level than the school because the proposed facility is larger and spread over more of the site. The project will be required to meet the outdoor lighting code which is restrictive. Glare will be eliminated but glow from the lights will occur. Since this operation is staffed 24 hours a day, vehicles coming on site and leaving during shift changes which will create some noise. Parking during holidays could be a problem and the applicant will need to make sure traffic can be accommodated without parking on adjacent streets...the proposed project will have some adverse effects on the welfare and convenience of the public."*

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 the 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.

Benton House Staff Report:

"The building is one story and is approximately the same square footage as the elementary school building that is being removed."

"The immediate neighborhood is totally developed and this use will not dominate the area so as to hinder remodeling and updating nearby residences."

Mission Chateau Staff Report:

"The size of the revised project is 358,040 sq. ft. which will make it one of the largest, if not the largest, developments in Prairie Village. The height and mass of the buildings are an issue with the neighbors."

"The height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium; however, the building is much larger and is closer to residents on the south and southwest property lines."

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

Benton House Staff Report:

"The parking regulations require 72 spaces and the applicant is providing 90 spaces. Therefore parking will be adequate."

Mission Chateau Staff Report:

"Staff is concerned that parking may be a problem at the afternoon shift change."

"The applicant will also need to make provisions for overflow parking on holidays and other special days that will generate a large number of visitors so that parking does not occur on adjacent residential streets."

Golden Factors/Factors for consideration

The Planning Commission and Governing Body shall make findings of fact to support their decision to approve or disapprove a Special Use Permit. (Ord. 1973, Sec. I, 1999; Ord. 2199, Sec.V, 2009)

- A. The proposed special use complies with all applicable provisions of these regulations, including intensity of these regulations, yard regulations and use limitations;
- **Staff Report fails to address the requirement that the SNF and Villas be a subordinate and accessory use.**
 - **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 (183,803 sq. ft. or 22.9%)(26.48% if you subtract 2.5 acres in flood plain). What it doesn't point out is that the average floor area ratio in the 5 commercial centers in PV is 25%. 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 the reasons stated (density, lack of real transition, etc...) we believe that the welfare or convenience of the public is adversely impacted and we have shown that the need for senior housing is already available for PV residents.**
- **As previously stated, the Traffic Impact Study fails to address a 24/7 use but rather only mentions two peak traffic periods.**
- **As previously stated, the parking provided by the Applicant will be insufficient for daily use as well as weekends and holidays.**

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;

- **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 proposed project.**
- **We disagree with the Staff Report that the properties across the street from Mission Road will not be adversely impacted merely because of the existence of Mission Road. We believe the size of the proposed project will negatively impact property values on the east side of Mission Road.**
- **Staff suggests most of the senior living projects in Johnson County are located adjacent to or near single-family developments. Our review of the existing projects reflects that only one other project in Johnson County has more single family development on its perimeter. Landscaping and construction design only get a developer so far if they are trying to over-build.**
- **The grading proposed by the Applicant will negatively impact vegetation on the south property line according to our 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 the 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:

1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
2. The nature and extent of landscaping and screening on the site.

- **Staff suggests that the traffic impact will be less for this project than it was for the school despite the fact that the school operated less than 190 days a year and generally during normal school hours while the proposed project will be open 365 days per year 24/7. Even if you believe the peak hour comparison is accurate and thus it is neutral, you cannot deny that the intensive nature of this project as compared to a school use is going to be more than for the school.**

- **Regarding the size of the Project, Claridge Court is not a fair comparison because it is located in C-2 zoning and there are no single-family residences abutting the property. SME high school property is 20 acres larger than Mission Valley although the buildings are similar sizes.**
- **Staff Report reflects that the size of the revised project is 358,040 sq. “which will make it one of the largest, if not the largest, development in Prairie Village.” ”The height and mass of the buildings are an issue with the neighbors.”**
- **Staff Report reflects that the height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium; however, the building is much larger and is closer to the residents on the south and southwest property lines.**
- **The mass of the project will dominate the area. Greater setbacks and landscaping will only go so far in protecting against this domination.**

- E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will 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, PV cannot afford to be wrong in its parking requirements (See Claridge Court). The parking requirements are inadequate when compared with other Senior dwelling facilities in Johnson County and the parking requirements do not address special events such as Mothers Day, Fathers Day, July 4, Memorial Day... We understand that there can be as many as 50-250 visitors on these days.**
 - **Staff is concerned that parking may be a problem at the afternoon shift change.**
 - **Staff Report clearly reflects that parking during holidays could be a problem.**

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

- **We believe the detention facility needs to be placed underground for safety reasons.**
- **We believe the underground detention basin should have regular monitoring and treatment as required by local, state, and federal law to protect both on site and down stream public health and environment.**

- G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- **We do not agree with the Staff Report that a single private road that is approximately 26 feet wide will prevent hazards.**

H. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.

- **No analysis has been undertaken by staff regarding 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 building is to be built or located.
 - **The Villas should not be all the same design and they should be owner occupied.**

The Golden Factors

1. The character of the neighborhood;
 - **Staff Report uses "units per acre" which is quite misleading. The Staff Report does not address "square feet per acre" or "residents per acre". Although the Staff Report mentions "floor area ratio" it fails to mention that according to Village Vision the average floor area ratio in the 5 commercial centers in PV is 25%. In essence, the floor area ratio in this project (23%) is basically the same as the 5 commercial centers in PV but it has three stories unlike the 5 commercial centers. We have pointed out that the density of this project, even as re-designed, is unprecedented using any analysis when you take into consideration the location of the property.**
 - **Rental duplexes used to merely block any views of the Independent Living Facility is not a transition.**

2. The zoning and uses of property nearby;
 - **The primary zoning nearby (on the south, southwest and the east) is single family residential. It is unprecedented to have a project this size directly next to R-1 single family residences.**
 - **63% of the perimeter of this Project is single family residences. This percentage is the second highest of any senior dwelling facility in Johnson County.**

3. The suitability of the property for the uses to which it has been restricted under its existing zoning;
- **Brighton Gardens is zoned R-1b and is located next to R-1b. A development with the density of Benton House would be embraced by the neighbors.**
 - **There is significant demand for other R-1a uses so a distinct and drastic change in use whether or not it is permitted in R-1a does not mean it fits in comparison to the property nearby. The size of this project is a distinct and drastic change in use.**

4. The extent that a change will detrimentally affect neighboring property;
- **We agree with the Staff Report that open green space enjoyed by the community will be lost. One of the primary goals of Village Vision is to maintain open green space (Village Vision includes schools as open space). Although repositioning developments to a higher density is also a goal of Village Vision, we do not believe that the proposed project, even as revised, has to be a win for party and a loser for the other. There is room for more density without compromising the open green space.**

- **The Proposed Project reflects that as much as 10 acres is "green space" with the primary areas of green space being the 2.5 acres to the north, the portion running along Mission Road, and the 1 acre of green space in the southwest corner. Note that the 2.5 acres to the north is in a flood plain and much of it sits in a creek bed or is otherwise covered with natural vegetation. The "green space" along Mission Road is right of way. This hardly constitutes green space when you compare it to athletic fields. The one acre in the southwest corner is smaller than the green space located on the other side of the fence to the southwest where you have two separate one acre lots.**
- **Staff Report reflects that the height and mass of the buildings are concerns.**

- **The SNF is essentially a commercial enterprise that is not intended to merely serve the senior dwelling facility. The large size of the SNF is not necessary to maintain the “lifestyle” of the proposed Project.**
- **We agree with the Staff that although the height of the proposed Independent/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. Landscaping and setbacks are not enough to project the neighboring property due to the size of the proposed project.**

5. The length of time of any vacancy of the property;
 - **Although stating that the School has been vacant approximately two years may be a factual statement, we believe that this statement is misleading in light of the context of the Golden Factors. In context, the vacancy period speaks to the ability to utilize the property in question in light of the existing zoning. In this case, there is great demand for other residential uses for this property. The existing zoning/use restrictions is not negatively impacting the use of the property or the ability to develop it. This is not a property that is going to lose value because the proposed project is not acceptable to the Governing Body.**

- **The fact the school is not operating does not mean the athletic fields have gone unused by the public.**

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;
- **Staff suggests that by not allowing the property to be redeveloped the property will depreciate in value and the depreciation in value would have a depreciating effect on the surrounding property. Suggesting that opposition to this particular project with its mass, lack of green space, minimal transition and other issues means that the property is not going to be developed is a straw man argument and disingenuous. Because this project is being opposed does not mean every project will be opposed. If MVNA thought their property values would decrease if this project were not to be approved then we do not think you would see the opposition that exists. In fact, MVNA believes the adjoining property values will decrease if this project is approved. Certainly there are projects or uses that will enhance the property values of the adjoining property.**

- **As Staff previously pointed out, in addition to the adjoining property owners, all PV residents will be negatively impacted because of the loss of the open space and use of the area for recreational purposes. Other uses or less dense uses may not have this same negative impact.**

7. City staff recommendations.

- **(a) The Staff Report fails to consider the impact on traffic due to the continuous operation of this facility as compared to the School.**
- **(a) MVNA has pointed out the health and safety issues related to the private drive.**
- **(b) The detention basin should be enclosed as presented by MVNA. Regular monitoring should be required.**
- **(c) For reasons stated above, the density issue is not acceptable.**
- **(d) For reasons presented by MVNA, placing rental duplexes within 50 feet of the large lots to the south and southwest is not an acceptable transition.**
- **(e) Despite the fact the major building setbacks may meet minimum standards; PV needs to impose higher standards in light of the size of the project.**

- **(g) Open space will be dramatically impacted. We agree with Staff that only a position of the green space will in fact be useable open space.**
- **(h) A floor area ratio of .45 may be low for urban development but that is irrelevant because this is not urban development. The bulk of the buildings will be in excess of 3 ½ times the existing bulk of the school.**
- **(i) We could not disagree more that the density of the project is reasonable for the size of the land area for reasons presented by MVNA.**
- **(j) Staff is recommending that the Applicant needs to submit a time schedule indicating when each phase of the development will be constructed. In light of the legal implications already identified, how is it possible that the Applicant has not been required to provide this time schedule by now?**
- **(k) If the SNF can be a separate building despite the fact it needs to be a subordinate accessory use, from a timing standpoint, it is unreasonable to allow the SNF to be built prior to the Independent Living building.**

Conformance With The Comprehensive Plan

1. Encourage developers to obtain community input.
 - **We agree with the Staff Report that the neighbors and the applicant have not reached consensus on many issues. For instance, following the most recent July 11, 2013 neighborhood meeting, during which the mass of the Project was a primary point of contention, the Applicant increased the size of the Project by almost 7,000 square feet. We do not believe the Applicant will make any significant changes until the Planning Commission disapproves this Application.**
2. Limit the uses to those allowed in the R-1A Single- Family District.
 - **For the reasons we have stated, we disagree with the Staff Report that the Applicant has addressed the issues and proposed a use that is in conformance with Comprehensive Plan.**
 - **Staff Report reflects that the project will provide more housing choices and as a redevelopment it will stabilize or enhance the economic base of the community each as addressed by Village Vision. Each of these goals can be satisfied with a development comparable to Benton House. The massive size is not necessary. “Why so big?” has not been answered.**

Conditions to SUP-Site Plan

(Assuming the size of the Project is comparable to Benton House on a pro rata basis)

- 1. The maximum square footage may not exceed 150,000 sq.ft.**
- 2. The maximum number of residents is reasonable in light of the size of the project.**
- 3. The Independent/Assisted Living facility residents shall be restricted for use by seniors over the age of 55 years.**
- 4. The primary Independent/Assisted Living facility is built prior to or simultaneously with the SNF.**

- 5. The SNF is a subordinate accessory use to the Independent/Assisted Living facility and is designed, constructed and operated to serve the Mission Chateau residents.**

- 6. Fencing, berms and landscaping shall be added to the perimeter of the property according to a final Landscape Plan approved by the Planning Commission and Tree Board. The Applicant and City Staff shall meet with the adjacent residential property owners to review the proposed landscape buffer prior to approval of the final site development plan.**

- 7. A tree preservation/replacement plan shall be submitted with the final site development plan.**

- 8. Any Villas or similarly situated single family residential units shall be owner-occupied.**
- 9. Any Villas or similarly situated single family residential units shall be restricted to occupancy by seniors over the age of 55 years.**
- 10. Any Villas or similarly situated single family residential units shall be designed with an appearance of individuality between dwelling units. Such design shall include varied rooflines, varied colors, and varied façade depths. "Mirror image" structures in which the same design is repeated for all units with no variety shall be prohibited.**

- 11. The proposed detention basin shall be constructed underground.**
- 12. The proposed detention basin shall be regularly monitored and treated pursuant to local, state, and federal law to protect both on site and downstream public health and environment.**
- 13. A lighting plan, in accordance with the Zoning Ordinances shall be submitted and approved as part of the building permit plans. The Applicant and City Staff shall meet with the adjacent residential property owners to review the proposed lighting plan prior to approval as part of the building permit plans.**

14. In addition to the revocation of the Special Use Permit if the Applicant violates any of the conditions of approval or the zoning regulations and requirements as part of the SUP, the owner of the Property may be fined by the Governing Body.

15. Neither employees nor residents of the project may loiter or congregate on adjacent properties to smoke.

These conditions are meant to be in place of or in addition to the conditions recommended by City Staff.

For the reasons stated, we respectfully request that the Planning Commission deny this Special Use Permit.

	Lakeview	Santa Marta	Aberdeen	Tallgrass		Total
Actual Parking spaces	875	274	262	491		1902
est. using Miss Cht. Formula	751	217	189	328		1485
excess parking over formula	124	57	73	163		417
formula error %	17%	26%	39%	50%		28%
(excess/estimate)						

Mission Chateau estimated parking before villas is 316 spaces, $316 \times 28\%$ error rate = 89 spaces short

Parking Code Requirements

				re: SUP Narrative pg 8 - 4-05-13			
	# of Units	Prairie Village Special Use - 19.28.0701	Code Rqd Parking	Staff	Staff Changeover	Supplemental Visitor Stalls	Total
ILF	136 Units	3 spaces / 4 units	102	26	16		
ALF	54 Units	3 spaces / 4 units	41	10	6		
Memory Care	36 Units (36 Beds)	1 space per 5 beds	8	7	4		
SNF	84 Units (100 beds)	1 space per 5 beds	20	42	24		
310 Total Units							
TOTAL SURFACE PARKING			171	85	50	10	316
Villas	17 units	2 stalls / unit	34	0	0	0	
327 Total Units							
TOTAL PROJECT PARKING			205	85	50	10	350
				290 Code Required Stalls			

	Lakeview	Santa Marta	Aberdeen	Tallgrass		Total
Actual Parking spaces	875	274	262	491		1902
est. using Miss Cht. Formula	751	217	189	328		1485
excess parking over formula	124	57	73	163		417
formula error %	17%	26%	39%	50%		28%
(excess/estimate)						

Mission Chateau estimated parking before villas is 316 spaces, $316 \times 28\%$ error rate = 89 spaces short

Parking Code Requirements

				re: SUP Narrative pg 8 - 4-05-13			
	# of Units	Prairie Village Special Use - 19.28.0701	Code Rqd Parking	Staff	Staff Changeover	Supplemental Visitor Stalls	Total
ILF	136 Units	3 spaces / 4 units	102	26	16		
ALF	54 Units	3 spaces / 4 units	41	10	6		
Memory Care	36 Units (36 Beds)	1 space per 5 beds	8	7	4		
SNF	84 Units (100 beds)	1 space per 5 beds	20	42	24		
310 Total Units							
TOTAL SURFACE PARKING			171	85	50	10	316
Villas	17 units	2 stalls / unit	34	0	0	0	
327 Total Units							
TOTAL PROJECT PARKING			205	85	50	10	350
				290 Code Required Stalls			

Nicki	Adams	<p>Sent: Friday, August 02, 2013 6:58 PM To: Joyce Hagen Mundy Subject: Mission chateau</p> <p>I am writing in support of the Mission Chateau Senior Living Residences in Prairie Village. Mission Chateau will bring the highest quality senior living lifestyles to the residents of Prairie Village. The project is designed to meet all the standards and guidelines proposed by the city staff, the planning commission and the comments by the community at large. The project is consistent with the "Village Vision", the City's master plan, adopted by the City Council in May, 2012 - for our location at 8500 Mission road.</p> <p>As Prairie Village demographics change the need for senior living is greater now than ever and will continue to grow substantially in the years to come. Prairie Village does not have anyrental senior living villas or Independent Living Apartments and is woefully deficient in quality private occupancy assisted-living, memory care and skilled nursing. Mission Chateau will bring all the services together in one community, while offering the public at large, four spacious parks on over 5.3 acres green space, more than 1.2 miles of walking trails to be shared between our residents and the community, a beautifully enhanced streetscape fronting Mission road, substantial economic benefits and many other benefits including improved storm water, traffic etc.</p> <p>We support this project 100%. As a matter of fact we have a our eye on a house that backs up to the project and we just found out someone else has looked at the home as well; the house isn't even on the market. The owner is 94 and there are people waiting in the wings to bid on her house. The oppositions complaints of resale issues are simply not true.</p> <p>Regards, Nicki Adams 4306 w 89 street</p> <p>Sent from my iPhone</p>
Bill	Barr	<p>Sent: Tuesday, August 06, 2013 1:31 PM To: Joyce Hagen Mundy Subject: THE CITY PLANNING AND ZONING COMMISSION</p> <p>As I looked over the packet for tonight's meeting, I did not see a copy of my June 1st e-mail and wanted to be sure that you were aware of my feelings and concerns about the proposed Mission Chateau Development. Having sat through the process, I still do not feel that the developer has fully addressed the concerns of the neighborhood. The size has increased to 358,040 square feet from 351,240 square feet since the July work session; the Skilled Nursing/Memory Care building remains unchanged; I don't feel the traffic and parking issues have been fully resolved; and a proposed 9% reduction of a "massive" project, is still a "massive" project, that, because of the nature of the units, does not really directly benefit the residents of Prairie Village. If the Commission feels that the city would benefit from a retirement/assisted living community, than the size should be reduced to more appropriately fit into the acreage and the neighborhood. It would be the second largest senior living</p>

		<p>facility behind Lakeview that sits on 100 acres and is surrounded by commercial developments, and highways and not a quiet residential neighborhood. I think the area would benefit more from affordable residential housing in that area or a school for the growing number of new young families to Prairie Village. I know you have heard similar views from many of my neighbors, with compelling reasons and appropriate arguments, to not approve this project. We hope that you listen to our concerns. Thank you— Bill Barr</p> <p>Bill Barr & Kim Rock 8600 Delmar Lane Prairie Village, KS 66207 bill@billbarr.com</p> <p>From: Bill Barr Sent: Saturday, June 01, 2013 2:46 PM To: cityclerk@pvkansas.com Subject: My opposition to the proposed Tutera development of Mission Chateau</p> <p>I want to formally voice my opposition the the proposed Tutera development of Mission Chateau on the former Mission Valley School Property. Let the records show that throughout this planning comment period I have voiced my opposition to this development, and have sent e-mails to the Mayor and each member of the City Council to voice my opposition to the development.</p> <p>Thank you, Bill Barr 8600 Delmar Prairie Village, KS 66207 bill@billbarr.com</p>
Stephanie and John	Beeder	<p>Sent: Monday, August 05, 2013 10:02 AM To: Joyce Hagen Mundy Cc: Ashley Weaver; Dale Warman; Steve Noll; Ruth Hopkins; Michael Kelly; Andrew Wang; Laura Wassmer; Brooke Morehead; David Morrison; Charles Clark; David Belz; Ted Odell; Mayor Subject: Mission Chateau</p> <p>Members of the Planning Commission:</p> <p>We sent a formal letter of opposition to the proposed development of the Mission Chateau at the former site of the Mission Valley Middle School on June 2, 2013 (copy included below)</p> <p>Since that time we have attended the additional planning meetings and heard the adjustments that the developer has made to his plans. In short, it appears he is unwilling to make the type of significant changes that would please the concerned neighbors and it appears that once he makes changes on the plans he can revise them later leaving the residents not sure what the final plan will be.</p> <p>The points we made in our June letter are still very relevant as none of these</p>

issues (size, scale, density, large capacity nursing center, and community need) has been addressed in a meaningful way. Rather than relist all of the relevant facts about the plan that are concerning, we would like to bring the following questions forward for you to discuss and answer amongst the Planning Commission before you vote on the proposed plans for the Mission Chateau.

Before I pose the questions, I would like to call your attention to what I thought was the most profound public comment made during the past months. **It came from a young father of two who recently purchased a home on the east side of Mission Road close to this property. He said that when you look for neighborhoods to live in you ask yourself are there good schools in the area, not are there good senior centers in the area.** It caused me to think that is what is wrong with what is happening in Prairie Village. The city has the same number of school age children the day before the Shawnee Mission school district decided to close an elementary and middle school as it did the day after that decision was made. It is a shame that the city could not attract more schools into the area which would bring more young families into the neighborhoods. Instead, the city has approved another senior center, Benton Place, and is now considering a senior campus with the Mission Chateau project.

1) If the Mission Chateau had been built as proposed in 1960, do you think the neighborhoods of Corinth Meadows and Town & Country in Prairie Village or in Leawood would have been developed?

2) Would each member of the Planning Commission sign a written statement that they or any member of their family will not be financially rewarded by the development of the Mission Chateau as proposed by the Tutera Group and would you insist that every member of the city council and the mayor do the same? If not, would you have that member recuse themselves from the vote.

These two questions are key in that it sums up the reason for the neighbor's concerns, they bought their homes next to an appropriate buffer (school property) to the nearby commercial areas. They were there first and the development that Mr. Tutera has proposed dramatically changes the nature of the neighborhood. The second question is key for the residents of the city to have trust and confidence that our elected and appointed officials are free to make objective decisions in the best interest of the citizens.

Thank you for your time and attention,

Sincerely,
Stephanie and John Beeder
8428 Delmar Lane
sfbeeder@aol.com

Copy of June 2 email:

Let the record show that we have voiced our opposition to this development by copy of this e-mail to the Mayor and City Council members.

		<p>Members of the Panning Commission:</p> <p>We have been following the communications about the proposed development of the Mission Chateau at the former site of the Mission Valley Middle School. We are opposed to the developer's plan as presented to the Planning Commission on May 27, 2013 for the following reasons.</p> <ul style="list-style-type: none"> • The size, scale and density of the proposed buildings is too large for an 18 acre tract of land. The proposal is to develop 22,000 square feet of building per acre, when the surrounding residential real estate has approximated 6,000 square feet of building per acre. The surrounding Homes Associations also have tight restrictions of maximum roof height and the percentage of maximum roof height per acre, both of which the developer has exceeded. • The inclusion of a 100 bed Skilled Nursing Facility on the site is inconsistent with the reasonable needs of the residents at the Chateau, thereby making this facility a magnet for skilled nursing needs for patients from all area hospitals as they are discharged. What you are considering here is a <u>hospital</u> in a residential zone. • The city already has numerous senior living options that offer everything from independent, assisted living, skilled nursing units and memory care. It is up to the Planning Commission to decide whether this proposal versus any other option is what fits best with Prairie Village needs. • The number of residents/beds planned for the Chateau is large. The developer's proposal calls for approximately 450 senior living spaces in the 18 acre tract. If you think the city needs more senior living, do you really want to see 25 of them living on each acre? <p>We have owned two different properties in Prairie Village for 20 years, we moved to Prairie Village for two reasons, first it had the high school we wanted our children to attend and second it has many neighborhood homes associations which effectively protect their home owners from excessive development. When we purchased our current home in 2003, we were very excited to remodel and improve the look of the property within the Homes Association and city guidelines. We never dreamed that we might be starring at the back of a two story hospital from our front porch.</p> <p>Thank you for your time and consideration.</p> <p>Sincerely, Stephanie and John Beeder 8428 Delmar Lane sfbeeder@aol.com</p>
Janice	Benjamin	<p>Sent: Monday, August 05, 2013 9:43 AM To: Mayor; Joyce Hagen Mundy Subject: Tutera Development on Mission Road</p> <p>Dear Mayor and City Clerk,</p> <p>I am writing to you to express my support for the proposed Mission Chateau</p>

		<p>senior living residences being considered for the former Mission Valley Middle School site.</p> <p>I live just off 102nd and Mission Road and pass this property many times each day. I believe the proposed use for this property is realistic and will provide an important service to seniors and their families, who enjoy living in our area. Having had a loved one at Claridge Court at Somerset and Mission for many years, I see these developments and their benefits as very similar.</p> <p>I appreciate how the Tutera Group has listened to the needs of our community and how it has modified its plans in response to those concerns. I see a number of positive benefits to our community should this development be allowed to move forward. One of those benefits is that aging Prairie Village residents won't have to leave our city when it is time to transition to a senior living community. Another benefit that I see would be the sales tax generated from the construction and the ongoing real estate taxes that will assist in the revitalization of the city now and for years to come. The development will provide parks, walking paths, and beautiful improvements to the neighborhood, particularly the improvements along Mission Road.</p> <p>I believe a vocal minority has been doing most of the talking up to this point. I just wanted to be sure to register my strong vote of support for the project.</p> <p>Sincerely, Janice Benjamin 4000 w. 101 Terrace OP, KS 66207</p>
Michelle	Crist	<p>Subject: Mission Chateau Retirement Community at vacant MVMS site Date: Mon, 5 Aug 2013 07:32:13 -0500</p> <p>Dear City Clerk and Council Members Ward 5,</p> <p>I am in favor of the Tutera Group Mission Chateau Retirement Community at the vacant middle school site. I feel this project should move forward as quickly as possible.</p> <p>It is simply a small minority of people who are the most vocalized. They do not represent all of Prairie Village--they just have the most time to put forth the effort to be heard. This site has been vacant for years now. Let's not forget what has happened to many vacant school sites in our neighboring Kansas City....these sites become run-down and vandalized. It can happen here...PV is not immune to such things.</p> <p>It is my opinion that this small minority of people (the same group that has posted offending red signs all over the area protesting Mission Chateau) has unrealistic expectations. The site has been zoned mixed residential. It was sold a couple of years ago or so as mixed residential. It was not sold with the expectation that it would become a city park. If that was the city intent then the school district would have not sold it to a private entrepreneur. Meanwhile, the Tutera Group has waited years to develop the site.</p> <p>The plans for this new Retirement Community are lovely. It will offer parks and walking paths as well as improving Mission Road, storm water control and generating sales tax and real estate taxes for the city. This area will not become a school again...and this small city has plenty of parks...which do not generate much, if any, revenue for the city. The population of Prairie Village</p>

		<p>does not warrant another school. I feel that the city needs an independent senior living community, offering quality private occupancy assisted-living, memory care and skilled nursing.</p> <p>It's time to think of what's best for the City of Prairie Village. Allowing this site to sit vacant due to the whims of a few citizens wishing for another school or park is not realistic. This site has already been sold to Tutura Group who is ready to move forward with a beautiful plan for an independent senior living community. It is time to move forward.</p> <p>Sincerely, MR Crist, Prairie Village resident</p>
David	Feingold	<p>Sent: Tuesday, August 06, 2013 12:52 PM To: info@pykansas.com Cc: David Feingold Subject: ZONING HEARING MISSION CHATEAU</p> <p>My name is David Feingold and I have been a resident of Prairie Village for over 25 years. I currently live in a typical Prairie Village split and hope to stay there for at least another ten years. However, when I can no longer climb all of the stairs I am happy to know that there will be a facility right here in my neighborhood that will give me some options.</p> <p>I patronize the stores, parks and other city facilities and think that this addition to community will continue to enhance the lifestyle changes that are becoming the new demographic.</p> <p>Mission Valley school closed because of the shift of population base. When it operated as a school, the streets were busy, there was traffic, but that is made the neighborhood and the entire community desirable.</p> <p>As our population continues to age, there needs to be provisions and options so that we can stay in our own community and not be forced to move elsewhere to a completely new environment.</p> <p>Also, Tutura Group is one of the premier developers in the area. They are not from out of the area, and have a real stake in the community, as their offices are located less than 3 miles from this site. Their other facilities are run in an excellent manner, and the Atriums is one of the premier developments in the area for assisted living and elder care.</p> <p>I am not there yet, just getting ready to turn 64, but I am comforted to know that when the time comes, I can still live right here in Prairie Village.</p> <p>David Feingold 8004 Juniper David @dylanjagger.com</p>
Donna	Fischgrund	<p>Sent: Sunday, August 04, 2013 3:25 PM</p>

To: Joyce Hagen Mundy
Subject: ATTENTION TO: THE CITY PLANNING AND ZONING COMMISSION (Aug. 6 meeting)

The City Planning and Zoning Commission
To Whom It May Concern:

I have been out of town or I would have gotten this to you earlier. I attended the "neighborhood community meeting" conducted by Mr. Tutera on July 11th. And I must say that it was a very frustrating meeting. We as a community clearly voiced our concern about the size and density of Mr. Tutera's plan, yet again. Yet, he appears determined NOT to hear us. We are most definitely not enthused with his plan!

From the beginning, the neighborhood has said the buildings are too many, too massive and too tall. It is simply too large for the site. When Mr. Tutera was asked directly if he would consider reducing the 3 story buildings to 2 story buildings his answer was no and then added that they would be as tall as the 3 story ones even if he did. When asked if he would consider significantly reducing the building size to a previous recommendation, his answer was no. Those answers do not demonstrate a desire to work with the neighborhood. In fact, it is definitely an example of a developer NOT working with the community!


When another neighbor tried to explain why we have taken the position we have, he interrupted and said, "Is there a question in there?" He then proceeded to lecture us for 20 minutes. When I pointed out that this was also supposed to be a chance for him to hear the neighborhood position, his reply was that "it is a question and answer session." He would then proceed to talk and limit our ability to voice our position.

The neighborhood has been accused of not cooperating with the developer but we feel he has made no real effort to cooperate with the neighbors! We have had the same message from the beginning. IT IS TOO BIG! He has no intention of reducing it in any significant manner.

I have heard the comment floating around that Mr. Tutera has a right to do what he wants; after all he owns the property. Mr. Tutera does not live in our neighborhood, he does know our community, he has not spent his life time keeping up our homes and paying our mortgages. He real goal, no matter what he espouses, is to make a profit. He has more than exhibited this with his unwillingness to reduce the size of this development. Why is his ownership of a property more important than our property rights?

During one of the many meetings that I have attended on this matter, the Planning Commission spent a considerable amount of time questioning a gentleman about the height of his roofline on a new construction home he wanted to build and about how his neighbors felt about it. At the time, I was relieved because I thought, if the Commission was that concerned about a few inches of his roofline, they will never let a development of this size be built in this residential neighborhood. Yet, when Mr. Tutera came back with a paltry reduction in his plan, I was shocked at how overjoyed the Commission appeared and how there was not one difficult question asked of him. What about those of us who live in this area and have spent our lives keeping up our homes and taking care of our neighbors and neighborhood? When I heard the Commission grilling the gentleman about his roofline on a private home, I thought, well the Commission really cares about us and our community. But at every meeting I've attended that concerns this Tutera development, I feel an unspecified impatience with our position. I hope I'm

		<p>wrong. Prairie Village's strength has always been it's lovely neighborhoods. Filling this beautiful village with commercial retirement developments seems to be a very wrong direction to take. Please don't let this massive development destroy our neighborhood. Note: My address is 3601 West 85th, Leawood. I am directly across the street from this development. Even though I am one street outside of Prairie Village, my street will be hugely impacted by this. We have a lot of young children on our street and we are very concerned about the increase in traffic and well as the size. Sincerely, Donna Fischgrund</p>
Terri	Helm	<p>Sent: Monday, August 05, 2013 2:08 PM To: Joyce Hagen Mundy; Mayor; Ashley Weaver; Dale Warman; Steve Noll; Ruth Hopkins; Michael Kelly; Andrew Wang; Laura Wassmer; Brooke Morehead; David Morrison; Charles Clark; David Belz; Ted Odell; JCT@tutera.com Subject: Mission Chateau Senior Living</p> <p>To Whom it May Concern;</p> <p>I am proud to say I am a Prairie Village native. I have seen the neighborhood change beautifully through the years. In fact, my once Elementary school, Marsha Bagby, is now the Forum, senior center. My former junior high, Indian Creek, is now a technical center.</p> <p>To keep up with our changing population, I am highly in favor of the Mission Chateau and feel it will only better our community. While I am only 54 now, I can't think of a better place to hang my hat in my senior years.</p> <p>If my children are anything like me, (mixed blessing indeed) they will visit me and boost revenue in the neighboring shops and restaurants. Help me think of some disadvantages!</p> <p>We are not talking about building a correctional institute here and I am strongly in favor of moving forward.</p> <p>Thank you.</p> <p>-- Terri Helm</p> <p>Terra Management Leasing Manager www.terramgmt.com</p>
Andrea	Hickerson	<p>Date: August 2, 2013, 15:33:54 CDT To: "cityclerk@pvkansas.com" <cityclerk@pvkansas.com> Subject: Mission Chateau Project</p>

		<p>I want to cast my support for this project as: it is excellent use of the land, provides many options for baby boomers living in the Prairie Village area (which I do), provides fabulous architecture and landscaping to the area, provides many job opportunities for area residents (my mother is at the Forum and the residents love the waiters and staff as many waiters are local young people who have gone to Shawnee Mission East and South), provides much needed revenue to the city and county!</p> <p>Andrea Hickerson</p> <p>Sent from my iPad</p>
Bethany	Klug	<p>Date: 08/02/2013 2:42 PM (GMT-06:00) To: Joyce Hagen Mundy <jhmundy@pvkansas.com> Subject: FW: Mission Chateau Update #14, August 2, 2013</p> <p>I support this! Thank you.</p>  <p>Bethany Klug, DO 1900 W 75th ST, STE 250 Prairie Village, KS 66208</p>
Donald and Mary	Krohn	<p>Sent: Friday, August 02, 2013 10:47 PM To: Joyce Hagen Mundy Subject: Mission Chateau Project</p> <p>August 2, 2013</p> <p>Attention: Prairie Village City and Zoning Commission</p> <p>We attended your meeting on July 2, 2013 when Mr. Tutera presented his 9% reduction plan for the Mission Chateau project. He seems oblivious to the concerns of the neighbors surrounding this project. We believe, his cosmetic change to the architectural features of the project does not address the problems with proposing an enormous project of this size on a mere 18 acres of land in the middle of a residential area.</p> <p>We also attended the July 11 meeting Mr. Tutera had with the neighbors. It became even more apparent at that meeting that he is not willing to work with anyone to reduce the size of this project. When challenging Mr. Tutera on the massive size of the project, his pat response was, "The project needs to be this size to provide the lifestyle that the residents will expect". We do not know what the content of that statement really means, but many other nursing home complexes provide a "quality life style" for far fewer than 400 residents.</p>

		<p>We could go on in detail with the deficiencies of this project but they have been presented previously by residents opposing this project. This project does not meet the Village Vision goals adopted in 2007, or the Golden Factors. This project is not good for Prairie Village. This is one of the last sizable open green spaces available in Prairie Village and decisions regarding the utilization of this space are of utmost importance and value to the future of our city.</p> <p>We would like to go on record in strong opposition to this project.</p> <p>Respectfully,</p> <p>Donald and Mary Krohn 8361 Reinhardt St. Prairie Village, KS 66206</p>
Susan	Moehl	<p>Sent: Tuesday, August 06, 2013 7:45 AM To: Joyce Hagen Mundy Cc: athensh@aol.com; mail2pj@kc.rr.com; bob@reschubert.com; margyronning@kansascityhomes.com Subject: Opinion re: proposed Tutera Project...Attention Planning Commission and City Council</p> <p>Hello:</p> <p>My name is Susan Moehl and I live at 4401 Somerset Drive.</p> <p>I happened to watch a program on KCPT (7/30/13, 9 p.m.) that I think the City Council and Planning Commission members should be made immediately aware of. It was called "Life and Death in Assisted Living" - an episode of FRONTLINE. Here's why I think any official involved in the decision-making surrounding the proposed Mission Chateau project should watch this program (see pbs.org/frontline for more information). Emeritus, a company headquartered in Seattle, Washington...is a giant in the Assisted Living industry which blossomed during the 1980's. Bottom-line, companies such as Emeritus (and, possibly, Tutera) target individuals who more appropriately belong in skilled nursing facilities -- in order to maintain their residency quotas and feed their cashflow. Administrators in these facilities are encouraged to cut labor costs and, as a result, there is case after case of preventable harm caused to residents with complex illnesses (such as Alzheimer's and dementia) and frequently death. This program focused upon a \$22 million cash award to the Boice family for premeditated negligence in the death of their mother. Several other high profile and tragic stories are shared in this program.</p> <p>Services provided to residents at skilled nursing facilities and nursing homes is supported by a vast web of municipal, state and, importantly, federal monitoring and regulation. Not so with this relatively new concept of Assisted Living. And it is exactly this lack of government supervision/oversight which attracts the large for-profit organizations such as Tutera. Several comments from this program: "The individuals who are in Assisted Living today are the same individuals that 10 years ago would have been at nursing homes."</p>

		<p>And..."Assisted Living is the 'rock that no one wants to look under."</p> <p>Those individuals now involved in the effort to stop the Tutera project (not to minimize it in scope, <u>but to stop it completely which is the goal of virtually every neighbor I have spoken with privately and at town hall meetings</u>) should be aware of the dangerous dynamics which undergird this industry. This is NOT a dynamic we wish to "invite" into our beloved neighborhood home.</p> <p>Please share this email with all that you think might benefit from it.</p> <p>I am personally confident that the officials will weigh the preponderance of irrefutable evidence speaking against this project and put a FINAL end to it this very evening.</p> <p>Thank you.</p> <p>Susan Moehl</p>
Jo Lynne	Moore	<p>Sent: Tuesday, August 06, 2013 9:44 AM To: Joyce Hagen Mundy Subject: Suggestion tor consider for the MVMS site</p> <p>To: the City Clerk, Planning Commission Member and my Ward 5 representatives; David Morrison & Charles Clark</p> <p>I respectfully request that the Planning Commission deny the special use permit requested for construction of a Skilled Nursing Facility on the property formally used by Mission Valley Middle School.</p> <p>I realize that the the current plans for Mission Chateau conform with existing zoning ordinances and building codes, yet the project remains too large and is not a good fit for area residents or the City of Prairie Village. Property values and the residential character of the area are at stake. This is a major issue with my neighborhood, Corinth Meadows, as our neighborhood is turning over. And no, those residents are not moving to skilled nursing facilities or assisted living, they have remained in their homes until their passing.</p> <p>Concerns still first and foremost besides the size, include the additional traffic congestion, and dangers to children and all pedestrians. Secondary concerns affecting my neighborhood include increased surface water runoff and the flooding issues we experience with the inadequate storm water drainage system and Water One's aging sewer system. Currently neither system functions as it should during a rain event greater than average.</p> <p>Although changes have been made by Tutera, the current plan remains to dense and large for the site. It does not fit in with the neighborhood. An appropriate sized building would not have to be hidden or softened with berms and landscaping. I urge the Planning Commission to seriously consider the short & long term consequences of such a facility in Prairie Village. Health care reimbursement will change again with the next political administration and most likely will not be a lucrative.</p> <p>For now, your residents are here to stay and their welfare, including their property values, should take priority.</p>

		<p>My neighbors and potential new residents desire to live in Prairie Village NOT Senior Village.</p> <p>When plans for the Mission Chateau are rescaled to a more appropriate neighborhood facility, I ask that the Planning Commission and City Council require two provisions with the permit. First - All construction related vehicles must remain onsite at all times as not to impede traffic on Mission Road.</p> <p>Second - As a condition of employment, all vehicles used for employee transport must remain onsite during drop-off/pick up or remain parked onsite during said shift.</p> <p>Thank you for your time and service. This issue, your recommendations, and the City's final determination will impact us all for years to come. Remember the Golden Rule.</p> <p>Please note that this is a prime vacation week for families before school starts, attendance at tonight's meeting will be less than usual.</p> <p>Jo Lynne Moore 3601 W 84th Ter, PV, KS</p>
Mary Jo	O'Byrne	<p>Sent: Saturday, August 03, 2013 12:48 PM To: Joyce Hagen Mundy Subject: Mission Chateau</p> <p>I have lived in Prairie Village for the last 15 years and I want to continue to spend the last years of my life here. I have 4 children and 11 grandchildren who live within walking distance of my home, and this is very important to me. Prairie Village also offers lots of lovely shops, wonderful parks, things of many interest, and my church, St. Ann.</p> <p>I am very supportive of the beautiful Mission Chateau and of the Tutera Group, and look forward to living in this outstanding complex. This developement would be such a great addition to our community.</p> <p>Mary Jo O'Byrne 3312 West 71st Street Prairie Viullage, Ks. 66208</p>
Ned	OConnor	<p>Sent: Friday, August 02, 2013 4:54 PM To: Joyce Hagen Mundy Subject: Mission Chateau</p> <p>To the Prairie Village City Clerk,</p> <p>Please accept this note as an indication of my enthusiastic support for passage of the Mission Chateau project in Prairie Village. As a former 30 year</p>

		<p>property owner in Prairie Village, I have attended several of the public forums at which Mr. Tutera and his team have apparently listened to the concerns of those in attendance and made modifications to what I believe to be a responsible, beautiful and appropriate project at this location.</p> <p>I must also say that a very close personal family friend has been a resident in a Tutera property for many years. I can honestly say that the quality of our friend's life would not be what it is without the commitment to excellence in the operation of the facility.</p> <p>If you have any questions, certainly feel free to contact me.</p> <p>Best Regards,</p> <p>Ned OConnor</p> <p>Ned OConnor, SIOR Waterford Property Company, LLC 6811 Shawnee Mission Parkway, Suite 210 Overland Park, Ks. 66210 Email: ned.oconnor@waterfordproperty.net</p>
Chris	Price	<p>Date: 07/31/2013 2:37 PM To: Joyce Hagen Mundy <jhmundy@pvkansas.com> Subject:</p> <p>To the Prairie Village Planning Commission and City Council of Prairie Village,</p> <p>I will be unable to attend the August 6th Planning & Commission meeting and I would like to request that my opinion below be ON RECORD regarding the proposed Mission Chateau development at the former site of Mission Valley Middle School. <i>I am firmly against the proposed Mission Chateau development and any other development similar in scope and size. I am requesting that the Planning Commission reject the application for a special-use permit by the Tutera Group.</i></p> <p>Firstly, I am all for the <i>proper</i> redevelopment of this property. However I am completely against the proposed and redesigned Mission Chateau development on that property, and any other type of apartment or condominium development there. I believe that this type of big development is completely out of character for this particular neighborhood. The Mission Valley property is surrounded by several of Prairie Village's and Leawood's finest single-family home neighborhoods. I truly cannot comprehend why a proposal of this magnitude would ever be considered for that property.</p> <p>Furthermore, I feel that the only type of re-development that should be considered for this property is a high-end single-family home neighborhood. High-end single-family dwellings will not only add value to the city's tax base, but also wouldn't decrease the value of the surrounding neighborhoods, which will have a net positive on the city's tax base. This particular piece of property and its surrounding residents deserve better and Prairie Village can certainly do better. We do not need to "sell-out" for a project that hurts the local residents and only creates marginal tax revenue.</p>

		<p>The Tutera Group's proposal will essentially turn the large majority of that property into concrete and apartments. The city will never recover what could be a beautiful neighborhood with plentiful green space. This property is constantly being referred to as a "transition" zone. In my opinion that term completely fails and undervalues what this property could be. How many senior living centers do we need? Is it within the Village Vision plan to line Mission Road with apartments for senior living? Is Prairie Village going to turn its back on its residents and "sell-out" for this unnecessary type of development that is adjacent to some of our highest tax revenue producing neighborhoods? I really hope we are smarter than this.</p> <p>I have heard many parties' opinions and I have seen every architectural drawing for Mission Chateau (which I believe they look very nice). But no matter what, this type of development, and anything similar in scope and size, is much better suited for somewhere else (maybe another site in PV). This type of development (condominiums, apartments, medical centers, duplexes, retail, etc.) simply does NOT fit the character of the surrounding neighborhood and I personally don't want to see one of Prairie Village's finest areas ruined. Quite simply, The Tutera Group made a BIG mistake by purchasing this property. We don't need this. We want something better... and I know we can do better.</p> <p>Best regards,</p> <p>Chris Price 5506 W 82nd PI Prairie Village, KS 66208 chrisprice@colonialpatterns.com (e-mail)</p>
Jose	Ramirez	<p>Sent: Saturday, August 03, 2013 5:08 AM To: Joyce Hagen Mundy; Jamie Davidson Subject: I think this is good</p> <p>We in our local area a place our seniors can continue to stay in our city and add to our community events, invest, and pay taxes. I'm all for this, I am a small business working hard for 3 other family's to have a livelihood on the northeast johnson county area.</p> <p>Thank You! Jose Ramirez Moss Printing</p>
Shelley	Runion	<p>Sent: Monday, August 05, 2013 1:20 PM To: Joyce Hagen Mundy Subject: Proposed development at Mission Valley Middle School and water management issues in southeast Corinth Meadows</p> <p>Dear Members of the Planning Commission:</p> <p>Our family lives at 8417 Reinhardt Street in Prairie Village. We have grave concerns about the proposed Mission Chateau plan. We moved into our</p>

	<p>home in 1993. That summer, the Kansas City area experienced record level flooding. We did not have any water issues at that time.</p> <p>In the last ten (10) years, however, that situation has changed. Please see the attached photos of our flooded basement.</p> <p>In addition to basement flooding, the surface water is uncontrolled. Our house is on a hill. We have had water come up our driveway at least one and one-half vertical feet from the street surface; a goodly portion of the island in front our house has been underwater. During a recent rain, the surface water flowed so strongly against a neighbor's basement window that the window broke and the water flowed directly into the basement. There are at least eight (8) homes in the southeast corner of Corinth Meadows that experience various water related issues when it rains. The situation has continued to worsen such that relatively small amounts of rain now cause problems. We have spent thousands of dollars to clean up and repair damages caused by water as well as to replace furniture and appliances.</p> <p>Since that time, I have contacted the PV Public Works Department and multiple Prairie Village councilpersons. The responses have been extremely disappointing. The PV Public Works Department blames Johnson County Wastewater and Johnson County Wastewater blames the City of Prairie Village. Once councilperson advised me that the City of PV is aware of the problem, but doesn't have the money to remedy it.</p> <p>In regard to the Mission Chateau project, we've been told that the City of PV doesn't have any responsibility as long as the proposed project doesn't make the situation worse. It is extremely hurtful to be told that our city leaders are aware of a problem and has no interest in fixing it.</p> <p>I am not a water engineer, but believe common sense dictates that paving and roofing at least twelve (12) acres will increase the amount of water that runs off the Mission Valley property. Has anyone studied the issue besides the party in interest? One inch of rain on the 17+ acre site equates to nearly one-half million (500,000) gallons of water - the equivalent of one olympic size swimming pool. It is not difficult to see that a retention/detention facility is unlikely to be sufficient to handle normal, let alone excessive, precipitation for this area. Contrary to the applicant's unfounded beliefs he will not be able to direct the flow of water in contravention of generally applicable simple laws of physics.</p> <p>Due to the above, I do not find Mr. Tutera's statements (or those of his representative) regarding water runoff credible. Furthermore, I have personally heard him make other untrue statements and generalizations about our neighborhood. For example, he has stated that we have a traffic problem and parents 'circle' our neighborhood to drop off and pick up their students at Corinth Elementary. He also said that parents park on streets in our neighborhood two to three nights a week for activities at Corinth Elementary and Mission Valley. As someone who has lived in Corinth Meadows for 20 years and who has two children who attended Corinth Elementary, Mission Valley and Shawnee Mission East, I can tell you both of Mr. Tutera's statements are false.</p>
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City employees and officials are aware of the water management problem. The existing problem should be remedied before increasing the amount of water that the same systems will be expected to handle. Failure to definitively address and resolve those existing problems would be irresponsible compelling us to consider and exhaust our civil remedies.





Craig	Satterlee	<p>Date: 08/01/2013 9:59 PM (GMT-06:00) To: Joyce Hagen Mundy <jhmundy@pvkansas.com> Subject: Planning Commission Meeting for August 6th and Subsequent City Council Meeting Regarding Mission Valley Development</p> <p>Dear Members of the Planning Commission and City Council Members,</p> <p>Tonight, I had the opportunity to watch the PBS Frontline program regarding assisted care facilities. It is powerful. As a physician I have always been aware of Skilled Nursing Facility abuse and nursing home abuse in general. We are trained to look for it and respond. However this was eye-opening as to the potential problems with assisted living and memory care. At one point in time my mother was in low-density assisted care and then memory care units here in town. My experiences with her were very positive. But I see after reviewing this program that greed can change all of that-for the worse. <u>Density reflects greed.....plain and simple.</u> The proposed Mission Valley Development is too dense in population and square footage. The SNF is obviously too large to be subordinate to the assisted and independent living. But my eyes were opened as to unregulated assisted care and memory care possibilities. I encourage you all to watch the program. Please go to pbs.org/frontline. The program is called " Life and Death in Assisted Living". It is good food for thought.</p> <p>Best Regards, Craig Satterlee</p> <p>Sent from my iPad</p>
Bob	Schubert	<p>Sent: Friday, August 02, 2013 2:59 PM To: Joyce Hagen Mundy Subject: Fwd: MVNA-MOST IMPORTANT meeting to date: this Tuesday, August 6th, 7pm!</p>

		<p>The MOST IMPORTANT meeting to date!</p> <p>PV PLANNING COMMISSION MEETING</p> <p>Planning Commission is voting on the proposed Mission Chateau Project and your attendance is IMPORTANT! Please share this with your neighbors and friends.</p> <p>Mark your calendar for next Tuesday, August 6th at 7:00 p.m. Village Presbyterian Church, 6641 Mission Road, PV, KS</p> <p>WHY SO BIG?</p> <p>Proposed Mission Chateau is:</p> <ul style="list-style-type: none"> *Largest R1a (single family residential) senior living facility in Johnson County. *Second largest senior living facility behind Lakeview that is on 100 acres. *Increased in size to 358, 040 square feet from 351,240 square feet since the July "work session" and the SME neighborhood meeting. *Not filling a need for PV residents. The five mile radius is saturated with senior living facilities with thousands of beds in independent living, assisted living, memory care and skilled nursing. *All rental units with no restrictions as to age or income. *The proposed massive development continues to effect: density, traffic, public safety, parking, and usable green space. <p style="text-align: center;">Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Bob	Schubert	<p>Sent: Saturday, August 03, 2013 7:50 PM To: Joyce Hagen Mundy Subject: Informational PBS program on the Dangers of Assisted Living</p> <p>Attention: PV City Planning Commission And PV City Council</p> <p>I have just watched the PBS FrontLine program on the "Dangers of Assisted Living". This is, quite probably, what you will bring into Prairie Village if you approve the Mission Chateau proposal. I urge you to think carefully about the ramifications of such a move, not only because it is obscenely dense, by any standard, but also because of the danger of unregulated assisted living issues which this program so carefully documents. It is not about Tutera's company, but about a similar company. Is Tutera's company any better? Have you read the May 9th issue of Pitch Magazine which points out some of the care problems discovered regarding the Tutera Company??</p>

		<p>Below is a link to the PBS show. If you have not seen it, I would urge each of you to watch.</p> <p>http://video.pbs.org/video/2365054620/?utm_source=youtube&utm_medium=pbsofficial&utm_campaign=froncovfullprogram</p>
Jim	Starcev	<p>Sent: Tuesday, August 06, 2013 12:20 AM To: Joyce Hagen Mundy Subject: ATTENTION TO: THE CITY PLANNING AND ZONING COMMISSION Re: Mission Chateau Proposal</p> <p>Date: August 6th, 2013</p> <p>To: Prairie Village Planning Commission Members Mayor Ron Schaffer Prairie Village City Council Members Prairie Village City Staff</p> <p>From: Jim Starcev Resident at 3507 West 87th Street</p> <p>Re: Mission Chateau Proposal</p> <p>My name is Jim Starcev. I am a resident at 3507 W 87th Street, Leawood, KS. I live a couple of blocks from the proposed development. I also own a property in Prairie Village that is also near the site. I have attended virtually every meeting that the city council and the planning commission have held on this proposal as well as the neighborhood meetings that the Tutera Group has hosted. <i>I am opposed to this plan as it is currently proposed.</i></p> <p>Unfortunately, I will be out of town for the August 6th planning commission meeting, but I have a few issues I would like addressed that I have not heard brought up yet.</p> <p>First, I know the overall size of the project has been thoroughly discussed, but I specifically would like to address a comment made by the Tutera Group. Mr. Tutera has said multiple times that a Continuing Care Retirement Communities (CCRC) has to have 330-350 units to support the lifestyle of the residents. He has said this is why it has to be the size that he has proposed, that it is not a business or financial decision. I did some research on this and found some that seemingly supports this, I am assuming it is data that the Tutera Group is using. According to AAHSA¹, in 1998 the average total number of units/beds in a CCRC was 354. In 2004, the average had fallen to 337. However, this looks at average size, not median size. I found a more recent report from the Zeigler² group that states the following: "A typical CCRC has fewer than 300 total units; about one-third have more than 300 units; only 8% have more than 500 units." While a small percentage of communities are very large, therefore bringing up the average, the typical community is less than 300 units and the median community is approximately 250 units. The current proposal is approximately 50 to 100 units larger than this. Clearly there are many successful CCRC's that have created a viable community with far less units than what is currently being proposed. Unless the Tutera Group can provide a better explanation, I</p>

strongly feel that the planning commission should **reject the current proposal** because it is still way too large for a R-1 area.

Second, I would like a better explanation of why there are so many skilled nursing facility (SNF) units. As a point of clarification, every study I saw listed SNF units as total number of beds. Per the drawings that the Tutera Group submitted, it appears that the two bedroom units could be used as separate beds simply by closing the privacy curtains. For this reason I am counting units as total beds. Based on the last drawings I saw, there would be 136 units in the SNF and a total of 343 units in the entire CCRC. 136 units would be 40% of the total units. Referring back to the AAHSA study¹, in 2004 the average CCRC had 23% skilled nursing units. **The current proposal would have almost double, approximately 60 units, more SNFs than the average CCRC.** This seems excessive. ***Has the planning commission questioned the size of the SNF? Has the planning commission asked the Tutera Group for a projection of how many of the units would be utilized by residents and how many would be transfers?*** At 40% of total units, I would assume that well over half would be transfers. SNF units also generate higher revenue than assisted living or independent living units. ***Has the planning commission asked for revenue projections for the project from the Tutera Group?*** I ask this because at 40% of total units and a higher rate, it is possible that at full capacity the SNF may generate more than 50% of the revenue of all units. There has been a lot of discussion if the SNF could be built first, because it can only be built as a subordinate accessory use on a R-1 site. My question is that if the revenue projections are for the SNF to generate more than half of the total revenue, could it really be considered a subordinate accessory use period.

Third, have there been any studies or inquiries to the environmental impact on the waste water for a project of this density in this area? I know there have been a lot of discussion on the water run off, but I have heard no discussion of the water use on the property and the waste water run off it would generate as well as the amount of chemicals that would be in that run off. At full capacity, I would assume this site would prepare over a 1000 meals a day resulting in thousands of dishes being washed, hundreds of showers per day, hundreds if not thousands of uses of toilets, etc. ***Would this put a strain on the current system?***

Thank you for all of the work you have put in to evaluating all of the proposals that have been submitted and all of the comments you have received. I appreciate that you are in a predominantly thankless position and no matter what you decide, someone will be unhappy. I fully believe that you are working and will continue to work for what is best for Prairie Village and the surrounding community.

Thank you,

Jim Starcev

¹ "From Start-Up to Success: A Statistical Approach of Emerging Continuing Care Retirement Communities", 3rd Edition. Brecht Associates Inc®

		² Ziegler National CCRC Listing & Profile, 2009
Dan	Sterbenz	<p>Sent: Monday, August 05, 2013 7:11 PM To: Joyce Hagen Mundy; David Morrison Cc: jct@tutera.com Subject: In favor of Mission Chateau</p> <p>To Council Members/City Clerk:</p> <p>I wanted to convey my support for the Mission Chateau project, as outlined by Joe Tutera, and the Tutera Group. As a lifelong Shawnee Mission resident, and 15 year resident of Prairie Village, I see tremendous value in supporting a worthwhile project such as the one the Tutera Group has outlined for Mission Chateau. Local residents will soon be in great need of additional specialized care, as our loved ones transition to long-term care. A recent event in my family has highlighted the need for this service near my home. I can only see more need in the future.</p> <p>Having personally known the Tutuera family for over 20 years, I have full confidence the Tutera Group will be able to fulfill their promises to bring exceptional care to Prairie Village at a time when we need both the personal and financial benefits of such plan. I know there are many who oppose the plan, but feel there is much potential for Prairie Village to realize both financial and community benefits if the plan passes.</p> <p>Should you have any questions, please feel free to contact me.</p> <p>Thank you,</p> <p>Dan Sterbenz</p> <p>9108 Delmar</p>
Tipton	Wiscombe	<p>Date: August 2, 2013, 15:51:39 CDT To: "cityclerk@pvkansas.com" <cityclerk@pvkansas.com> Subject: In Favor of Mission Chateau</p> <p>Dear Council Member:</p> <p>I am writing to you to express my support for the proposed Mission Chateau senior living residences being considered for the former Mission Valley Middle School site.</p> <p>The Tutera Group has listened to the needs of our community and has modified its plans in response to those concerns. For this reason, and many others, I see a number of positive benefits to our community, should this development be allowed to move forward. One of those benefits is that aging Prairie Village residents won't have to leave our city when it is time to transition to a senior living community. Another benefit that I see would be the</p>

sales tax generated from the construction and the ongoing real estate taxes that will assist in the revitalization of the city now and for years to come. The development will provide parks, walking paths, and beautiful improvements to the neighborhood, particularly the improvements along Mission Road. A few other things to consider, in making your decision:

- Mission Chateau has been designed to meet the community's growing need for the highest quality lifestyle and services today's seniors deserve.
- Mission Chateau will offer senior residents who currently live in Prairie Village additional options for staying in the community they love, with the security of a continuum of care setting.
- The City's existing senior living properties and those adjacent to the City were built many years ago to accommodate the existing needs at that time. These mature facilities range in age from 15 to 24 years and operate at approximately 95-98% occupancy. The newest property specializing in memory care and assisted living is already 50% occupied, having only recently opened a few months ago.
- Existing retail, restaurants and shops in the area will benefit from the patronage by our residents, their visitors and families. Not only will the development itself generate tax income for Prairie Village, but the increase of employees, residents and their families dining and shopping locally will bring additional sales tax revenue to the city as well.
- Mission Chateau will enhance the area's appeal by leading a major revitalization effort in the community.
- The uncertainty of the repurposing of the property and the potential impact on property values will be stabilized through the completion of Mission Chateau.
- Tutera is locally-owned and operated with a reputation for dedicated, personalized care and expertise in senior living and skilled nursing communities. Tutera owns and manages 40 senior living and healthcare communities in 12 states, including independent living, assisted living and skilled nursing facilities, with specialized programs in memory care, rehabilitation and home health and hospice.
- The project will feature over five acres of park-like grounds, with 1.2 miles of walking path, available for community use.

I believe a vocal minority has been doing most of the talking up to this point. I just wanted to be sure to register my strong vote of support for the project and its mission.

Thank you for your time and consideration!

Tipton Wiscombe
4027 W 72nd Terrace
Prairie Village, KS 66208

Theodore E. LoScalzo

8305 Howe Dr.
Prairie Village KS 66206

Dear Prairie Village Planning Commission

This communication is in regards to the planned development of Mission Chateau on the Mission Valley land. As the Planning Commission for Prairie Village I believe that it is incumbent upon you to address and ask the pertinent questions prior to authorizing the special use permit for this development.

Based upon the Village Vision that was put together with the input of many stakeholders there were stated goals, priorities, and development principals defined that directly address the direction of Prairie Village's future that are contradictory to the current plan.

I would like to know how the planning commission sees the development in adherence to the following principal statements in the Village Vision:

Village Vision Priorities:

Update the zoning ordinance to reflect contemporary land use issues while preserving the identity and character of Prairie Village.

Currently as it stands the density of the development and the size and structure of the development would radically change the character of Prairie Village and forever alter the character from a upper end residential community to something else. This future path needs to be investigated and evaluated so that prior to approval we know where we will end up 5, 10, and 20 years out. What projections have been done for property value changes, increased infrastructure needs, and overall city budget impacts?

Development should help "repair" or enhance existing neighborhoods or create new ones and should not take the form of an isolated project.

Currently as planned this would be an "isolated project" and would impact the city in a negative manner which is in direct contradiction to the defined development principals.. Property values of the surrounding houses would be impacted negatively immediately! Traffic would increase substantially in very close proximity to Corinth Elementary School creating a danger zone for our children.

Theodore E. LoScalzo

8305 Howe Dr.
Prairie Village KS 66206

Village Vision Development Principals Continued:

Development should incorporate open space in the form of plazas, squares and parks that may include civic uses. They should also be interconnected with the public realm as defined by the street network.

As it stands the proposed development does not meet any of the above principals. There is very little open spaces and not as a plaza or square nor is there any civic use land apportionment. There is no interconnection to the public realm as demanded by the enunciated principals.

Areas within existing neighborhoods or along corridors should be reclaimed by using redevelopment strategically to leverage current investment and strengthen social fabric.

The development is bordered on two sides by residential neighborhoods and a residential area directly across Mission Road placing it directly within existing residential neighborhoods. This development as proposed does not strategically leverage current investment, but will negatively impact the investments by the homeowners. Due to the predominantly low wage employment positions created and the non-mobile residents will do nothing to strengthen the social fabric but in fact will stress the social fabric of Prairie Village.

Village Vision Key Findings:

Maintaining a high quality of life for Prairie Village residents is a priority

Based upon the whole of the development plan proposed I see no way that this will maintain the high quality of life for Prairie Village residents.

I respectfully ask that as the Planning Commission to only approve a special use permits if the strict adherence to the overall improvement to the high quality of life be maintained and guaranteed by the developer!!

At this point in time I can not and will not support this development and respectfully ask that you reject this plan in whole!

Sincerely
Theodore Loscalzo

I am Steve Price; I live at 4403 west 97th Place in PV and have lived in PV for 50 plus years.. Prairie Village was and is still known to be a great place to raise a family but the world has changed, demographics have changed. My needs as well as everyone else have evolved. Myself as well as all my neighbors that have supported Prairie Village for all these years still want to call it home and not be pushed out of the city. My wife and I and many of our friends and neighbors have been monitoring the Mission Chateau project for quite some time. We along with many of our Prairie Village friends believe that providing quality senior living residences to Prairie Village as proposed by Tutera Group would be a great asset to the city. We strongly encourage the planning commission and the City Council to approve the project. We have seen many seniors who have had to move from city as a result of the lack of these services. Having such in community in Prairie Village will not only allow the resident to stay in the community they love but will provide the perfect repurposing of this former school site. The development will provide much needed infrastructure improvements to the site, as well as provide substantial short and long-term financial benefits to the city in terms of sales taxes from the construction and ongoing real estate taxes and fees. The project exceeds all the design requirements and will greatly enhance the neighborhood.



Steve Price

July 16, 2013

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

To the Planning Commission:

We would like to indicate our support for the proposed Senior Continuing Care Community to be built by the Tutera Group on the Mission Valley site at 85th & Mission Road.

We are seniors and have been residents of Prairie Village for decades. We have chosen to stay here because of our community ties--to our churches, friends, neighborhoods, and local merchants. To do this, we must face the day-to-day difficulties of maintaining our homes and properties.

This new facility would offer a wonderful alternative for many residents. In addition, we believe it would bring additional revenue and clients to Prairie Village businesses, new employment opportunities, and additional tax revenue.

Please approve this project for our city.

Name: William R Dooley

Signature: William R Dooley

Address: 5300 W 69th St

Name: Nancy Silverforb

Signature: Nancy Silverforb

Address: 5219 W. 69th St.

Name: Dave Silverforb

Signature: Dave Silverforb

Address: 5219 W 69th St.

Name: Phyllis Henderson

Signature: Phyllis Henderson

Address: 7417 Ash

July 16, 2013

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

To the Planning Commission:

We would like to indicate our support for the proposed Senior Continuing Care Community to be built by the Tutera Group on the Mission Valley site at 85th & Mission Road.

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This new facility would offer a wonderful alternative for many residents. In addition, we believe it would bring additional revenue and clients to Prairie Village businesses, new employment opportunities, and additional tax revenue.

Please approve this project for our city.

Name: PATRICIA M. KOLARIK

Signature: Patricia M. Kolarik

Address: 7041 Granada Ln

Name: Catherine A. Abram

Signature: Catherine A. Abram

Address: 7142 Buena Vista

Name: Esther Buzal

Signature: 4008 W. 94 St

Address: _____

Name: Rita Dooley

Signature: Rita Dooley

Address: 5301 W 69th St

DILLON & WITT, INC.

Real Estate Appraisal and Consulting Services

6925 West 151st Terrace
Overland Park, Kansas 66223

Phone: 913-385-9600

Fax: 913-385-9696

August 6, 2013

Steve Carman
8521 Delmar Lane
Prairie Village, KS 66202

**RE: Potential Impact
MISSION CHATEAU SENIOR LIVING COMMUNITY
Prairie Village, Kansas
Our File No. 1302141**

Dear Mr. Carman:

Pursuant to your request, I have researched and reviewed the revised proposal for the Mission Chateau Senior Living Community, which is proposed for the west side of the 8400 block of Mission Road, placing it directly northeast of your residence. In the performance of this analysis, I have personally inspected the exterior of your home, as well as neighboring properties on Delmar, Somerset and 86th Street, as well as the proposed site for the Mission Chateau Senior Living Community complex.

For reference purposes, the legal description of your property is:

Lot 100, TOWN & COUNTRY ESTATES, a subdivision of Prairie Village, Johnson County, Kansas.

The intended use of this letter is to provide my updated opinion as to the potential for impact to the market value of your home caused by the proposed development referenced as Mission Chateau Senior Living Community. The report is intended for use by you as the client and the function of this appraisal is for analysis in determination as to potential impact to the market value of your home as caused by an external influence. The report is intended for use in providing information as to the potential for impact to you as a property owner and it is not intended for any other use. This letter updates a prior letter and analysis completed on this matter and delivered to you via letter dated April 23, 2013. The discussion, definitions and analyzes included in that letter are incorporated by specific reference herein.

Steve Carmen
August 6, 2013
Page 2

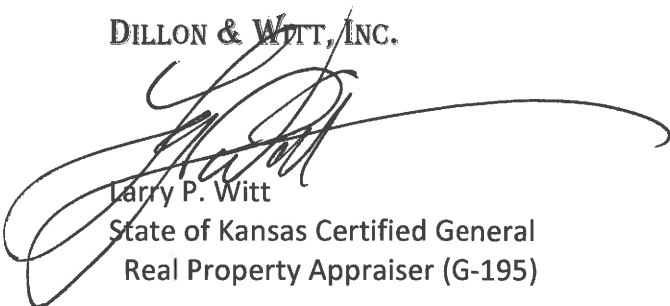
The most recent revised proposal submitted by the developer included a reduction in the overall size, more villa units and a phased-height transition in the two to three story section of the assisted living/independent living building, which has also been positioned further from your property. While I am of the opinion that these changes to the proposed plan are helpful, however, they do not change the fact that the development remains as a high density, multi-story facility with proximity to single family residences such as your property and others on your block. This proposed development, even as currently revised, continues to represent an external obsolescence as defined and analyzed in my previous letter report.

Again as stated in my original report, although the amount or percentage decrease in market value caused by Mission Chateau, if constructed per the revised plan, is open to some speculation, it is my opinion that the potential for a negative impact on your market value remains. Again, a more time consuming study would be required to expand upon this opinion in support of a specific diminution in value to your property; however, market evidence gathered on other projects supports my conclusion as to the potential for impact caused by this proposal. Even if the damage to market value is reduced below 10% (my previous "baseline"), a "nominal" impact of, say, just 3% to 5% would correspond to tens of thousands of dollars when considering the value of your home and others in your immediate neighborhood.

As indicated, this letter is to be considered an update and revision to the prior report, which is incorporated by specific reference herein, including the Certification, Assumptions and Limiting Conditions included therein.

Respectfully submitted,

DILLON & WITT, INC.



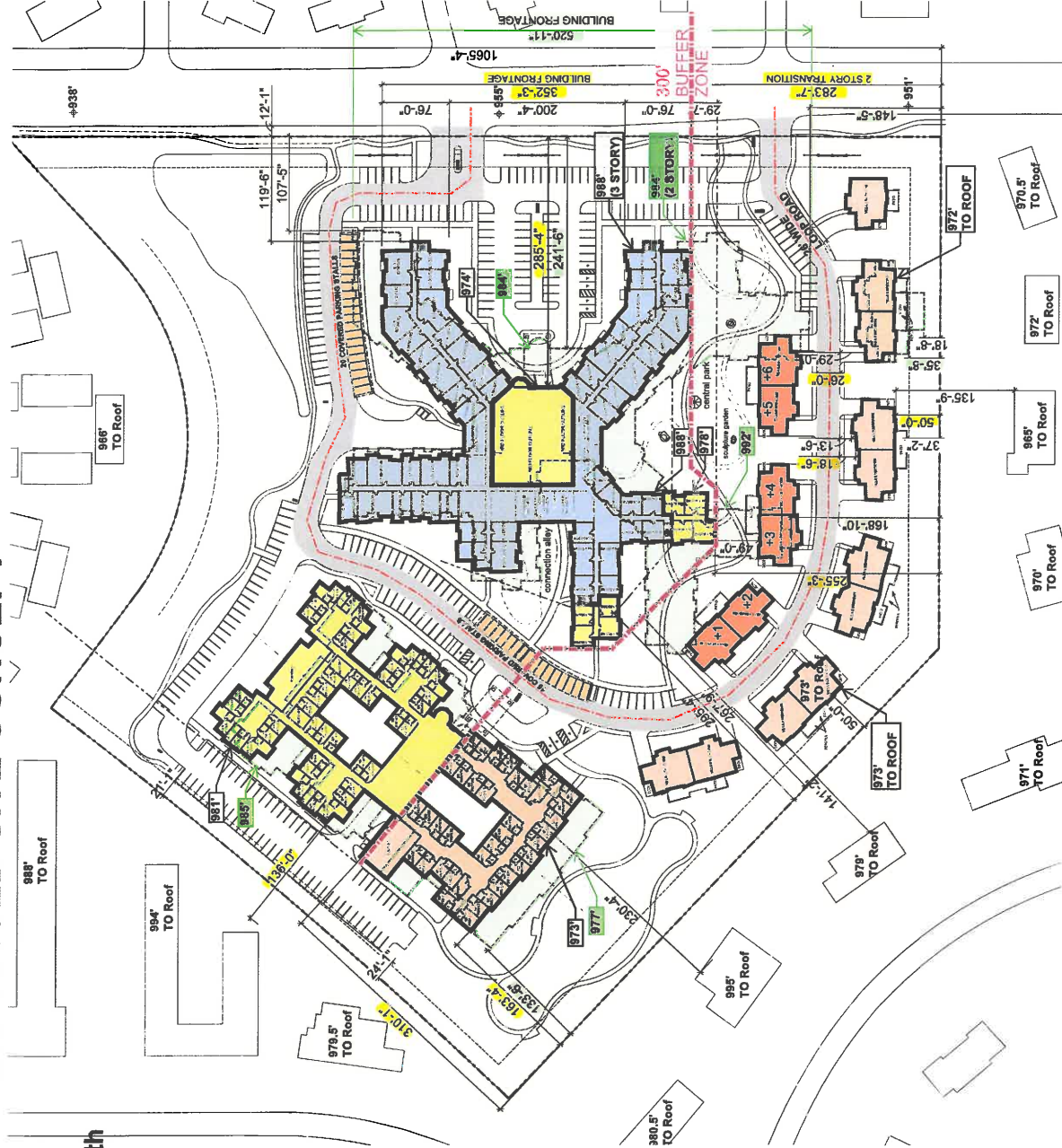
Larry P. Witt
State of Kansas Certified General
Real Property Appraiser (G-195)

LPW/sh

DILLON & WITT, INC.

ADDENDUM

ENHANCED SITE CONCEPT

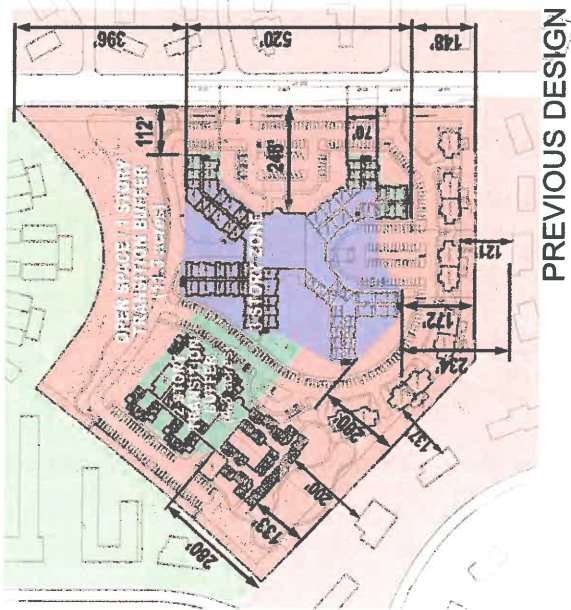


SUMMARY OF ENHANCMENTS

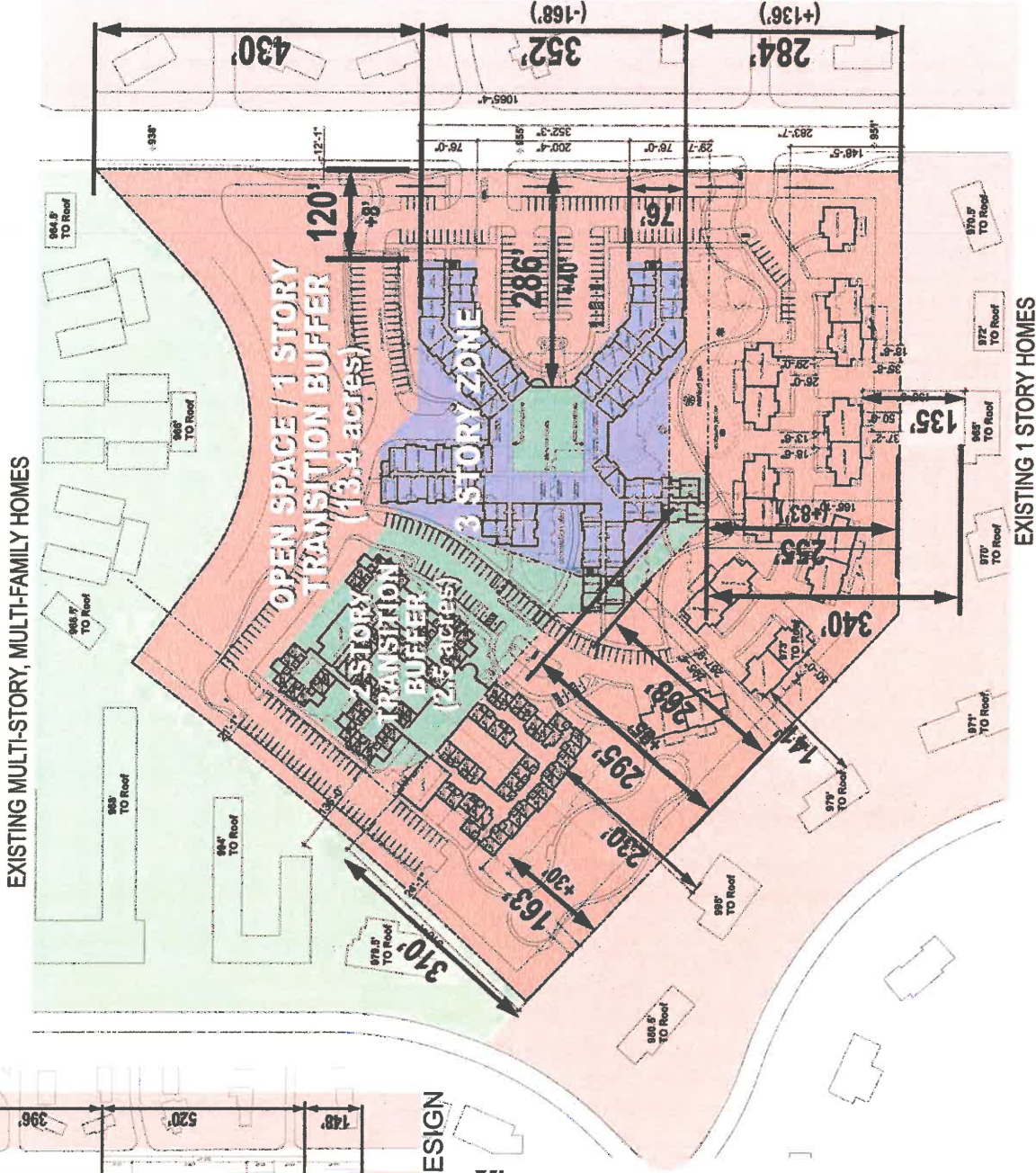
1. **Improved Transition Zone to the South**
 - i. Created a 300' buffer zone (- - - - -)
 - ii. Added 6 Villa Units (■ ■ ■ ■ ■ ■ ADDED VILLAS)
 - iii. Created a 'villa village' along loop road
 - iv. Increased Villas front and rear yard
 - v. Enhanced micro parks and trails
 - vi. Eliminated parking to the South
 - vii. Eliminated ALF entry to the South
 - viii. Increased Setback at the Memory Care and Skilled Care
2. **Reduced the Scale of the Project**
 - i. Reduced Frontage on Mission Road from 520' to 352' (-168')
 - ii. Lowered the entry to the Independent Living to a 1 Story Elevation (-12')
 - iii. Reduced ALF/ILF unit count by 30 (-14%)
 - iv. Reduced ALF/ILF size by 42,800 SF (-16%)
3. **Enhanced Architectural Features**
 - i. Provided a 26' wide loop road
 - ii. Lowered roof heights throughout
 - iii. Reduced scale of all facades
 - iv. Introduced new building materials

scale= 1:50 North
 ■■■■■■■■ 300' BUFFER
 ■■■■■■■■ 3 STORY SPACE
 ■■■■■■■■ 2 STORY SPACE
 ■■■■■■■■ 1 STORY SPACE
 ■■■■■■■■ ADDED VILLAS
 ■■■■■■■■ PREVIOUS OPTION
 JULY 02, 2013 - 10

SOUTHERN TRANSITION ZONE



PREVIOUS DESIGN



SUMMARY OF ENHANCEMENT:

1. Created an approximate 300' buffer zone to the South and Southwest
2. Increased setback from 148' to 284' (+136')
3. Increased back of house setback from 234' to 340' (+116')
4. Closest portion of 2 story was 148', now 255' (+107')
5. Closest portion of 3 story was 172', now 284' (+112')
6. Eliminated ALF parking and entry and replaced with 4th micro-park

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PLANNING COMMISSION AGENDA

City of Prairie Village

TRANSCRIPT
OF
PROCEEDINGS

Taken on August 6, 2013, beginning at 7:00 p.m.,
at The Village Presbyterian Church, 6641 Mission
Road, in the City of Prairie Village, County of
Johnson, and State of Kansas.

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1 APPEARANCES

2 .

3 .

4 ON BEHALF OF THE APPLICANT:

5 .

6 Mr. John D. Peterson

7 Polsinelli Shughart, PC

8 6201 College Boulevard, Suite 500

9 Overland Park, Kansas 66211

10 913-451-8788

11 jpeterson@polsinelli.com

12 .

13 .

14 ON BEHALF OF THE CITY OF PRAIRIE VILLAGE:

15 .

16 Mr. David E. Waters

17 Lathrop & Gage, LLP

18 10851 Mastin Boulevard

19 Building 82, Suite 1000

20 Overland Park, Kansas 66210

21 913-451-5100

22 dwaters@lathropgage.com

23 .

24 .

25 .

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1 PLANNING COMMISSION:

2 .

3 Keith Bredehoeft

4 Ron Williamson

5 Dennis Enslinger

6 Gregory Wolf

7 Nancy Vennard

8 Randy Kronblad

9 Ken Vaughn, Chairman

10 Nancy Wallerstein

11 Bob Lindeblad

12 Joyce Hagen Mundy - Secretary

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1 CHAIRMAN VAUGHN: I'd like to call to
2 order the Prairie Village Planning Commission of
3 August 6, 2013. Would you please call the roll?

4 SECRETARY MUNDY: Randy Kronblad?

5 MR. KRONBLAD: Here.

6 SECRETARY MUNDY: Ken Vaughn?

7 CHAIRMAN VAUGHN: Here.

8 SECRETARY MUNDY: Gregory Wolf?

9 MR. WOLF: Here.

10 SECRETARY MUNDY: Nancy Vennard?

11 MS. VENNARD: Here.

12 SECRETARY MUNDY: Bob Lindeblad?

13 MR. LINDEBLAD: Here.

14 SECRETARY MUNDY: Nancy Wallerstein?

15 MS. WALLERSTEIN: Here.

16 SECRETARY MUNDY: We have a quorum.

17 CHAIRMAN VAUGHN: You may have noticed
18 that we're one short on the planning commission
19 tonight. One of our members for several years has
20 moved out of the city, so is no longer a member of
21 the planning commission. Dirk Schafer was that
22 member. But we do have a quorum, it'd be the same
23 number of people for a positive or negative vote
24 as it was previously.

25 You've all received copies of the minutes of

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1 the last meeting. Are there any corrections or
2 additions?

3 MS. VENNARD: Mr. Chairman, I move that
4 we accept the minutes from the June 2nd meeting as
5 written.

6 MR. LINDEBLAD: Second.

7 CHAIRMAN VAUGHN: It's been moved and
8 seconded that the minutes be approved. Any
9 discussion? Those in favor, raise your hand.
10 Everyone did.

11 You're all here because we have important
12 matters to take care of tonight. You know that.
13 You've invested lots of time, you're very
14 interested in what happens. And as a result -- as
15 a result, to make the proceeding as efficient as
16 possible and show appropriate respect, we ask
17 there be no applause or any disruption of the
18 proceedings.

19 This is a continuation of public hearing
20 PC2013-05, Request For Special Use Permit For
21 Adult Senior Dwellings. I think the applicant --

22 (THEREUPON, a discussion was had off the
23 record.)

24 Excuse me. We just finished the board of
25 zoning appeals a few minutes ago and the -- one of

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1 the items on that was a request for a 13-117 site
2 plan approval for a building elevation change.
3 Brad and Katie Triplett. It's only a five-year
4 penalty.

5 All right. We're ready to begin with PC
6 2013-05. I'm requesting that each group who
7 wishes to talk in this matter try to limit their
8 presentation. We have heard lots of things. And
9 unless you have something new to present, we hope
10 that you will be considerate of everyone else's
11 time. And we ask the same of the applicant.
12 Initially, we're going to ask that you limit your
13 time to 30 minutes, and if necessary, we'll allow
14 an additional 15 minutes. So with that, applicant
15 ready to speak?

16 MR. PETERSON: Thank you, Mr. Chairman
17 and members of the commission. For the record,
18 John Peterson with the Polsinelli law firm
19 appearing this evening on behalf of MVS, LLC, who
20 is the proposed developer and the current owner of
21 the site under consideration. Joe Tutera with
22 Tutera Investments is with us. Randy Bloom,
23 president and chief operating officer for the
24 healthcare division of The Tutera Group. Mitch
25 Hoefer, Hoefer Wysoki, who has served as our

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1 architecture consultant. And Brent Westein with
2 Olsson & Associates, who has been with us through
3 the process addressing civil and site development
4 issues.

5 We hear you, Mr. Chairman, and we agree with
6 you that it is time -- and probably I -- the one
7 thing I can probably get a consensus on in the
8 entire room tonight is it's time to get to the
9 point, make your presentation and give the
10 planning commission time to deliberate, ask
11 questions if they may, and all with, I think, a
12 collective hope that we receive a decision this
13 evening. So we are going to be focused, to the
14 point, attempt not to repeat and/or over-embellish
15 the points that we're trying to make.

16 Here's our format for this evening. Mr.
17 Tutera will come forward and walk through the
18 plan, which is, in essence, the concept that was
19 broached with the planning commission at the work
20 session in early July. And I think the fact that
21 you were willing to have that work session both
22 helped us in terms of addressing issues, and, in
23 fact, will help us to expedite the process this
24 evening. He will set forth the factual basis for
25 the project in its revised state. Again, as was

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1 discussed at the work session, he will include the
2 revisions that were discussed and that now have
3 been implemented. And he now will -- and -- and
4 then set forth as -- as part of that, really, the
5 factual basis for the application, which as we
6 see, as the record now starts becoming filled out
7 and mature, is reflected in the written testimony
8 by your professional staff that is now part of the
9 record.

10 I will return after Mr. Tuterer's presentation
11 and -- to attempt to set forth our request for
12 approval within the context, taking the facts
13 presented by Mr. Tuterer and placing them within
14 the context of the process and the standard of a
15 review that should, and I know will be, within
16 which it will be evaluated by the planning
17 commission. I am not going to have a legal
18 tutorial this evening, I would not be so
19 presumptuous. But as you know, it is our burden,
20 and we will close taking, again, the facts,
21 applying them to the law and the process and
22 procedure of the State of Kansas and the City of
23 Prairie Village, to hope to convince you that we
24 have made our case and that we have carried our
25 burden.

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1 One other point that Mr. Tutera will address
2 in his comments -- during his comments are, one --
3 and I'm, of course, disappointed that we don't
4 have the expertise of Commissioner Schafer here to
5 complete this process. But I recall a comment he
6 made after our presentation, the neighbors'
7 presentation; and he asked the question about the
8 elephant in the room. I wish he would've used
9 another analogy, I would think more a beautiful
10 swan.

11 But I think the point he was making is, let's
12 drill down and get to the issue and state it in
13 its most negative context; and we can work back
14 from there. Why so big? We will get to the end
15 of presentation and answer that question very
16 succinctly, honestly. And we think based on fact
17 and analysis, not just by us, but by your staff,
18 the answer is: It is not. I think the more
19 relevant question is: Why is it the size that is
20 being proposed? And that's what Mr. Tutera will
21 speak to. And it's not just because bigger is
22 better or because he wants to. It is part of a
23 thoughtful development of a concept that he thinks
24 would bring a quality project to the City of
25 Prairie Village.

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1 So with that as background, I turn it over to
2 Joe Tuter.

3 MR. TUTERA: Thank you, Chairman and
4 commissioners. As promised, we'll try to make
5 this as brief as possible. I'll try to present
6 about maybe five to ten minutes. The -- the
7 premise of -- first slide, please. As we
8 discussed on July 2nd, we -- through this process,
9 we went through an iteration of another -- of
10 various plans; and we came up with a number of
11 concepts that we wanted to address in this revised
12 plan which is now on file that we're seeking your
13 approval. And there was six primary elements that
14 came up and that we addressed. The first was a
15 creation of the -- of enhanced transition zones.
16 We've done that through creating a 300-foot
17 transition zone to the south. We moved the
18 parking of the ALF -- from the -- the ALF entrance
19 from the south out of that transition zone. We
20 moved the parking. We've created a fourth micro
21 park within that space.

22 Second, I think the elephant in the room,
23 reduce the scale from Mission Road. We had
24 extensive discussion on this -- about this on July
25 2nd, and we had follow-up discussion at our

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1 neighborhood meeting on -- on November -- on July
2 11th. We were able to do that simply by reducing
3 the size of the assisted and independent living
4 facility. We reduced the size of that facility by
5 30 units, 42,800 square feet, 16 percent.

6 Within the reduction of that, we were also
7 able to reduce the width of the building across
8 Mission Road by 33 percent. We reduced it from
9 520 feet down to 100 and -- 348 feet, 172 foot
10 reduction. I'll talk about -- further about what
11 we did with that reduction in -- in -- in distance
12 across Mission Road. And then we looked towards
13 the element of how to reduce the scale of the
14 building by separating the building into two
15 separate components. We did that by virtue of
16 lowering the facade at the main entrance to one
17 story.

18 Third element, we were requested and it was -
19 - we concurred, to make architectural more
20 consistent with the neighborhood. And -- and we
21 did that through two or three different things.
22 We did it, one, through the elimination of the
23 dormers that were effectively creating a fourth
24 element and integrated those into the third floor.
25 By changing that entry -- that architecture, we

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1 created a three-story appearance that really
2 effectively looks like two-and-a-half. And we
3 were able to lower the roof heights by four feet
4 throughout the entire facade.

5 We introduced a third material, brick, into
6 the -- into the facade. That was able to create
7 some horizontal appearances and increased a -- a
8 darker material into the materials. We think it -
9 - it very much improved the -- the appearance and
10 was more compatible with the neighborhood.

11 Next, as we -- as I noted, we lowered -- we
12 improved the facade of the memory care building.
13 This, again, is through a reduction of height.
14 The memory care facility is in the southwest of
15 the property. We'll look at that in a minute.
16 But the -- there was a -- a discussion there about
17 reducing the appearance of that facade.

18 Next was to improve the villas' relationship
19 to the residents to the south. We took our -- we
20 -- and I'll go through that just in detail. But
21 we effectively created a village -- a villa
22 village. And that village is effectively a
23 neighborhood to the south of the property with a
24 traditional street, villas on the left, villas on
25 the right, traditional setbacks, a regular

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1 residential neighborhood that we put within our
2 300-foot transition zone to create that transition
3 from the neighbors to the south to our development
4 to the north.

5 It was a request from a very early, even as
6 early as our April meeting, to look at heights in
7 relationship to the neighbors and our surrounding
8 properties, and to be sensitive to those heights
9 and try to blend your project in so that they were
10 compatible with those heights. We did that in a
11 number of ways, and we enhanced that by virtue of
12 lowering the heights throughout by four feet.
13 Yet, in the memory care facility, we were able to
14 lower those heights anywhere from ten feet to four
15 feet, again, breaking up that facade.

16 Next slide. Most importantly, throughout
17 this entire objective, my mission has been to
18 provide quality senior leaving lifestyle options
19 for the residents of Prairie Village. To do that,
20 you need to combine all these components of a CCRC
21 in one well-designed and appropriate-placed
22 facility. So with -- within that, and I've
23 discussed in a June 18th memo, we have
24 relationships of number of units, size of units,
25 configuration of those units. There was

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1 discussion within the meeting of looking actually
2 at the floor plans of those units to get an idea
3 of what a private occupancy apartment looks like,
4 what does a memory care unit look like, what
5 exactly is the lifestyle, the size and the
6 configuration of those residences?

7 Within these changes, within all these
8 changes that we've made within reduction of the
9 scale and the reduction of 172 feet and the
10 reconfiguration of the assisted living, we were
11 able to maintain the highest quality lifestyle
12 options, preserve all the amenities and services
13 within the facility, keep the same ratio of one to
14 two-bedroom units, which is very important.
15 There's no studios in this facility, no semi-
16 privates, no rooms that are 250 square feet with a
17 curtain divided by the middle. We didn't have to
18 abandon the single-loaded corridors, the -- the --
19 the use of our single-loaded corridors and our --
20 and throughout our facility, and we were able to
21 preserve all private occupancy.

22 We're going to drill through these -- these
23 pretty quickly. Your -- your -- this plan should
24 look very familiar to you, it's effectively the
25 same plan that we talked about on July 2nd. This

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1 plan has been confirmed by engineers, actually,
2 obviously, put within all the dimensions,
3 confirmed with respect to the -- the elevations,
4 the civil components, the exact parking. But
5 effectively, we're able to retain exactly -- do
6 the same layout that we desired. The biggest
7 thing that hits you on this plan is the existence
8 of the villa village that is to the south. You
9 can see that now there's 17 of those villas to the
10 south. There's a -- and the creation of the
11 fourth micro park to the south of that, the -- all
12 the setbacks and the -- and the green space around
13 the perimeter were -- were preserved.

14 Next slide, transition zones. The -- the --
15 the concept was developed early on in the -- and
16 we -- and we believed since day one that this was
17 a transition site. The goal was how do we improve
18 and enhance that transition zone? We -- the pink
19 area represents green space in one-story area. We
20 were able to expand that green space one-story
21 area by about 150 feet, creating a full three --
22 we call a 300-foot transition zone. Within that
23 transition zone, you'll see the villas, you'll see
24 the one-story memory care unit to the southwest.
25 The green area is the two-story skilled nursing

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1 facility. And the purple area is the
2 assisted/independent living, which you'll see has
3 two-story components, as well as three-story
4 components.

5 Next area that we look at is the setbacks and
6 the transition. The number that pops off the page
7 here is the 348 feet of the -- of -- of the span
8 across Mission Road. There's approximately 1,100
9 feet across Mission Road, this was previously 520
10 feet. Another target when we talk about our 300-
11 foot transition zone, on the southwest, we're at
12 310 feet, coming to the southeast, we are at 282
13 feet. We're able to preserve a distance between
14 our closest neighbor to the south and our closest
15 two-story structure of 334 feet. One other
16 element that changed here is that the -- we were
17 able to create a -- push the memory care and the
18 skilled nursing facility 30 feet further to the
19 north, increasing this setback by 163 -- by 30
20 feet to 163 feet.

21 To drill down a bit with respect to the
22 building heights, again, we've talked about the
23 concept that off to -- right off the get-go, we
24 were able to maintain the finish floor elevation
25 at 951-and-a-half feet. That's been the design

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1 standard since day one. To put that number into
2 perspective, the street elevation at the middle of
3 Mission Road is 955 feet. So we're able to reduce
4 that height by -- keep that four feet lower at the
5 finish floor and then work our way up from there.

6 As you work around from the south, you can
7 see that our elevations to the peak of the roof,
8 the highest elevation of these structures are
9 generally in the 970-foot range, very consistent
10 with the houses along the south, again, 970 feet.
11 When you work your way around to the southwest,
12 the elevations on the houses to the southwest are
13 materially higher, as high as 995. Again, we
14 bring our elevation down here to 973 at the two-
15 story elevation -- I mean, at the one-story
16 elevation. And again, the lower elements are at
17 967. When you look up here to the southwest, you
18 can see that our elevation of the -- of the two-
19 story skilled nursing facility are very
20 proportionate and, in fact, are substantially
21 lower than our apartments to the northwest. The
22 finish grade elevation here, again, is at 951.
23 The three-story facade has been lowered by three
24 feet -- or four feet such that its maximum
25 elevation now is 987.

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1 Probably the most material -- the second most
2 material change to the plan that we really worked
3 quite a bit with is, of course, addressing the
4 area to the south. The first component of that
5 was creating this transition zone and expanding it
6 out to the 300-foot range by taking a large
7 portion of that 372 feet and using it in that
8 southern zone. Second most important to that is
9 what did we -- how -- how did we utilize the space
10 by not only creating the villa village of two
11 different rows, but also making that a -- making
12 that a traditional residence.

13 One of the comments we -- we heard with that
14 is to look at the setbacks in the backyards, the
15 rear yard setbacks, and have those be more
16 compatible with the neighbors to your south. We
17 understand that the minimum code number is 35
18 feet, but what can you do with respect to that?
19 Second comment that came up is, when we drive down
20 the road within the interior of the site, we'd
21 like to see there be a much more traditional
22 appearance from the front, create a more
23 traditional front yard, increase the width of the
24 road to a standard 26 feet, let's have that feel
25 of a regular traditional neighborhood. We did all

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1 of those elements here. You can see the 50-foot
2 setback to the rear, keeping any improvements
3 completely outside the 35-foot setback. You can
4 see the -- the 18 -- anywhere from 12 feet to 18
5 feet of setback in the front, providing for a nice
6 green space in front. Those same setbacks
7 preserved on the back.

8 But in addition to those changes, we were
9 able to change the access such that the drive --
10 the -- the driveways into the -- into the private
11 garages now enter from the front as compared to
12 the side. So we're able to create a -- a -- a
13 substantial green space between the villas. And
14 then we positioned our villas in between those
15 green spaces, further creating that neighborhood
16 view that would otherwise look from -- from our
17 neighbors from the south when looking north.

18 This illustrates -- I -- the -- the -- you
19 can see here the substantial setbacks from the
20 neighbors to the two-story view. And I think it --
21 - it's -- it's safe to say that when -- when
22 viewing from the -- from the south to the north,
23 they will have a view of a very beautiful
24 landscaped villa neighborhood. This, as we know,
25 is heavily landscaped by natural vegetation. And

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1 the most -- the closest to -- structure to the
2 north has been reduced to two stories. These
3 elevations here are 26 feet tall, which are
4 effectively the scale of a -- of a -- of a two-
5 story single-family residence.

6 On architecture -- and I'll flip through
7 these pretty quickly -- this is a -- a -- we were
8 asked in the public session on July 11th to
9 prepare some updated renderings of the view from
10 Mission Road so that that could be put into a --
11 into a better perspective for evaluation. This is
12 that perspective off of Mission Road. Below here,
13 we see a blowup of our entryway to illustrate this
14 is our three-story feature here, this is this
15 element here where the dormer that otherwise would
16 have been -- that's going to -- integrates the
17 roof into the second floor of the -- or the third
18 floor of the independent living facility, across
19 our entrance way here, this facade has been
20 reduced to one story facade, allowing there to be
21 sky space above, creating the -- the -- separating
22 the two buildings and the two -- the two
23 independent living wings into effectively two
24 separate buildings and breaking up that scale.

25 Next slide. The memory care facility, as

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1 mentioned, same here as your -- a couple views of
2 the facade. This is the most important facade
3 that we were asked to look at from the -- from the
4 south of the memory care facility. Again, here
5 you'll see the introduction of brick, the
6 reduction of height down to 16 feet and the
7 maximum height of the rest of the memory care
8 facility reduced to 22 feet.

9 That concludes my presentation. I don't want
10 to waste a whole lot of -- when we -- when we
11 circle back down to the size, we're 327 units. To
12 put those numbers into perspective, we have 136
13 units of independent living. Within an
14 independent living facility, you're -- you're
15 creating a lifestyle with a whole range of
16 amenities. Without enough residents, there is no
17 lifestyle. 136 units of independent living is an
18 appropriately sized, if not small, independent
19 living facility. A sampling of independent living
20 facilities within the metropolitan area, average
21 size is about 180. The -- there are -- the -- the
22 reason why there is that many residents and that
23 many units is to provide choice of the type of
24 units, provide all those units with private
25 occupancy and drive the activities, the

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1 socialization, the wellness center, the fitness,
2 the various dining activities and all the
3 entertainment and -- and activities that come
4 along with that lifestyle.

5 The second component of the facility's
6 independent living, the independent living or the
7 -- the assisted living. The assisted living is
8 five -- 54 units. Again, 54 units is on the small
9 size of a -- of a assisted living facility. Our
10 assisted living facility is predominantly what's
11 all private occupancy units, one and two-bedroom
12 apartments. So we've taken the traditional
13 medical model of assisted living that may have
14 studios and semi-private occupancies and double-
15 loaded corridors and we've turned that into a very
16 residential model. The scale of that residential
17 model to drive those activities is at a -- on a
18 small size is 54.

19 With respect to our memory care, we're 36
20 units. 36 units of memory care is a -- again,
21 it's in a freestanding building, the programming
22 and the -- and the quality of life and services
23 provided in that, the living arrangements, all
24 within private occupancy units, 36 units is the
25 minimum number that is required in order to

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1 provide that kind of programming to provide the
2 residents in need of memory care the appropriate
3 services that they expect.

4 And the last component is our skilled
5 nursing, which is 86 units of skilled nursing.
6 The 86 units proportionate to our -- our 327 units
7 is 26 percent. That is about in proportion to the
8 need of the collective community. The Johnson
9 County overall's need for skilled nursing relative
10 to the total number of senior living units is
11 about 44 percent. We're placing our facility
12 right at 25 percent, which is -- which is the
13 right mix proportionate to our -- the balance of
14 our services.

15 Thank you very much.

16 MR. PETERSON: Thank you, Joe.

17 Mr. Chairman, we wanted to cover some very
18 important factual components of this plan, because
19 the facts are important. And I'm going to get at
20 it because I heard what you had to say about 30,
21 with no more than 45, and I'm going to get at this
22 and get through the remaining comments just as
23 quickly as I can.

24 Fact basis. Joe Tutera set forth and laid
25 out the metrics, the design, the setbacks, the

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1 heights, all of the issues that are very important
2 in an evaluation of this site. And whether
3 anybody that is observing this process wants to
4 disagree or have a different interpretation,
5 those, in fact, are the facts, and I will stand on
6 the fact that each and every one of those metrics
7 that have been outlined tonight have been
8 confirmed and are set forth confirming their
9 accuracy in your professional staff's written
10 report. So I will stand on that in terms of our
11 factual basis.

12 So we have the facts and we now start the
13 process of how those facts should be evaluated,
14 weighed and judged to come to a decision about
15 whether this is an appropriate plan. And if we
16 just sat back and said, Mr. Tutera wants it this
17 size, other people want it this size, Joe has
18 downsized and reconfigured and main -- but been
19 able to maintain his concept, attempting to
20 address some concerns. Others says, he hasn't
21 done enough or, in fact, we don't want it at all.
22 If the function of this process was that easy,
23 we'd all just raise our hand, have a popular vote
24 and go home with a decision.

25 But as you know, because you've been through

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1 this process before, and you understand the charge
2 before you, being part of the process in the City
3 of Prairie Village, that is, in fact, not the
4 context of the process that is unfolding this
5 evening. By law, it is a quasi-judicial process
6 in nature. It involves a weighing of evidence,
7 factual evidence within the context of specific
8 criteria. It is not just about what the developer
9 wants because he owns the land, no more than it is
10 just about what the neighbors want because they
11 happen to live adjacent to the property. It is a
12 way of confirmed and documented facts against
13 codified requirements and factors upon which to
14 make a judgment.

15 Now, I do not need, nor would I purport to
16 try, to, as I said before, lecture you on the law
17 and cite cases from other jurisdictions and take
18 cases about cell towers and tell you this is the
19 legal framework within which you need to evaluate
20 our proposal. That decision has already been
21 reached by the City of Prairie Village. That
22 decision has been reached based on your lawyer's
23 counsel and his predecessors, the chief legal
24 officer of the city. It is very clear, it is set
25 forth and embodied in your processes and in your

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1 code.

2 The framework of review is three-pronged, the
3 so-called golden criteria that you're very
4 familiar with. The eight factors set forth by the
5 Kansas Supreme Court that said cities,
6 municipalities, you have discretion to make a
7 decision in terms of land use in your community,
8 but there is a limit and there is a framework.
9 And they set forth eight factors they deemed
10 relevant. They also said to cities, this isn't
11 all the factors that can be applied. You, as a
12 city, have the right, and you should, develop your
13 own criteria that aren't inconsistent with those
14 set forth by the court, but may be addition
15 thereto. Your city has done that.

16 Section 19 of the Prairie Village Code sets
17 forth factors that you take a zoning or a special
18 use permit application, and it provides the
19 framework for which you take the facts, match them
20 up against the factors of evaluation to come to a
21 conclusion. And finally, as we move from the
22 special use permit and we move to the site plan
23 itself, the Prairie Village code also sets forth
24 specific site planning criteria -- criteria.
25 When you take this as the background, it really

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1 breaks down into two primary areas of evaluation.
2 First is use, a use as a senior living community.
3 First fundamental question there is: Does the
4 code in the -- in regard to the zoning category to
5 which the property under consideration is zoned,
6 does it allow for the use being requested? In
7 this case, a senior living community. And the
8 answer is irrefutable. It does, through the
9 process of considering the special use permit.

10 The second -- and this was a foundational
11 factor set forth by the court in Golden, the
12 second factor: Is the proposed use consistent
13 with the comprehensive plan regard -- in regard to
14 the specific site? Now, if I use the word -- if
15 it is a proper word, I meant to look it up -- if
16 I use the word irrefutable to say that, in fact,
17 this proposed use is consistent with the
18 comprehensive plan, I might get a sigh, I might
19 get an objection. So I'll back slightly off of
20 that and merely point those considering this
21 application to Village Vision, as many years ago,
22 in part, from the general perspective, as it was
23 evaluating the needs of the city, specifically
24 identified quality multi-dimensional senior living
25 as a critical need today and one that they

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1 anticipate will be a growing need in the future.

2 On balance, for the benefit of the community,
3 the comprehensive plan strongly and directly
4 suggests we need it and we need more and we need
5 to stay ahead of the demographic curve. Most
6 recently, as the consideration of the
7 comprehensive plan, Village Vision, took a look
8 specifically at this site, again, it references
9 this site as appropriate for R-1a zoning, with a
10 specific reference that by that action, it also
11 would be appropriate in terms of compliance with
12 the master plan that it be utilized for a senior
13 living community.

14 And although I will not use the word
15 irrefutable, I will state for the record that this
16 conclusion is confirmed. And it's confirmed by
17 your professional staff wherein they quote in the
18 staff report, although agreement has not been
19 reached by both parties, it appears the applicant
20 has addressed the issues and propose a use that is
21 in conformance with the comprehensive plan
22 amended.

23 So we move from use. And this is where the
24 second foundational factor that the Golden court
25 set forth serves as a backdrop. One was

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1 compliance with the master plan and the second
2 foundational issue was: What's the opinion of the
3 professional staff? So with the opinion in
4 written form, both in terms of the SUP and the
5 site plan, we stand on that basis to now address:
6 How is this use to be implemented, developed in
7 terms of specific ramifications against specific
8 criteria on this 18 acres?

9 And again, the six additional Golden factors,
10 the city factors I referenced that have been set
11 forth as the appropriate context of review,
12 Factors 1 through 9, and then for the site plan
13 itself, Criteria A through G. I don't need to go
14 through the staff report and go through every
15 specific issue, but only maybe globally state, we
16 support every factual conclusion and finding that
17 your professional staff has made in regard to this
18 application; and we support every finding,
19 conclusion and opinion that they have rendered in
20 their written testimony in regard to the
21 applicability of those facts to the appropriate
22 criteria for review.

23 And I will summarize them briefly: Staff has
24 confirmed that we have met or exceeded every
25 design requirement, goal, standard that has been

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1 adopted by the City of Prairie Village to evaluate
2 acceptability of pro -- of the project including
3 density, intensity, height, setbacks, noise,
4 lights. We have met or exceed every standard.
5 They have confirmed that there is an appropriate
6 transition element in place in regard to how this
7 property interfaces with our neighbors to the
8 north, to the west and moving down to the south.

9 The staff report of your professional staff
10 has found that there is no negative traffic impact
11 that would be the result of the construction and
12 development of this project and no negative
13 stormwater impact. And very importantly, as it
14 moves from fact evaluation against criteria, a
15 professional opinion emanates from that based on
16 years of experience in seeing sites in concept
17 form to construction, the staff finds no
18 discernible hardship or negative impact this
19 project would cause either to -- to the community
20 at large or to adjacent properties. And I quote
21 to that point from page 11 of the staff report:
22 The revised plan is consistent with amended
23 Village Vision, and in the opinion of staff, is a
24 workable plan.

25 I will stand in terms of my legal argument

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1 that we have carried our burden on the criteria
2 that are part of your code and will just by
3 consensus agree to the evaluation set forth in
4 your staff report.

5 Last thing to address, as is typical and as
6 is appropriate, as staff put together its
7 recommendation to this body, first, in regard to
8 the special use permit, it set forth conditions
9 that they would recommend -- would be part of a
10 recommendation -- recommendation for approval to
11 the governing body. We have looked at those
12 recommended conditions. They are in your staff
13 report, as you know, and they are Conditions 1
14 through 13. In other words, recommend approval
15 conditioned on specific things that need to be
16 done at final plan, things that need to be done as
17 the operation of this facility would continue post
18 construction.

19 I will state at the outset, we have reviewed
20 all 17. They're serious, they're detailed,
21 they're appropriate; and we accept each and every
22 one of the 17 stipulations as proposed by staff.

23 Two, I want to comment on briefly.
24 Stipulation Number 4, and this goes to the issue
25 that we intent a lot of time with, I think, at the

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1 first public hearing, maybe the second one. And
2 that deals with the issue of timing of
3 development. It's really stipulation of -- excuse
4 me -- Condition 3 and 4. Timing of development
5 and phasing going to the issue of accessory use
6 and going to the issue if the skilled nursing gets
7 built before the independent living. And we had a
8 lot of commentary that that's illegal and we can't
9 do it.

10 Again, I will not get back into the yin and
11 yang of lawyers arguing. I will merely make this
12 point and I will cite back to the opinion of your
13 lawyer, the city attorney, on May 6, 2013, where
14 he states: A reasonable interpretation of the
15 zoning regulations is that an SUP may be issued
16 under Section 19 for a project in which a separate
17 nursing or health care facility will be built
18 prior to the completion of the primary senior
19 adult dwelling facility, if the governing body
20 determines that there is a reasonable likelihood
21 that the primary dwelling facility will be built
22 within a reasonable period of time after
23 completion of the subordinate facility, and if the
24 SUP is conditioned upon the completion of the
25 primary dwelling facility. Stipulation for

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1 promulgated by staff provides that condition.
2 And, in fact, it goes one step further. Not that
3 the skilled nursing facility can be opened before
4 construction starts, what it actually sets forth
5 in that stipulation is that the skilled nursing
6 facility cannot be opened for business, for
7 admitting individuals needing treatment there,
8 until we are vertical in the air and roof on the
9 independent living. A very strict condition set
10 forth by staff which addresses the underpinnings,
11 supports the city attorney and really puts this
12 issue to bed, we would hope. We accept
13 Stipulation 4.

14 The last one goes to the issue of parking.
15 And we -- we've had a lot of commentary, and --
16 and -- and rightly so, is the site appropriately
17 parked? We spent a lot of time, both working with
18 staff, both hearing comments from neighbors, both
19 hearing input from the planning commission, to
20 make sure that we had built in -- not only met
21 code, which we clearly do that. Spaces required,
22 268.

23 As you can see, even though we have downsized
24 the project rather significantly, which as the
25 code operates, would bring the required number

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1 down even further, because it's either based on
2 square footage or beds, we held our parking count
3 that we will develop at 350, building in even more
4 of a cushion to address one of the primary focuses
5 is shift change and other contingencies where we
6 would need additional parking. The goal being, we
7 park on site, we do not create a hardship or a
8 nuisance to any surrounding properties with
9 overflow parking. In the terms of an event where
10 -- doesn't happen every day -- where we anticipate
11 that there is an issue that would even move beyond
12 the 350 we're proposing, we have said --
13 repeatedly said, and we know how to do this by
14 operation, these are planned events -- they're not
15 surprise events, these are planned events, that if
16 we can't handle it with 350, we know how to handle
17 parking, whether it be off-site parking, having
18 employees park somewhere else, transporting people
19 to the site.

20 People can say that's a promise, it's not a
21 promise. I direct your attention to Stipulation
22 10 and 11 as proposed by staff to be conditions to
23 a recommendation for approval. It drives right to
24 the heart of this. It's not just our promise.
25 The continued ability to do business under the

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1 authority of a granted special use permit is
2 conditional on us not creating a problem with off-
3 site parking in -- with a negative impact to any
4 surrounding properties. It is something that we
5 will live with every day that this residential
6 community is in operation. We reviewed
7 Stipulation 10 and 11, we accept it, we
8 acknowledge it, and we find it acceptable.

9 Finally, as we move to the conditions to
10 staff's recommendation that you approve -- the
11 recommendation to approve the site plan, I direct
12 your attention to Conditions 1 through 17, as
13 offered by staff. Again, very detailed, very
14 focused, drilling down on the specifics of our
15 site plan that gives us a very stringent set of
16 criteria to move forward on. We've had the
17 opportunity to review all 17 of those and we find
18 them acceptable, we acknowledge them and we accept
19 them as proposed by staff.

20 In conclusion, Mr. Chairman, I would ask you
21 to consider the presentation of our facts in the
22 form of this proposed development. The
23 confirmation that the facts as we have proposed
24 them and their adherence or their ability to meet
25 and exceed the standards of the City of Prairie

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1 Village as documented by your professional staff
2 be considered, that the offerings of our
3 development team and our professionals indicating
4 that we think this is a project that respects the
5 issues of transition, respects our neighboring
6 properties, respects a -- the overall impact on
7 the community in terms of adhering to the
8 guidelines and design criteria you've set forth as
9 relevant, that you consider that as a basis for
10 your decision.

11 And it -- it is against all that that I
12 would, on behalf of the development team -- most
13 importantly, on behalf of Mr. Tutera, who I think
14 has shown a great willingness to try to work with
15 all stakeholders and interested parties in this
16 process, I would respectfully submit that we have
17 carried the burden within the context that I have
18 heretofore identified, and I would respectfully
19 request again on behalf of the entire team that we
20 receive your recommendation for approval to the
21 governing body for our special use permit and your
22 approval of our site plan. With that, we will
23 either take questions, if there are any at this
24 time. We'd be pleased to wait until after the
25 other commentary. I would ask, Mr. Chairman, that

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1 we have done the best we can to focus on the
2 revisions of the plan and then make our concluding
3 remarks within that focus. If new issues arise
4 not relevant to this, I would ask for the
5 indulgence, if it's something new that hasn't been
6 presented before, we have the opportunity to
7 briefly respond to make a complete discussion on
8 the record. With that, any -- I or any members of
9 our team would stand ready for a question.

10 CHAIRMAN VAUGHN: Does anyone have a
11 question at this point?

12 MS. VENNARD: Mr. Tutera, could you go
13 over the reasoning on the number of the skilled
14 nursing again? I missed -- there was something
15 about 44 percent and 26 percent and --

16 MR. TUTERA: Yes. The number of skilled
17 nursing units to the total on the units is 80 --
18 84 skilled nursing unit -- units total units that
19 --

20 THE REPORTER: I need you to repeat that.
21 I'm sorry.

22 MR. TUTERA: We have 84 skilled nursing
23 units, 327 total units. That's a ratio of 25
24 percent. When you're looking at a continuum of
25 care and you look at the likelihood of the

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1 residents needing the care in either short or
2 long-term skilled nursing in a -- if you look at
3 the overall population of all of Johnson County,
4 of all of the senior living, 44 percent of all the
5 seniors in that -- in Johnson County that need
6 senior living type services have those in a
7 skilled nursing type environment. Our facility is
8 25 percent.

9 To put that into perspective, there's two
10 other skilled nursing facilities in Prairie
11 Village. One of them is Claridge Court, which
12 offers the life care buy-in facility that we've
13 talked about before. It is 45 units to a total of
14 180, that's about 26 percent. And then there is
15 Brighton Gardens which, again, is 45 beds or units
16 within that facility to its total of about 164 in
17 total, it's generally about 26, 27, 28 percent, in
18 that range.

19 MS. VENNARD: Thank you.

20 MR. TUTERA: Thank you.

21 CHAIRMAN VAUGHN: Randy?

22 MR. KRONBLAD: Mr. Tutera, back to your
23 slides, if we could go back to one of your
24 diagrams, it was page 7 and 8 of 17. Okay. Right
25 there. There's a 300-foot buffer zone and I -- I

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1 was looking at the diagrams -- the exhibits on
2 July 2nd and this is very similar to it, just a
3 different page. Could you clarify for me that
4 what that 300-foot is relative to? I was looking
5 at dimensions on the July 2nd and I wasn't quite
6 sure where that's established or how it was
7 established.

8 MR. TUTERA: Sure. Look to -- Michael,
9 change to the plan. The 300-foot buffer zone we
10 referred to is this space through here that's
11 shaded in this area. It's three -- and we refer
12 to it generically, there's -- we're approximately
13 300 feet across here. We're 310 feet on the
14 southwest side from our green space here and the
15 one-story element here leading up to the green,
16 which is where the two-story begins. We're 268
17 feet here. We're 282 feet here. So this is
18 generally this 300-foot space that I call the 300-
19 foot transition zone.

20 MR. KRONBLAD: But that -- that's from
21 the property line that --

22 MR. TUTERA: It is -- it is from the
23 property line.

24 MR. KRONBLAD: In a number of cases, it's
25 actually quite much -- quite further from homes.

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1 MR. TUTERA: Yes. We were going from the
2 property line.

3 MR. KRONBLAD: You're going from the
4 property line, okay, not necessarily the homes?

5 MR. TUTERA: Exactly. This dimension,
6 for example, is 334 feet, and that is from the
7 back of this closest home to the to the closest
8 two-story element.

9 MR. KRONBLAD: Okay. Okay. Thank you.

10 MR. TUTERA: You're welcome.

11 CHAIRMAN VAUGHN: Question?

12 THE SPEAKER: Can I ask a question,
13 please? Sorry.

14 CHAIRMAN VAUGHN: There are no questions
15 from the audience at this point. Any other
16 questions down here? Nancy?

17 MS. WALLERSTEIN: Okay. The height of
18 the skilled nursing facility, when we asked for an
19 overall reduction, there was no overall reduction
20 on the height of that two-story building. Is
21 there any way that that can be reduced or brought
22 down to like a story rather than two-story?

23 MR. TUTERA: What we were able to do with
24 respect to the skilled nursing is we were able to
25 reduce its -- its height by four feet. So we were

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1 able to bring the -- the height of the skilled
2 nursing facility, I believe, to -- what is it,
3 Michael, 26, 28?

4 THE SPEAKER: That's going to be -- well,
5 this -- that one's at 30.

6 MR. TUTERA: It's 30 feet to the peak?

7 THE SPEAKER: Yeah.

8 MR. TUTERA: So it's about 27 feet to the
9 midpoint. So we were able to reduce that to that
10 level. As far as bringing that down to -- to one
11 story, what we've done with respect to our design
12 and -- and this was talked about a -- a few
13 meetings back and I know -- I think I've talked
14 about it in -- at the neighborhood meetings. This
15 particular layout provides this concept of
16 elimination of double-loaded corridors. So to
17 create the lifestyle that we're trying to do
18 within that skilled nursing facility, these are
19 individual one-bedroom units. Every one of those
20 units is within a pod, and every one of the units
21 looks out into green space. In order to do that,
22 we've -- we've -- we've created this large
23 courtyard within the middle and it creates this
24 footprint, which is not at all traditional to what
25 you might expect to see in a skilled nursing

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1 facility. It has all this exterior -- exterior
2 and interior space, because all those provide
3 opportunities for light and that creates that --
4 that viewpoint. We aren't able to put all of our
5 84 units on one floor and still preserve that kind
6 of a -- of a footprint and a lifestyle, so we've -
7 - we've -- we've done it with 40 -- with two
8 floors.

9 MR. PETERSON: If I could add one thing
10 that I think is relevant, because it's a concept
11 that we drove off of and it -- it's a concept of
12 transition. And so when we dealt with heights, an
13 important part of it is what is the height of a
14 particular building interfacing with? And I
15 think, as you can see, when you look at that two-
16 story facility, even though, as Joe said, we
17 brought the overall height down four feet, the
18 buildings they interface with -- and this was
19 directly talked about in the staff report -- as
20 you can see, we kind of want a little height so
21 that we're interfacing, you know, within reason
22 with the properties directly. So comparing 998 --
23 and those are not finished floor, those are --
24 they're top of peak -- 998 to our 981, 994 to 981,
25 put the height there and then you bring those

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1 transitions down as you start moving to some of
2 our neighbors that have lower heights in their
3 dwelling units. So that was part of the concept.

4 MS. WALLERSTEIN: Well, one of the things
5 that keeps recurring in the comments -- and I have
6 tried to read them all except that there was a
7 packet tonight and I've got about three pages I
8 haven't been able to plow through -- is the
9 special use permit, the accessory use permit and
10 that it is not attached to the main unit. And one
11 of the questions that I asked last month of -- of
12 Mr. Tutera was I needed him to drill down and give
13 me a really clear picture of the build-out. And
14 I'm still only getting a -- a two-year maximum --
15 for the first two of the -- the memory care, the
16 skilled care nursing and then the independent
17 living and assisted living total. And I -- I
18 really was hoping to have something a little bit
19 more concrete than just that generality. And --
20 and the -- if -- if they were somehow or another
21 attached, I think there would be some type of
22 calming effect of that you aren't going to just
23 build one thing and then walk away and -- and
24 leave it. I -- it's just a -- an assurance that -
25 - for the neighbors that that might be a -- you

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1 know, might be helpful. And -- and we just really
2 haven't gotten a -- a clear picture of how long
3 this build-out will really be.

4 MR. PETERSON: If -- if -- we'll -- if we
5 could answer it in two parts, because I think
6 there's components.

7 MS. WALLERSTEIN: There's two questions
8 there.

9 MR. PETERSON: Commissioner, if I could,
10 and I'll take the first part and then we'll turn
11 it over to Joe to talk about timing. But I -- I
12 would direct once again your attention back to the
13 conditions that have been set forth by staff which
14 we have accepted on -- on this very important
15 issue, and it is one and we understand it. We
16 understand the concern as it is identified. You
17 get skilled nursing and you don't get the rest of
18 the project. Never our intention, not what we're
19 proposing to do, not a good business model, but
20 that's great to say at a podium in 2013.

21 So what can be done to assure that you're
22 going to get what you see? First, the two
23 building component. Quite honestly, that was
24 because that creates the type of environment that
25 Mr. Tutera is looking for, which is a community

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1 with walkability. It also served an interest of
2 one of things that we addressed with staff was
3 mass and scale. And by breaking those buildings
4 up, it helped us to, I think, bring more positive
5 elements to that, treat each just a little -- as a
6 little different component of the neighborhood.

7 But back to your fundamental question, which
8 is, okay, first of all, I have a separate building
9 and it starts first. Your city attorney has said
10 separate building is legal under our code. And
11 he's opined to that and we don't need to get back
12 into that again. And two, starting first.
13 However, if I can, I want to read the condition,
14 because I think it really goes to the heart of the
15 concern and alleviates it, and I think it goes to
16 the heart of your question.

17 Stipulation 4: That prior to the issuance of
18 a building permit for the skilled nursing memory
19 care facility, the owner shall provide, number
20 one, evidence of financing for the entire project.
21 Fundamental. That, and this goes to the second
22 condition, prior to the issuance of a certificate
23 of occupancy for the skilled nursing memory care
24 facility, construction shall commence on the
25 independent/assisted living facility, including

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1 material completion of the construction, including
2 foundations, structural framing, three floors and
3 roof enclosed.

4 Now, by the time -- and it just is a
5 sequencing thing back to the property at the
6 beginning and Joe can break it down by years. By
7 the time you have put millions of dollars into a
8 skilled nursing facility and millions of dollars
9 before you can open the door in the independent
10 living represented by staff's offered condition of
11 foundations, vertical walls and roof, you have
12 financially guaranteed -- and I think anybody that
13 has dealt with financing of construction or
14 projects is -- that project will be completed. So
15 it sets up a confirmable phasing element that will
16 serve the need that only momentarily as they
17 finish out the interior work on the independent
18 living will the skilled nursing be operating,
19 which is the exact flow that a business model for
20 this kind of community typically anticipates and
21 tries to implement.

22 In terms of exact time, Joe, if you want to
23 talk from day one of starting the skilled nursing
24 through the opening of the ALF.

25 MR. TUTERA: First I'll reiterate, we

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1 will be building this entire campus. The phasing
2 of the -- and -- and simply the -- the financing
3 and the construction requirement, we won't be able
4 to even begin construction from a practical
5 perspective on the skilled nursing until we have
6 all the financing and all of the accruals in place
7 to do the independent living and the assisted
8 living. Because without any assurance that that
9 facility is going to be built, we have no
10 assurance that we can ever open the doors on the
11 skilled nursing. So the staff has done a very
12 good job of tying those elements together.

13 What we literally will do -- and we think
14 this is about two and a half years -- is start
15 with the demolition and the mass grading of the
16 site. While all that grading and site utilities
17 are being put in place, there -- the -- the
18 foundations and the -- and the vertical
19 construction of the independent -- of the skilled
20 nursing facility and memory care facility will
21 begin. They anticipate that about six months
22 after that starts, the site grading over the
23 entire site and the underground infrastructure,
24 all the stormwater and utility work that's being
25 done, will be completed. They will then be -- be

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1 -- start going vertical on the -- on the
2 independent and assisted living facility.

3 The schedule is -- proposes that by the time
4 the skilled nursing facility is then completed,
5 interior and exterior along with all the perimeter
6 roads and access such that it's a complete site
7 and all of those storm sewer and all elements are
8 completed, the -- the independent/assisted living
9 facility, as Mr. Peterson described, would be
10 completely vertical and enclosed with a roof.

11 Then from that standpoint, we would start the
12 -- the move-in and the opening of the skilled
13 nursing facility. That process in itself -- and
14 there's a method to this madness of not only just
15 the staging of the construction, but how you
16 actually open up the facility, in that the -- the
17 skilled nursing and the memory care facility are
18 both licensed. The very first start to being able
19 to move the first resident into that facility is
20 to get the certificate of occupancy. That would
21 be issued by the city once we met this condition
22 that our -- our independent and assisted living
23 facility is actually built up to the roof.

24 Once that day starts, that's when we can
25 start hired -- we can start the licensure process.

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1 That process in itself is a matter of recruiting
2 staff, bringing -- putting in policies and
3 procedures, going through a licensure, admitting -
4 - admitting a few residents. Long story short,
5 that's a three -- about a three-month process. So
6 that opening of that building is about a three-
7 month process with a handful of employees there
8 and initially, one resident that is then getting
9 licensed and -- and making sure everything's in
10 place.

11 By the time that process occurs three to four
12 months out, we would expect that -- that we're
13 then three to four months away from the
14 construction completing on the independent and
15 assisted living facility. We'd have maybe a
16 three-month gap between the -- the doors literally
17 opening to the public on the skilled nursing and
18 then the doors opening to the public for our first
19 residents of the independent and assisted living
20 facility.

21 So that process from start to -- to finish
22 right now is mapped out at about two and a half
23 years.

24 MS. WALLERSTEIN: And then the lag time
25 to start the villas would be what?

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1 MR. TUTERA: We would start the villas --
2 all of our mass grading and everything would be
3 completed, we'd come look -- and we would probably
4 start the villas immediately after the opening of
5 the -- of the independent and assisted living.

6 MS. WALLERSTEIN: And you expect to take
7 how long for those?

8 MR. TUTERA: That is about a six-month
9 process.

10 MS. WALLERSTEIN: So we're looking at
11 three years?

12 MR. TUTERA: Yes.

13 MS. WALLERSTEIN: Okay.

14 MR. TUTERA: Yes.

15 MS. WALLERSTEIN: One of the things that
16 I have asked you, Mr. Tutera, about a couple of
17 times is community green space and community
18 access. I asked you about what the community --
19 how the community could access the green space
20 that you're offering, and I also asked if any of
21 the rooms in the independent living facility,
22 assisted living facility, would be available for
23 community use. I haven't really gotten a positive
24 response in that. But Village Vision did suggest
25 that when we do redevelopment, that we include --

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1 incorporate community green space and community
2 activities in any redevelopment. And so I realize
3 you're providing it for the community that you're
4 offering it to, but it isn't -- there isn't
5 anything for the rest of the community. So do you
6 want to speak to that?

7 MR. TUTERA: The biggest attribute that
8 we're providing to the community at large is in
9 excess of five and a half, six acres of public
10 parks in four locations and 1.28 miles of walking
11 trails. So the biggest aspect with respect to
12 this is -- clearly, is in the perimeter with
13 respect to the green space and the parks. We have
14 stipulated and talked to the staff that, you know,
15 those are not hollow -- hollow promises, that's a
16 connection of those walks and spaces to the
17 existing path system and public thoroughfares of
18 the city, aligning up with the crosswalks,
19 creating a -- a continuous access to that actual
20 commitment that those -- those areas will be open
21 to the public and available to the -- to the
22 residents.

23 MR. PETERSON: And, Commissioner, again,
24 if I can add on, I would direct your attention to
25 Condition 12 as set forth by the staff, which

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1 states that the trail and park areas will be open
2 to the public, but the owner may establish
3 reasonable rules for use and hours of operation,
4 which I'm sure you'd understand. We understand
5 this, we acknowledge it and we accept it. And it
6 will be not only the desire of Mr. Tutera, but now
7 a condition to an approval that the trails and
8 parks be open to the public.

9 MS. WALLERSTEIN: You know, part of my
10 questions are also echoing, I think, frustrations
11 and comments from the public that we receive. And
12 I'm sure you've read them all, too. But I -- you
13 know, I just want to bring them up tonight in
14 front of this, you know, full house so that
15 everybody has a chance to weigh in on -- on -- on
16 these questions. Another one that has come up is
17 putting the retention pond underground rather than
18 building a wall and putting a fence around it. If
19 it were underground, it might provide additional
20 park space, green space. That's part one. Part
21 two is, I had talked earlier about a -- and,
22 Keith, you might be able to weigh in on this -- a
23 -- a large scale stormwater project that goes all
24 the way from the low water crossings at I think
25 it's Delmar and Fontana all the way across

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1 Somerset and down the channel by the Mission
2 Valley across Mission Road -- or under Mission
3 Road and along Corinth School and all the way over
4 to the cemetery. So I haven't heard anything more
5 about that.

6 I asked if you have -- would discuss it with
7 Mr. Tutera. And so that might im -- impact the
8 detention -- or rather, retention area. And --
9 and also be mindful that you are reducing the
10 runoff by creating this retention area. So --

11 MR. TUTERA: Yes. I'll let --

12 MS. WALLERSTEIN: That's another two-part
13 question.

14 MR. TUTERA: Okay. One -- one part of
15 that I'll speak on briefly. The green space that
16 we refer to in our -- in our 5.3 acres that just
17 got expanded by the fourth park clear to the
18 southwest, does not include the creek itself or
19 the detention basin itself. We have -- we are --
20 we -- we are very sensitive to the control of the
21 water and the volume of the water and the quality
22 of water. Clearly, we've substantially reduced
23 the volume of that water throughout the site, but
24 let me let John speak a little further.

25 MR. PETERSON: We -- we spent a lot of

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1 time drilling down on this issue because as with
2 most all the issues, whether the issue is raised
3 and whether we ultimately agree with it or not, we
4 don't just discard it. We evaluate it, take a
5 look at it and determine if it is feasible. And
6 if it's feasible, does it make sense?

7 Premised to my comments is -- and really,
8 both have been touched on in your questions --
9 touch on one of them, which is, why have a
10 detention facility of any kind? And one is
11 obviously for flood control purposes to -- to
12 manage the water. And we think we're bringing
13 benefit to that, we've made that record before.
14 And I think your public works director would
15 concur with that without exception that the way
16 we're going to design the site in our system and
17 utilize -- utilization of that facility will, in
18 fact, improve downstream conditions.

19 In terms of the specific downstream
20 condition, I'm going to state this subject to --
21 after we have some other commentary will confirm
22 is that our water does not impact that situation
23 that you're referencing, and I don't think it will
24 have a positive or a negative impact on it; but
25 I'm going to consult with my engineer and we can

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1 determine -- I could be wrong and I'm looking for
2 him. But there he is. We'll -- we'll talk about
3 that and confirm.

4 The second issue, of course, is water
5 quality. And that's part of any modern day design
6 system is one of controlling -- flood control plus
7 utilizing best practices to make sure that we are
8 addressing the issues of when water comes out of
9 parking lots with oils and things that's there,
10 before we send it down into the stream system, we
11 do our best to remove those contaminants. Our
12 system does that. It's an open detention
13 facility. Very similar, if not identical, at
14 least in design, to ones used throughout Prairie
15 Village and Johnson County. And utilizing that
16 system and plannings within the -- the dry
17 detention area that serve that function for a
18 relatively brief moment of time during a storm
19 event does serve that added purpose.

20 Why don't we vault it? Why don't we put it
21 underground? Not going to cut any -- try to dance
22 around this issue. Moving from an open detention
23 facility to putting it underground, I can make the
24 case, does not serve the water quality issues as
25 well, but I will emphasize the case that is a \$1

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1 million cost. \$1 million additional cost.

2 THE AUDIENCE: So what?

3 MR. PETERSON: A \$1 million additional
4 cost. And -- and -- and sure. Why not, it's just
5 \$1 million? And I would then counter -- and I
6 counter, obviously, focusing my comments to the
7 appropriate authority, counter, what are we
8 getting for the \$1 million? We can talk about
9 safety issues, we can talk about functionality of
10 the system, we have safety issues put into place.
11 If we can throw it up there in -- in terms of that
12 it will be -- let -- let's take the event of a
13 100-year storm. There'll be water in that
14 facility somewhere between -- if it's a max 100-
15 year storm, there'll be water in that facility 24
16 to 40 hours. That's the way it's designed, and
17 then it comes back to be a grassy swell.

18 Can kids get through and climb over the
19 fence? We're going to have it heavily landscaped,
20 which also addresses the aesthetic issues. We're
21 going to have it fenced in a appropriate matter, a
22 decorative fencing, but a -- a functional fencing
23 that, I will tell you, that if there is anybody,
24 children or anybody, that wants to wander in to
25 where there is water, they are going to pass by

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1 dozens of other opportunities in their
2 neighborhood in the City of Prairie Village,
3 whether it be creeks downstream, open detention
4 facilities designed just like ours are on projects
5 that have just recently been -- been developed,
6 the one we referred to before right there, the
7 assisted living on Somerset.

8 So \$1 million against no great aesthetic
9 impact, because we're going to treat it the way
10 you're not going to even know what is there, other
11 than some nice well-designed vegetation and
12 decorative fencing. It's not a safety issue. If
13 it was a safety issue, the City of Prairie Village
14 wouldn't allow this utilization of this kind of
15 facility in other locations. I am confident of
16 that and I'm convinced of that. It's not as good
17 from a water quality standpoint, but it is an
18 issue that somebody says, I think it's a good
19 idea. And I think with all due respect to other
20 opinions, \$1 million does become an important
21 factor when you take what are we getting in return
22 for that \$1 million.

23 MS. WALLERSTEIN: So the water quality
24 below ground would be not as -- not as appropriate
25 or --

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1 MR. PETERSON: Well, when you --

2 MS. WALLERSTEIN: -- rather the -- if it
3 was above ground, so it would evaporate?

4 MR. PETERSON: What you, in essence, do
5 if you vault it is you put big pipes underground,
6 oversized pipes. And again, I'm not trying to
7 play engineer here. We can dive into all the
8 detail you want. But it's held in the pipes.
9 There might be ways to do it with filters before
10 it gets into the system, but with the design we
11 have, that can be very difficult to do. It's a
12 better approach -- I'm not saying it's the leading
13 reason, but it is a factor. Again, it provides no
14 further benefit in terms of flood control and
15 downstream impacts. I don't think it's going to
16 create -- create a open grass as opposed to what
17 we are visualizing and have incorporated as part
18 of the plan, brings any great enhancement from an
19 anesthetic standpoint.

20 And I guess the remaining issue that has been
21 brought up is one of safety. And again, I think
22 appropriate measures have been proposed and can be
23 taken. And again, I would respectfully submit if
24 open water during a storm event truly is an
25 attractive nuisance and truly is something that

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1 says, that developer should pay \$1 million, then I
2 would suggest that we all be advocating for the
3 city to put decorative protective fencings along
4 the creek channels that run directly to the south
5 side of Corinth School, that the open detention
6 facilities that have been reviewed and approved by
7 this city in several other locations -- I'm not
8 suggesting you should and I'm not criticizing you
9 for not, because it would be, I think, something
10 that would be for form over substance. In my
11 opinion and in our engineers' opinion, and I
12 think, in the development opinion as a whole.

13 MS. WALLERSTEIN: Staff, what about the -
14 - that big storm drainage project, is that still -
15 -

16 MR. BREDEHOEFT: Yeah.

17 MS. WALLERSTEIN: -- is that on the books
18 at all still?

19 MR. BREDEHOEFT: We're looking at -- at
20 -- looking at studying that project later this
21 year in anticipation for construction in the next
22 couple of years. That project, the drainage
23 channel runs to the north of the detention
24 facility. So depending upon the results of that
25 project and the amount of water that would travel

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1 through here, if anything, the reduction of water
2 from this site would help that project. Because
3 it does reduce water. We treated it as a new
4 development site, and it -- the -- the
5 requirements basically reduce the runoff from a
6 facility like this. And, if anything, depending
7 upon how that study turns out, the reduction of
8 water on -- on this site entering that channel,
9 that will help with that project, if anything. So
10 I don't see that -- that it's an impact directly.

11 So on the underground storage versus open
12 detention, it is very common where there are green
13 areas where the site can handle the open detention
14 that that is a commonly used method for detention
15 that we think is acceptable. In this location,
16 there are situations where you have to use
17 underground detention and that's where we require
18 that -- or look into -- to doing that. But we
19 feel it's an appropriate measure of -- for
20 detention on this site.

21 MS. WALLERSTEIN: Was there an open
22 detention at Benton House, is there an open
23 detention area at Benton House?

24 MR. BREDEHOEFT: Yes, there is.

25 MS. WALLERSTEIN: Okay.

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1 MR. BREDEHOEFT: Yes.

2 MS. WALLERSTEIN: Okay. The last couple
3 of things that seem to be recurring in comments
4 were the parking spaces and the overflow into the
5 neighborhoods. That's a huge concern. And my
6 question is, the -- the -- we've kind of gone over
7 some of the dates where there would be an
8 additional attraction like Thanksgiving and Easter
9 and Christmas and, I don't know, what other --
10 else, Valentine's Day, 4th of July, something like
11 that. These are times when there is no school
12 during Thanksgiving, there's no school during
13 Christmas, there's no school during -- usually
14 during the Easter weekend. And I'm wondering if
15 you have done any investigation preliminarily with
16 the Shawnee Mission School District to possibly
17 use some of the parking across the street at
18 Corinth, maybe even the -- the -- I -- I don't
19 know what that building's called, it's where Logan
20 & Logan is. What's that called? It's the Corinth
21 professional building or something. If anything
22 has been checked into by using some of their over
23 -- overflow parking when there is no business?

24 MR. TUTERA: We have talked to, and we
25 have in other instances talked to -- exactly as

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1 you noted, during those periods of times of those
2 holidays, the businesses are typically closed. So
3 prime targets are schools, the office buildings,
4 the retail centers, multiple activities. We have
5 one other benefit going for us here. We have 70 -
6 - we have 82 extra spots that are provided per
7 code. As we talked about, 50 of those are being
8 the used for the shift change. So other than 30
9 minutes a day, those 50 stalls are -- are open.

10 MS. WALLERSTEIN: Is that -- is that
11 counting the covered spaces, are you adding those
12 covered spaces that are, I assume, rental spaces?

13 MR. TUTERA: Yeah. The covered spaces,
14 the 35 covered spaces, are a part of the 268 that
15 are required per code. And granted, that's a very
16 good point. To the extent that we only lease ten
17 of those 35 spaces, we would potentially have, you
18 know, 25 of those that would be vacant. From a
19 practical standpoint, what we really take out of
20 that loop are the unleased 35 units. So
21 potentially, that's five. If that was, again, on
22 an event type basis, we certainly would make those
23 available. But our -- our real solution with
24 respect to the number of parking -- we have 40
25 facilities throughout the country, so we're not

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1 neophytes to this -- is that when you're doing
2 special events, the staff scheduling is part of
3 that. So our first target with respect to that is
4 we're fortunate here on this site we have 82 extra
5 spots. 50 of those are within our own discretion
6 because they're our employee spots. So our first
7 target with respect to that is accommodate our own
8 off-site parking with respect to our employees,
9 adjust the shifts, pick up those 50 spots. We
10 would do that by virtue of using -- of having
11 those employees park at one of these remote
12 locations, either one that we would secure from a
13 post -- medical office building, an office
14 building or a retail center or potentially, the
15 school or even one of our own properties in the
16 area.

17 MS. WALLERSTEIN: And I notice that in
18 the drawings that I counted only 13 handicapped
19 spaces. Surely, we have a few more coming in than
20 just those?

21 MR. TUTERA: I -- that very well may be
22 the -- the number reflected on the plan. We have
23 about, I think, somewhere around double the amount
24 required per code.

25 MS. WALLERSTEIN: Okay.

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1 MR. TUTERA: Again, the -- the -- the
2 residents that drive are predominantly at 136
3 independent living residents. A subset of them
4 will -- will be driving. The villas are all on
5 their own independent drive with a two-car garage.
6 So we think we've taken into consideration looking
7 at our existing facilities, going above and beyond
8 the code that we would accommodate those -- those
9 handicap spots.

10 MS. WALLERSTEIN: And will you have one
11 bus or two buses, how many buses for all of these
12 residents?

13 MR. TUTERA: We will have at least one.
14 We will have one large bus for the independent
15 living/assisted living facility, and we'll have
16 one smaller bus with respect to the memory care
17 center.

18 MS. WALLERSTEIN: Do have plans as to
19 where you're going to park that bus?

20 THE SPEAKER: We have -- we have an
21 employee and -- we have our employee and staff
22 parking to the north, and we -- we plan on using
23 that parking to the north for that.

24 MS. WALLERSTEIN: So you have a total of
25 327 residents maximum?

1 MR. TUTERA: We have -- we have 327
2 units.

3 MS. WALLERSTEIN: Three --

4 MR. TUTERA: We have a -- a maximum
5 number of -- if we're 100 percent occupied with
6 every two-bedroom unit being occupied by two
7 residents, we have a maximum occupancy of 412. If
8 we operate as expected -- or typically, there's a
9 number, particularly in the skilled nursing and
10 assisted level, quite frankly, throughout the
11 facility, only about half of the two-bedroom units
12 or the double occupancy skilled units are occupied
13 by two residents. Those are one-bedroom units
14 that provide an opportunity for a -- a den or
15 other living spaces within that unit. We expect
16 that the full occupancy when we're virtually
17 operating and stabilized -- stabilized occupancy
18 with, you know -- which will be at 90 percent,
19 that we will have a maximum of, I think it's about
20 354 residents. Nevertheless, we've designed it
21 relative to that maximum of 412.

22 MS. WALLERSTEIN: Okay. The last
23 question is -- that keeps coming up, people are
24 concerned that there is no parameters as to what a
25 senior living community is. I mean, do you need

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1 to be 55 and older? And does that include the
2 memory care and the skilled care nursing?

3 MR. TUTERA: The --

4 MS. WALLERSTEIN: How does that -- how
5 does that affect --

6 THE SPEAKER: The -- the typical -- it's
7 -- it's typically a minimum of 55. It isn't a
8 statutory or finance-driven 55 or older, no
9 children type -- no children standard that is --
10 that is necessarily enforced per code or city
11 ordinance, that I'm familiar with. Sometimes
12 those restrictions are -- are imposed by
13 financing. We don't propose to use any such
14 financing that have those restrictions. But our
15 residency agreements and our occupancy is
16 typically 65 or older relative to the skilled
17 nursing, and the independent living facility is
18 typically 55 years or older. The average age in
19 our independent living facility, just as a -- as a
20 point of reference, in the independent living is
21 somewhere in the 78 years old to 82 years old, to
22 -- to give you kind of a ball park.

23 MS. WALLERSTEIN: Okay. I -- you know,
24 these are -- these are questions that keep coming
25 up in -- in the commentary and I wanted to just

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1 kind of go over them so that everybody could hear
2 what your responses are, and the ones that jumped
3 out at me. So thank you very much.

4 MR. TUTERA: I really appreciate your
5 comments.

6 MR. PETERSON: A quick -- just
7 supplementing back to the parking because what
8 we're trying to avoid in terms of our presentation
9 is, issue raised, trust us, trust us, we promise,
10 you know, we -- we're good guys and we've got a
11 lot of experience on that.

12 MS. WALLERSTEIN: They asked for your
13 home phone number, you know that?

14 MR. PETERSON: Yeah. On that basis, I
15 would again -- and I'm not trying to beat this to
16 death, but I think it's important. Condition 10,
17 of which would -- the approval would be
18 conditioned upon, states that the applicant will
19 provide adequate guest parking on holidays and
20 special events so that parking does not occur on
21 streets in residential areas. If it does, we have
22 committed a code violation and it is enforceable.
23 So we promise Joe runs a great operation, he knows
24 what he's doing, but the -- the -- there was an
25 element of law to make sure that our neighbors are

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1 not bothered or impacted by people parking on
2 their streets if their purpose is to access this
3 community.

4 MS. WALLERSTEIN: Thank you.

5 CHAIRMAN VAUGHN: Other questions? Nancy
6 or Randy, Greg? No. Okay. You've completed your
7 presentation in the original 45 minutes and we've
8 taken another 35 asking questions. Is there
9 anyone here that -- from the public that wishes to
10 speak in favor of the proposal? We can take a
11 couple of those. Go ahead and go to the
12 microphone. Identify yourself. Use the
13 microphone.

14 THE SPEAKER: I listened to more than an
15 hour's lecture here.

16 CHAIRMAN VAUGHN: Use the microphone
17 please.

18 THE SPEAKER: Oh, I'm sorry.

19 CHAIRMAN VAUGHN: Use the microphone.

20 THE SPEAKER: My point is here, we've got
21 to find out why close the -- the Mission Valley
22 school. Why we close the school? Because the
23 loss of populations.

24 CHAIRMAN VAUGHN: Excuse me. Are you
25 speaking in favor of the proposal?

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1 THE SPEAKER: No, I'm opposed. So
2 proposed already speak for hundreds of minute.
3 Can I say anything?

4 THE COMMISSION: Not yet. It's
5 proponents right now.

6 THE SPEAKER: I'm speaking for. My name
7 is David Feingold, I live at 8004 Juniper. I've
8 been a resident of Prairie Village for over 25
9 years. I shop at the shops here and I know a lot
10 of the shopkeepers by name. I patronize their
11 stores, I take advantage of the parks and services
12 that our wonderful community has.

13 Now, I might not look it, but I'm getting to
14 be pretty close to 65. And I live in a typical
15 Prairie Village split. And right now, I get up
16 and down the stairs pretty well, but I know that
17 eventually I'm not going to be able to do that.
18 And I'm really excited to know that there's going
19 to be a quality development here in Prairie
20 Village that I can look forward to possibly living
21 in, so that I don't have to move to another
22 community. And not only for people, let's say, my
23 age, but there's a lot of us that have aging
24 parents, and that it's a wonderful convenience to
25 be able to have them in a good and safe facility

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1 that is close to home.

2 Now, I hear the -- you know, some of the
3 concerns about the parking. And I think about
4 when the school was open, that on back-to-school
5 nights, on special event nights, the streets were
6 packed, cars were parked all up and down
7 residential areas, but I don't remember anybody
8 complaining. And I know when I drove up and down
9 the street, rather than say, oh, my gosh, look at
10 what this school is doing, that school was
11 something that provided our community with an
12 asset that improved and maintained property
13 values. Now, through no fault of ours, a lot of
14 us had kids, but because of the demographic
15 changes, not this community, but the -- the
16 Shawnee Mission school district said, hey, we have
17 to close that school.

18 Now, every day in this country, over 10,000
19 people are turning 65 years of age. It's a fact
20 of life, there's a changing demographic. Not only
21 are more people getting older, but thanks to
22 healthcare, we are living longer lives and we're
23 being a lot more productive in our lives, and it's
24 all the more reason that this demands a change in
25 lifestyles, and this facility provides that.

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1 Finally, the developer that we have is not
2 somebody from out of town that's come in and
3 doesn't really care about the community. The
4 Tutera family has been involved in this community
5 for many, many years; and they've got a real
6 concern with what is happening and they are
7 quality developers that have a wonderful track
8 record. And I think that rather than looking at
9 all the things we can complain about, I think when
10 we can -- when we look and see what's happened in
11 the -- in the area, the changing demographics,
12 that we're going to be very fortunate to have this
13 facility. And so I think that probably a lot of
14 people in this room, even some of you who are
15 opposed, maybe down the road, we'll all be
16 neighbors enjoying the facility. Thank you.

17 CHAIRMAN VAUGHN: Please -- no -- please
18 use the podium. You're addressing us, not the
19 audience.

20 THE SPEAKER: I'm happy to address you.
21 My name is Barbara Dooley. I grew up in Prairie
22 Village, my family has lived here for more than 50
23 years. I would not have returned to Prairie
24 Village except that my parents want to stay in
25 their home. So in our family, we had decisions to

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1 make, and I came home. I will be facing the same
2 decision, because it's unlikely that by the time I
3 need to make those decisions, that I will move
4 away. And the same decisions will face me.

5 My parents did not want to leave their home
6 not only because they're attached to their
7 community, but their church is here, it's not just
8 about where they can go shopping, but it's who
9 they worship with. They did not want to have to
10 change everything about their life and wanted to
11 have appropriate care. But would they have moved
12 down the street and made it easier? You bet you.

13 I also work with a lot of seniors. I've been
14 in -- in almost every single nursing home and
15 assisted living facility in Johnson County because
16 I'm a Hospice volunteer. I've also been in the
17 Tintera facilities. And I can tell you that I
18 would be very happy to have my family as clients
19 and residents of their communities.

20 So I can -- I've heard, I've come to the
21 meetings, I've never heard people get up and say,
22 except the person that proceeded me, how necessary
23 this is for all the reasons that that gentleman
24 also said. It's not just about our aging
25 population here, although I represent that, about

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1 the people I'm taking care of; but also, if you're
2 a younger person and have parents that you have to
3 take care of, it is an incredible burden to have
4 to travel far or not to know what's happening to
5 your loved ones. It does serve a need. I think
6 that they have met the code. I've listened and I
7 hope that you will consider approving the project.
8 Thank you very much.

9 CHAIRMAN VAUGHN: You need to give us
10 your name and address.

11 THE SPEAKER: It's Barbara Dooley. I
12 live at 5301 West 69th Street in Prairie Village.

13 CHAIRMAN VAUGHN: Okay. We're going to
14 take a five-minute break here before we begin the
15 second -- before we begin the second portion of
16 the public hearing.

17 (THEREUPON, a recess was taken.)

18 CHAIRMAN VAUGHN: Those wishing to speak
19 in opposition to the proposal, please come to the
20 podium, identify yourself and proceed. We'll try
21 to give you as much time as we need.

22 MR. DUGGAN: Thank you, Mr. Chairman.
23 John Duggan, once again, I've appeared here
24 before. And thank you, members of the planning
25 commission. I represent the Mission Valley

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1 Neighbors Association. And we actually think that
2 through this process, the facts are actually
3 becoming more clear. The clarity that is being
4 presented by -- a lot of the numbers sometimes
5 seems to flow over us; but, I think, we want you
6 to focus tonight and understand with some level of
7 clarity that this plan that was supposed to have
8 been modified the last time we were here to meet
9 the concerns about the elephant in the room. The
10 elephant in the room, we all remember, was, why
11 does it have to be so big? And there were a
12 number of comments made by you commissioners that
13 night that we want to refresh your memory about,
14 that we don't think have been addressed in any
15 way, shape or form.

16 This total reduction of 7 percent. We talked
17 about an elephant in a room. An elephant's 15,000
18 pounds, that's about 70 times bigger than I am.
19 They maybe put the elephant on a diet and now he's
20 only 14,000 pounds, but he's still 65 times bigger
21 than anybody else in this room. And if he were in
22 the room, he'd stick out like a sore thumb. This
23 project still is going to stick out like a sore
24 thumb. It might be a nice project, and I think
25 what we're going to demonstrate to you tonight is,

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1 they really need about 40 or 50 acres to do what
2 they want to do. You can't really do it on 18
3 acres. And when you try to do this project on 18
4 acres, you are going to end up with a monumental
5 mistake for the City of Prairie Village.

6 We agree with the applicant with regard to at
7 least one thing. They carry the burden to
8 persuade you that this project is one that's
9 consistent with the Golden factors, your
10 ordinances, and it's something that you believe in
11 the long run is going to be good for your city,
12 that it meets the criteria. We're going to show
13 you what we think the consensus was the last time
14 we were here at a public meeting, and that was, if
15 we simply used the -- the formula for the other
16 most recently approved senior facility in your
17 city, we'd probably be looking at 120 to 150,000
18 square feet, not the size that we're still at
19 today.

20 Please go to the next slide. Why so big,
21 still? Comments were made at this planning
22 commission meeting the last time we were here on
23 June 4th and the last time we had an opportunity
24 to speak. They were very clear. I think the
25 elephant in the room may be more so than property

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1 value and maybe it's tied to property values, is
2 the size of the project. It just feels too big.
3 Other commissioners said, I basically was going to
4 say, why so big? It comes down to, why so big?
5 Is a 7 percent reduction in the overall square
6 footage -- please go to the next slide, Slide 3.
7 Go to Slide 2. Those were the comments that were
8 made the last time.

9 Go to the next slide, please. Mr. Schafer
10 said, in comparison to Benton House, if they've
11 got 50,000 feet on six acres and, you know, that
12 scale seemed appropriate to the commission and to
13 the neighbors, and this is 150,000, this would be
14 50 -- 150,000 feet on 18 acres makes sense. The
15 Chairman said, I have concerns about the intensity
16 of the use, and my question was going to be, can a
17 project that's smaller be feasible? And I suspect
18 that it can be. But the intensity of the
19 development, the intensity of the structures, the
20 narrow streets, those all concern me.

21 Please go to Slide 4. Additionally, we saw
22 the three stories were a concern of the planning
23 commissioners. The chairman commented in closing,
24 I would hope that you'd be able to get a large
25 number, not necessarily a majority, but a large

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1 number of the neighbors in agreement with what you
2 propose. We're really concerned about the
3 neighborhood. They need to be enthused about the
4 project. Go to the next slide, please.

5 MS. VENNARD: Mr. Duggan, we said these
6 things, we know them. Can you present us anything
7 new? You gave us a packet of these slides, it's
8 over 83 slides. We're going to be here till
9 midnight. Please talk to us about your reaction
10 to what was presented tonight.

11 MR. DUGGAN: The reality is this. We
12 thought the planning commission gave the applicant
13 and the developer very specific directions on what
14 to go forward with. And my clients, the
15 neighbors, feel as though that was completely
16 ignored. They went to a meeting on July 11th,
17 they asked questions. The process had already
18 been etched in stone by the developer, they
19 weren't going to reduce this, it wasn't going to
20 get anywhere close to the 150,000 square feet that
21 was being discussed at the last commission meeting
22 we had. It's -- it's a 7 percent reduction in the
23 overall square footage.

24 Actually, it goes to -- Slide 6, please. The
25 total square footage is now 358,029 square feet.

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1 It is a 7.5 percent reduction. We feel that is
2 hardly a good faith effort by the applicant and
3 the developer to address not only the concerns
4 that were raised by my clients, but also the
5 concerns that were raised by the commission.

6 Go to Slide 8, please. We believe -- and I
7 think it's very difficult for any commissioner to
8 really understand what 358,000 square feet is
9 really like. There has to be some comparison and
10 analogy made by commission in the community. What
11 can we look at, what other projects exist that we
12 can actually compare this to? At the end of the
13 day, the facility still, the new one being
14 proposed, is comparable in size to some of the
15 largest residential facilities in Johnson County.

16 The fact of the matter is, we provided you --
17 go to Slide 9 -- a detailed empirical analysis of
18 how the proposed facility is going to compare to
19 ones that exist in Johnson County. The facility
20 as proposed by Mission Chateau at 228,000 square
21 feet for the main building still is going to tie
22 it for third in Johnson County. Not that far
23 behind, the other exemplars that were used to talk
24 to the planning commission about, the plan -- or
25 the applicant wants to use Claridge Court as its

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1 primary example. We feel that is an apple and
2 orange comparison. That property, before it was
3 turned into a facility -- senior facility was not
4 zoned R-1a, it was commercial. It was -- it's not
5 anywhere close to the apples to apples comparison
6 to what we have.

7 Please go to Slide 10. We believe -- and
8 this is a picture of Santa Marta, which you're all
9 very familiar with. This project, Santa Marta, is
10 a pretty good example of a 370,000 to 380,000-
11 square-foot project. Unfortunately for us,
12 there's not 46 acres in which to spread around
13 this Mission Chateau project. You only have 18
14 acres. It's effectively taking Shawnee Mission
15 East High School, putting it on an 18-acre site
16 instead of the roughly 40 acres that the Shawnee
17 Mission East High School is on.

18 I believe, as do my clients, that when you
19 take a fair analysis, go look at some analogous
20 size buildings in this particular type of product
21 and see how many acres they have associated with
22 them, you're going to come to the conclusion that
23 you're going to be jamming one of the largest
24 senior living facilities in Johnson County on to
25 one of the smallest sites in a relative

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1 comparison. That doesn't meet the burden that we
2 think has been placed upon the applicant to
3 persuade you that it's entirely consistent with
4 what you're supposed to be doing and the request
5 that you made last time we were here.

6 Go to Slide 12, please. The largest senior
7 living facilities in Johnson County, look at
8 Lakewood. It's 909,000 square feet, but it's on
9 100 acres. Mission Chateau, 358,000 square feet,
10 and it's proposed to be on 18 acres. Tallgrass,
11 317,000 square feet, 331 residents on 65 acres.
12 Brookdale, 312,000 square feet, 355 units, 19
13 acres. Santa Marta, 294,000 square feet, 242
14 residents on 46 acres. Obviously, what we're
15 proposing to do is to jam in to a very small site,
16 one of the largest senior living facilities in
17 Johnson County.

18 Go to the next slide, please. But let's not
19 just look at senior living facilities, look at
20 your city, look at some of the other areas where
21 you have some high intense use and compare it on a
22 square footage per acre basis. As we pointed out
23 in the previous presentations to the planning
24 commission, we think it's an unfair, inappropriate
25 analysis to talk about residents per acre, things

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1 of that nature. This is a unique site. It's not
2 an apartment complex, it has it a variety of
3 common area uses that are made available to the
4 residents.

5 Let's look at square footage. Density numbers
6 that compare with Corinth Square. The Mission
7 Chateau, revised, is still 19,459 square feet per
8 acre compared to 11,902 square feet per acre at
9 Corinth Square. Why would the city think that
10 that meets the burden required of the applicant to
11 persuade you that you'd want to do that in a mid
12 block location? This is not a corner. This is
13 where the school's located, adjacent to
14 residential housing.

15 Go to the next side, please. We did some
16 recalculations of the information that we provided
17 to you. We said, look at Corinth area office and
18 retail. We looked at those four uses that are
19 identified on Slide 14. We ran an average; we
20 said, listen, if you look at the square footage
21 per acre of mixed use properties nearby, you're at
22 11,902 square feet per acre. The revised project
23 is still 19,459 square feet per acre. It is
24 dense.

25 Go to Slide 15, please. We also want you to

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1 take into consideration, again, the applicant
2 says, we want you to know facts. Here are what
3 the facts are. Nobody in this room has a precise
4 understanding of how big 358,000 square feet is.
5 The best we can do is analogize to other projects.
6 Let's look at Benton House. Square feet per acre
7 for a senior housing development, recently
8 approved in this city, 5,816 square feet per acre.
9 Former school site. Makes a lot of sense that
10 that ought to provide us some guidance. In fact,
11 we thought the last time we were here that that
12 guidance was communicated to the developer.
13 Apparently, it fell on deaf ears.

14 Our view is, if you go look at average square
15 footage for R1 zoning in Johnson County, it's
16 8,000 square feet per acre. The average per acre
17 for CCRCs in Johnson County is 8,196 square feet
18 per acre. It pales in comparison to how dense
19 this project is. It's still 19,459 square feet
20 per acre, it's nearly three times what we see in
21 other areas.

22 Go to Slide 16. We backed it up with some
23 data and prepared a chart for the planning
24 commission to consider as part of your factual
25 investigation. Senior living sample size zoned

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1 R1, these are special use permits. Just simply
2 look at them. If you run down the table, you can
3 actually see the Benton House analysis, the total,
4 the average of 8,009 square feet per acre. And
5 the Mission Chateau, as revised, is still well in
6 excess of any average.

7 Why would the City of Prairie Village, with
8 its emphasis on open space -- we know the Village
9 Vision clearly identifies that if somebody wants
10 to do redevelopment, let's preserve open space.
11 This plan, we just had a lengthy debate about
12 putting in a -- what is considered green space.
13 According to our calculations, this fenced off
14 area that's going to be the detention facility is
15 part of a green space calculation. Is anybody
16 going to be able to use that?

17 MS. VENNARD: He said in that
18 presentation that it wasn't.

19 MR. DUGGAN: Then if it's not, why don't
20 we make it green space? Why not make it
21 underground? Why not create it if it's only a
22 acre or two? Isn't an acre or two valuable enough
23 to the city to require underground stormwater
24 detention?

25 MR. TUTERA: It's a half acre.

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1 MR. DUGGAN: He says it's a half acre.
2 Is it still not important enough to the city? And
3 you heard a compelling argument, we're going to
4 put a fence around it, we're going to landscape
5 it. My clients feel as though the city is losing
6 a valuable asset, because the Mission Valley
7 school has a substantial amount of green space,
8 which is going to be significantly reduced.

9 Go to Slide 18. We think the whole
10 presentation, this lifestyle argument, I've got to
11 have 358,000 square feet because I really need
12 that to create the lifestyle that I want to create
13 for the people that are going to come and be my
14 customers --

15 Go to the next slide, please. We've talked
16 about and looked at -- looked at the lifestyle
17 measures of residents per acre. Once again, we
18 thought Benton House -- and we were asked by the
19 staff last time we were here to come and tell the
20 city planning commission what we thought might be
21 an appropriate guidance. We said, well, let's
22 look at Benton House, 8.8 residents per acre.
23 Mission Chateau, revised, 22.4 residents per acre.
24 From our perspective, once again, you really need
25 40 or 50 acres to do this project, you only have

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1 18. Too bad we don't have 40 acres to put this
2 project on, it might be more palatable.

3 At this juncture, putting this project on an
4 18-acre site creates the kind of distorted numbers
5 that you see, excessive residents per acre,
6 excessive square footage per acre. That's what
7 happens when you put a high-density project on a
8 small site. And that's exactly what my clients
9 complain about. And they strongly believe, and I
10 think the empirical evidence they've submitted
11 substantiates the fact, that it's going to have an
12 impact on their property values and it is going to
13 dominate the neighborhood, which we'll talk about
14 under the Golden factors.

15 Go to Slide 22. Once again, do you have to
16 have this size of a project to create the
17 lifestyle that's being suggested? Our contention
18 is no. Go to Slide 23. We suggest, and we think
19 this evidence is compelling, that there are a
20 number of other CCRCs in Johnson County that are
21 not of this size. Six of Mr. Tutera's
22 developments in Johnson County don't provide
23 skilled nursing. If you look down to the fact
24 that says, the skilled nursing facility at Mission
25 Chateau, revised, is the same size as it was

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1 before, absolutely no reduction.

2 Go to the next slide, please. We actually
3 think the skilled nursing facility, in fact, is
4 kind of the hidden gem for this for the developer.
5 And there's probably a good reason why. We don't
6 know the intricacies of their business, but we
7 assume it needs to be built first because it's
8 going to be the most profitable component of the
9 project. May be a false assumption, but common
10 sense says that's likely the case.

11 Slide 24. Mission Chateau SNF -- the S --
12 the SNF project -- is twice the size of the
13 existing Benton House project itself. Twice the
14 size. Benton House as completed is 50,000. This
15 SNF on our site is almost twice that size. The
16 Mission Chateau revised SNF is 91 percent of the
17 size of the existing school. The skilled nursing
18 facility itself is almost the same size as the
19 middle school. In addition to that, he wants to
20 add another 250,000 square feet of other buildings
21 to the site. Once again, common sense, you've got
22 a pretty good size grade school, it probably fits
23 appropriately on 18 acres. Now we're talking
24 about a building, the SNF, that's almost the same
25 size as the grade school, and now we're going to

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1 add on top of it, another 250,000 square feet.

2 Go to Slide 25, please. There's been an
3 argument, I've got to have this square footage to
4 create the lifestyle I need for my residents. The
5 SNF isn't dictating the lifestyle on this
6 particular project. If you look at -- and we've
7 reviewed facts, that on the average, 10 percent of
8 the SNF patients will come from the CCRC
9 residents. We've interviewed a number of other
10 facilities that actually have skilled nursing
11 facilities included in the buildings, and that
12 indicates -- and this is consistent with the
13 information we've gathered -- that 90 percent of
14 the patients for that SNF are coming from outside
15 the facility.

16 If, in fact, all those patients were coming
17 from this facility, why wouldn't you want it in
18 the same building? Seems like the question to us
19 indicts the position of the developer. If you
20 really have all these people that need skilled
21 nursing, why isn't it in the same building?
22 There's a good reason. Because our research shows
23 that 90 percent of the patients that are actually
24 going to use the SNF are coming from somewhere
25 else. So why in the world would we as a city,

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1 where they're required to meet the burden of
2 proof, say, let's allow a building that's almost
3 the same size as the school is today to simply be
4 on the same site with another 250,000 square feet
5 of finished floor area to serve 90 percent of the
6 people that aren't even coming from this facility?
7 It doesn't make any sense.

8 Go to the next slide, please. We're not
9 going to go through the legal argument that we
10 made in our memorandum, we're going to stand on
11 that legal position. I think the Kansas courts
12 have decided this issue, we don't need to go to
13 Michigan to find a case that says a subordinate
14 accessory use should be at the time that we're
15 building this property. I know the staff has
16 recommended some conditions, if, in fact, the
17 planning commission votes for approval; but we
18 think legally, it would be impermissible to
19 approve the SNF before the actual facility is
20 built.

21 And that brings us to another point. It
22 seems as though the developer has suggested in a
23 backhanded way that the staff has recommended an
24 approval. Please read the language of those
25 introductory paragraphs carefully. I know you

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1 will. That introductory paragraph simply says, if
2 the planning commission votes in favor or
3 recommends approval, these would be the conditions
4 that the staff recommends. The fact that the
5 staff is recommending some conditions if you
6 should decide to vote for approval is a far cry
7 from those paragraphs saying, staff recommends
8 approval.

9 Phasing. We've talked about that. We
10 actually believe you have to have the facility
11 built at the time that you're constructing the
12 SNF. Don't come in, don't let this project go on
13 for three years of construction. The reason it's
14 going to take three years to build is good. It's
15 a big project. The size of this project is
16 daunting. If the project was makeweight, if it
17 was right size to this project, they could get it
18 built and they should build it at one time. To
19 come in and say, we're going to spend three years
20 with construction traffic, debris, dust and all
21 the neighbors seems unreasonable to us.

22 The parking is a significant issue, and we
23 think that it's been slighted by the calculations.
24 Please go to Slide 30. If you were to go through
25 and look at our materials, and we ask you to do so

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1 in a very diligent manner, we actually believe
2 that the parking units are grossly overstated.
3 We've calculated, we've gone through, we've looked
4 at the various code requirements. And then we
5 said, well, let's take a look at -- go to Slide 31
6 -- if you applied the same criteria to Lakeview,
7 to Santa Marta, to Aberdeen, to Tallgrass, what
8 would happen?

9 Based upon the calculations that were used to
10 calculate parking on Mission Chateau, the same
11 exact formula, you'd end up with an average of a
12 28 percent shortfall in your parking spaces, which
13 in this instance, we think is really about 89 to
14 90 parking spaces. Well, they say, we're going to
15 solve that problem. If we have a significant
16 event, Christmas, Easter, something of that
17 nature, we're going to actually take into
18 consideration busing. And, in fact, we're going
19 to stand on the condition that the staff has
20 placed on us. How difficult is that going to be
21 to police? How is the City of Prairie Village
22 going to go out at this facility and confirm all
23 the activities undertaken?

24 The stipulation itself is so loosely worded,
25 you can bank on the fact that the neighbors that

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1 are going to be living adjacent to this facility
2 when those special events come up are going to
3 encounter the same parking problems that you see
4 at the other facilities in the city. Our
5 contention is the parking is woefully inadequate.
6 Just look at some of the other facilities, apply
7 the same formula to those facilities that were
8 applied here, and you're 89 parking stalls short.

9 Transition, according to my clients, is still
10 woefully insufficient. What they're suggesting is
11 we've got a 300-foot transition area of one-story
12 tall buildings. It still doesn't protect the
13 neighbors from the sight of this massive facility
14 that lurks behind the one-story buildings. 300
15 feet, this room here is probably close to 150 feet
16 long. If you were to go down another 150 feet and
17 now you're looking at three stories, you're
18 probably looking at a very substantial building.
19 In our view, it's not a sufficient buffer area.

20 Go to Slide 36. Let's do some analogies,
21 let's think about what we're talking about.
22 Here's Santa Marta, 294,000 square feet on 46
23 acres. And that's what it looks like. You're
24 talking about 358,000 square feet on 18 acres
25 right next door to the neighbors. Think about

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1 that aerial view and how tight and congested it's
2 going to be.

3 Go to the Slide 38, please. This is Aberdeen
4 Village, another aerial view. Once again, this is
5 36 acres, much more area to deal with to put your
6 facility on. Go to Slide 39. This is Tallgrass.
7 Once again, 65 acres, not 18 acres.

8 Our contention is -- go to Slide 40 -- the
9 appropriate precedent for the planning commission
10 to look at is Benton House. If you looked at the
11 Benton House criteria approved by the city, you
12 would see that, effectively, it dictates a size on
13 18 acres of about 135,000 square feet. You can do
14 the math, it's a simple algebraic equation. We
15 simply take the total square footage of land at
16 Benton House and divide by the total approved
17 expansions. You end up taking that number, it's
18 135,154. We thought that was the message that was
19 sent. We're still looking at 358,000 square feet
20 in the revised proposal by the developer.

21 Our contention is, as you look at this
22 particular facility, once again, why does it have
23 to be so big? We haven't received any kind of an
24 expressed explicit explanation other than some
25 vague statement by the applicant that that's the

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1 way they want to do business, they want to provide
2 a certain lifestyle. They've given us no
3 specifics about why smaller facilities like Benton
4 House seem to be working. They've given us no
5 information as to why they have to have this
6 facility, including the SNF, be almost the size of
7 the grade school. They're saying, we think this
8 is what Prairie Village needs.

9 And we want to remind the commission that
10 during the time that we actually presented our
11 information last time, Prairie Village, relative
12 to Johnson County, is glutted with senior
13 facilities. We don't need to rehash that
14 argument. You, Prairie Village, have more senior
15 facilities per resident per capita than any other
16 city in Johnson County. And why is it that you
17 want to take a space such as the 18 acres and jam
18 an incredibly large facility on there to simply
19 add more disproportion to the already oversupplied
20 senior facilities that you have in your community?
21 It doesn't make sense.

22 Please go to Slide 47. Once again, talking
23 in generalities and vagueness, we say, well, this
24 traffic for the Mission Chateau project is going
25 to reduce traffic problems from what the school

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1 was. Unfortunately, once again, it's half of the
2 story. The rest of the story is the school was
3 open 190 days a year. This facility is open 365
4 days a year. If you look at the traffic counts
5 that we tabulated, not pie in the sky, this
6 facility generates 393,470 trips per year. The
7 school only generated 79,920 trips per year.

8 Saturation. Go to Slide 48. We talked about
9 -- and here's the summary of that -- within five-
10 mile radius, there's 34 senior living facilities,
11 totaling 4,348 units that may hold as many as
12 5,292 residents when double occupancy is
13 considered. Adding another facility on this site
14 doesn't accomplish the ends that the city wants to
15 -- to achieve.

16 We had some presenters that talked last time,
17 Todd Bleakely, Craig Satterlee, Bob Higney. Go to
18 page -- or Slide 51, please. Mr. Higney was a
19 marketing expert. I want to pick up just briefly
20 on summarizing the information that he presented
21 to you about the saturation. Specifically based
22 on demographic data, the expectation is that the
23 75-plus population in Prairie Village is expected
24 to gain only 24 individuals from 2013 to 2018.
25 That the 65-plus population of Prairie Village is

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1 projected to grow less than 2 percent over the
2 next five years. These -- this is all information
3 that we supplied to you last time that you can
4 verify.

5 Steve Carman talked about problems with
6 neighbors, with lights, with traffic, with
7 property values, and we supplied an appraisal to
8 you. Is it really worth it to the city to
9 depreciate surrounding property owners' property
10 by 10 percent? We also read into the record last
11 time we were here, some comments from former
12 mayor. We talked to -- and had Nancy Synovic
13 speak about her long time residency in Prairie
14 Village. There were a number of comments by a
15 number of other persons. What we want the
16 planning commission focusing on -- please go to
17 Slide 56 -- is the Village Vision. Diverse
18 community population.

19 Slide 57, please. Preserve parks and green
20 space. We want the city and the planning
21 commission to consider all of the housing options
22 for all families and individuals of a variety of
23 ages and income, preserve the community's
24 character. This project is out of character with
25 Prairie Village. And we think we've identified

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1 and articulated that.

2 Please go to Slide 59. The goals of Village
3 Vision, according to the summary that we provided
4 and lifted right from the Village Vision, is that
5 Prairie Village should retain the charm and
6 character that it's known for. They want to
7 preserve the identity, including that unique small
8 town feel. This facility is the antithesis of a
9 small town feel. There are areas in Johnson
10 County that look commercialized, there are areas
11 of Johnson County that we've identified that have
12 large facilities, large buildings. And yet, we've
13 identified the specifics that they have much more
14 area to work with for these types of facilities.

15 Not only is Prairie Village contemplating a
16 oversaturation and continued oversaturation of
17 these facilities, but you're contemplating taking
18 on something that Overland Park and Olathe
19 wouldn't do. They didn't jam this kind of square
20 footage into 18 acres, it was put -- at least on
21 Santa Marta, on 46. In Tallgrass, it was on 65
22 acres. There have been amendment -- amendments to
23 the comprehensive plan that we think are
24 consistent with our objections to the planning
25 commission voting to approve this massive of a

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1 project.

2 We provided you in the slides some samples of
3 the public comments based upon the transcripts
4 that were provided. We know, according to your
5 legal counsel -- go to Slide 65 -- that you're
6 going to have to go through the factors to be
7 considered in the ordinance as it relates to the
8 special use permit. You did that once before with
9 Benton House. We'd like you to take just a moment
10 before you make your decision and compare the
11 decision-making process on that to what you're
12 doing tonight.

13 The Benton House staff report said -- Slide
14 50 -- 65 -- the Benton House staff report said,
15 the main building, including the 71 units, has an
16 area of approximately 50,000 square feet, which is
17 about 17 percent lot coverage. Mission Chateau,
18 which is also R-1a, the first floor footprint of
19 the buildings is 178,000 square feet. And it does
20 not appear that the carports were included. The
21 35 carports add another 5,670 square feet, for a
22 total of 183,000 or about 23 percent lot coverage.
23 In addition to that, the bulk and the density of
24 this project in terms of in height, is far in
25 excess of what was approved on Benton House.

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1 Go to Slide 66. The Benton House staff
2 report said the proposed building is one story and
3 has a residential design. It is a low traffic
4 generator. That's what the staff report said.
5 The Mission Chateau staff report, on the other
6 hands, says, the proposed project will have some
7 adverse effects on the welfare and convenience of
8 the public. And it was laid out in some detail
9 what the staff's concerns were with regard to
10 that.

11 Go to Slide 67. The Benton House staff
12 report said, the building is one story and
13 approximately the same square footage as the
14 elementary school building that's being removed.
15 The immediate neighborhood is totally developed
16 and the use will not dominate the area so as to
17 hinder remodeling and updating nearby residences.
18 The Mission Chateau staff report, on the other
19 hand, says, the re -- size of the revised project
20 is 358,040 square feet, which will make it one of
21 the largest, if not the largest, developments in
22 Prairie Village. The height and mass of the
23 buildings are an issue with the neighbors. As
24 they should be. It's almost three-and-a-half
25 times the size of the school that was -- is going

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1 to be removed. Much different than what you did
2 on the Benton House report.

3 Go to the next slide, please, slide 68. The
4 Benton House staff report described the 72 parking
5 spaces and that the -- that the parking
6 regulations require 72 and the applicant was
7 providing 90. In this instance, we've raised the
8 issue we think the parking is woefully inadequate,
9 something that you should address with the
10 applicant.

11 Please go to Slide 69. We know that the
12 planning commission must take into consideration
13 the Golden factors. The Golden factors have been
14 something at least that we have a consensus on and
15 agreement with. The applicable Golden factors --
16 go to Slide 70, please. The proposed special use
17 complies with all applicable provisions of these
18 regulations, including intensity of these
19 regulations, yard regulations, and use
20 limitations. We maintain and our contention is,
21 it doesn't comply. Because of the subordinate
22 accessory use, they've been able to avoid a number
23 of requirements by making it one big lot when
24 they've got at least now what appears to be maybe
25 eight or nine different buildings on the site.

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1 Which in a typical development would require a
2 separate plat to be filed, which would then
3 require separate setbacks.

4 We also believe that the actual staff report
5 addresses lot coverage to reflect that it falls
6 within a 30 percent lot coverage ratio, when the
7 fact of the matter is, it doesn't point out that
8 the commercial properties in Prairie Village are
9 only 25 percent lot coverage. Why would you want
10 an area that is R-1a to have the same lot coverage
11 as a commercial area? We think that the proposed
12 plan doesn't meet the first Golden factor.

13 The second one, the proposed special use at
14 the specified location will not adversely affect -
15 - this is Slide 71 -- will not adversely affect
16 the welfare or convenience of the public. We've
17 identified for you the oversaturation in Prairie
18 Village, the 24/7 use, the lights that will be
19 abatable, the changing of the guard with the staff
20 at all hours of the day, the comings and the
21 goings. There weren't people changing staff in
22 the middle of the night at the grade school.
23 There weren't people that were coming 24/7/365 at
24 the school next door. This is a definite
25 significant, substantial change in the use of the

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1 property. We also believe, as we've articulated
2 in detail, the parking is inadequate and that the
3 stipulations and the policing of busing people in
4 there is insufficient.

5 Go to Slide 72. We want the commission to
6 also understand that we don't think the proposed
7 special use is effectively not going to cause
8 substantial injury to the value of the other
9 properties. We've submitted appraisal reports.
10 We couldn't disagree more with the staff's
11 conclusion that the properties across the street
12 on Mission Road will not be adversely impacted in
13 terms of their valuation. This constant
14 suggestion that it's units per acre and not square
15 footage per acre, we think, is a non-starter. Why
16 would you be looking at units per acre when the
17 units per acre are just apartments or houses?
18 This is a facility that includes a lot of common
19 spaces for the use of the residents. Square
20 footage per acre, we believe, is a much better
21 approach to evaluate whether or not this should be
22 approved. Our review of existing projects reflect
23 that there's only one other project in Johnson
24 County that has more density than this one on an
25 R1 zoning.

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1 Go to Slide 73. The location and size of the
2 special use, the nature and intensity of the
3 operation involved in or conducted in connection
4 with it, and the location of the site with respect
5 to the streets getting access to it are such that
6 the special use will not dominate the immediate
7 neighborhood. It's inconceivable that anybody
8 applying any level of common sense to this would
9 not come to the conclusion that a 358,000 square
10 foot facility complex regional area is not going
11 to dominate this neighborhood, particularly, the
12 single-family residential homes to the south and
13 to the west. We also believe that the school,
14 which only operated 190 days a year, was a much
15 less intense use based on the simple traffic
16 counts that we talked about than what we're going
17 to see 365 days a year on this project.

18 We think that the comparisons to Claridge
19 Court are inappropriate. That -- this is Slide 74
20 -- that project was in a C2 zoning district, not
21 R-1a. The special use permit is regulated and
22 governed by the underlying zoning ordinance. To
23 suggest that Claridge Court, because it had some
24 higher level of density than this project because
25 it was C2, misses the mark. This is an R-1a zoned

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1 property, and therefore, the Claridge Court
2 density uses, we don't think, are appropriate.

3 Go to Slide 75, please. We want the
4 commission also on the fifth Golden factor on
5 offstreet parking and loading areas to take into
6 consideration what we've identified over and over
7 and over again, that with these shift changes,
8 with holidays, with Mother's Day, the proposal of
9 the amount of parking is insufficient.

10 Slide 76, please. As it relates to the
11 adequate drainage and utility, you understand the
12 residents' concerns about safety, you understand
13 the residents' concerns about aesthetics. They
14 request that you mandate that that stormwater
15 discharge system be placed underground.

16 As it relates to the Golden factors, our
17 conclusion for the planning commission is, when
18 you start looking at these Golden factors and
19 applying the facts, not just these vague illusions
20 as to what the facts are, please analogize to
21 something that might be close in size to what's
22 being proposed, and look at the amount of area
23 that they have to build those projects.

24 Please go to Slide 79. We've asked the
25 planning commission as it relates to architectural

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1 style and exterior materials, and specifically
2 with regard to the villas, that the villas should
3 not be leased, they should be owner-occupied. We
4 think that's of some significance. Now, the
5 factors that we've talked about in the planning --
6 or in the zoning ordinance are significant.
7 They're parallel to Golden factors that we've
8 identified. We want the planning commission, as
9 they look at these Golden factors and look at your
10 own zoning ordinances, to come to the conclusion
11 that on an R-1a site, 358,000 square feet on 18
12 acres is an insufficient, out of the ordinary,
13 neighborhood-dominating facility.

14 Please go to Slide 83. One of other things
15 that was discussed is, let's look at Brighton
16 Gardens. We also believe Brighton Gardens, zoned
17 R-1b, located next to R-1b, is also not an
18 appropriate analysis. Look at R-1a projects.
19 Look at R-1 projects in Johnson County. We've
20 supplied you with the data based upon the
21 densities on those projects.

22 Slide 84. The extent to which the change
23 will detrimentally affect the neighboring
24 properties. We agree with the staff report that
25 open green space enjoyed by the community will be

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1 lost. One of the primary goals, as announced by
2 the planning commission, was the maintenance and
3 retention of those open spaces. When you take a
4 site that's 18 acres that has 100,000-square foot
5 building on it, and you transfer that into one
6 that now has 358,000 square feet, how can you come
7 to the conclusion that you're in any way, shape or
8 form making a good faith effort to maintain the
9 open space and the green space in the city? It
10 just isn't happening. This facility is too big
11 for 18 acres. This facility would be perhaps a
12 good facility on 40 or 50 acres, not on 18 acres.

13 The staff report -- go to Slide 85 --
14 reflects still that the height and mass of the
15 building are concerns. We agree. Couldn't agree
16 more. It's not just a concern, it is, in fact,
17 something that is so significant that it's got the
18 neighbors worried, rightfully so, about the
19 diminution of their property values.

20 Slide 86. The SNF, we think, is essentially
21 a commercial enterprise that's not intended merely
22 to serve the senior dwelling facility. The large
23 size and separate and distinct building of the
24 SNF, we don't think, is necessary to maintain
25 what's been vaguely described as this lifestyle

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1 for the proposed project. There's been no
2 empirical data provided, other than what we've
3 provided about the number of residents that'll
4 actually use the SNF. What we believe the facts
5 are is that about 90 percent of the people that
6 use the skilled nursing facility are coming from
7 somewhere else. If, in fact, there was the vast
8 majority of the people in this facility using that
9 skilled nursing facility, once again, it makes
10 sense it would be in the same building, that you
11 wouldn't have to haul people outside to take them
12 across the parking lot to get to the skilled
13 nursing facility.

14 One of other arguments -- go to Slide 87 --
15 is is this property's been vacant for a number of
16 years. Once again, we think that's a strong hand,
17 red herring, it doesn't really matter. The reason
18 it's been vacant is because the developer's been
19 trying to reuse it for this particular pro --
20 proposal. If, in fact, this proposal hadn't been
21 tied up going through this process, that facility
22 and that site probably would be in use. To argue
23 that it's laid vacant or fallow for two years, we
24 don't think, is a makeweight argument.

25 Go to Slide 89. The health, safety and

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1 values, we, obviously, think the open space, the
2 grade school, the junior high school, is, in fact,
3 an appropriate use. There are other appropriate
4 uses, single-family residential. People suggest,
5 well, they paid too much money for it. We talked
6 about that argument last time we were here. If
7 somebody takes the risk and buys a property before
8 they have the rezoning or have the use approved,
9 developers do that all the time. And when they
10 have to retool their plan because that plan isn't
11 going to be approved, the financial feasibility
12 analysis changes to a use that's more acceptable
13 and more appropriate for the neighborhood.

14 We think that when you get right down to it,
15 when you look at the city staff recommendations
16 and the conditions, you look at the Golden
17 factors, you look at the conformance with the
18 comprehensive plan, you look at all of the
19 conditions that should be placed on this, this
20 project is too big. That was the elephant that
21 was in the room the last time we were here. That
22 elephant's still sitting in the room. He's only
23 lost about seven and a half percent of his weight
24 or his size, but he's still sitting here.

25 And I can't imagine that somebody that's

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1 sitting on the planning commission the last time
2 we were here that was saying, why so big, why so
3 dense, at 384,000 square feet, isn't asking the
4 same questions at 358,000 square feet. To me,
5 it's incomprehensible that the primary elephant
6 sitting in the room, the biggest concern of
7 everybody here on June 4th, why does it have to be
8 so big at 384,000 square feet on 18 acres, 21,000
9 square feet per acre, could now come to the
10 conclusion, the epiphany, that because we reduced
11 the size to 358,000 square feet, 19,600 square
12 feet per acre, that somehow, some way, we
13 addressed the elephant in the room. He's still
14 sitting here, he needs to be dealt with and that's
15 why my clients request that you turn down the
16 proposal.

17 We don't think the developer has met his
18 burden. We don't think the developer has met the
19 requirement to persuade you that this project
20 should go forward. We don't think the applicant
21 has addressed the elephant in the room. A 7.5
22 percent reduction doesn't get it done. Thank you
23 so much for your time.

24 THE SPEAKER: I will be brief.

25 CHAIRMAN VAUGHN: Identify yourself,

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1 please.

2 THE SPEAKER: Certainly. Charles
3 Schollenberger, 79th Terrace and Mission Road here
4 in Prairie Village. So tonight, you make the
5 decision. In my opinion, these hearings have been
6 drawn out way too long. I think that most of us
7 here tonight would rather be at the dentist. And
8 I -- and my apologies to my dentist. Yes, these
9 hearings have been too long and the developer has
10 definitely had his say on -- in more than enough
11 time to present his case. In baseball, it's three
12 strikes and you're out. With Mr. Tutera, it's
13 been eight strikes and you're still pitching to
14 him. Let me say, my friends, he's out. He is
15 out.

16 And what all this boils down to, I think, is
17 simple. It's the question of whether big money
18 with a bad idea will prevail over the will of the
19 people. And that's what you must decide tonight.
20 I would just say to Mr. Vaughn, Mrs. -- Ms.
21 Wallerstein, to Mr. Kronblad and all the others,
22 that this vote tonight is your legacy to Prairie
23 Village. You can either vote for controlled
24 growth, to uphold Village Vision, or you can vote
25 to tear it up and declare that whoever has the big

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1 bucks can build whatever they like wherever they
2 like in Prairie Village. It's that simple.
3 Tonight, your vote is your legacy to controlled
4 planning in Prairie Village. And I ask that you
5 vote wisely by denying this application. Thank
6 you.

7 THE SPEAKER: Harold Marine. And I
8 didn't really plan to say anything tonight.

9 CHAIRMAN VAUGHN: Did you identify
10 yourself, sir?

11 THE SPEAKER: Harold Marine, M-A-R-I-N-E.

12 CHAIRMAN VAUGHN: Thank you.

13 THE SPEAKER: 8395. I was going to say
14 very simply, I'm a senior citizen, as you can
15 probably guess. My birthday next September, I
16 think, qualifies me, 86 years old. And I've heard
17 a number of older people at the first meeting that
18 I attended. And I think there was four that very
19 much wanted to see this go through. And tonight,
20 we had another gentleman who also thinks it would
21 be a good thing for this town. Well, I don't
22 agree, and that's what got me up here. And I'm
23 saying, no, no, don't do this. There are too many
24 people that are very happy with what we have now
25 and we don't really want it changed. Thank you.

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1 That's it.

2 THE SPEAKER: My name is Mary English and
3 I've been a resident of Prairie Village for over
4 15 years. I oppose this development for these
5 reasons. Because this -- this is the largest
6 senior living facility zoned, from what I
7 understand, in a single-family neighborhood, and
8 the second largest in all of Johnson County. This
9 type of development has no place in our township.
10 Indeed, just an anecdote, when discussing this
11 plan with a close friend who happens to be an
12 architect in Kansas City, he commented on the
13 jarring change between the two sides of Mission
14 Road driving eastbound on 75th Street.

15 Think about how the two blocks just east of
16 Mission Road look to you. Do we want this
17 development that's even larger in scale than any
18 of these buildings? And, you know -- and I -- I
19 wrote these -- wrote this statement earlier and, I
20 mean, I had no idea what the massive scale of this
21 development was in reality. I had information
22 from The Pitch, which I referenced in -- later in
23 this statement. And this is -- this is a huge
24 hospital in the middle of a green space next to a
25 single-family neighborhood with quiet streets. I

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1 -- I -- I can't believe that this has even gotten
2 this far.

3 Our town is called Prairie Village, not
4 prairie city, for a reason. This is a development
5 that will destroy acres of green space and natural
6 fields next to a neighborhood of quiet single-
7 family homes. This type of building belongs in a
8 dense urban city, not a village.

9 Secondly, according to an independent study,
10 this development could very well harm residential
11 property values. This begs the question, what are
12 the obligations of this commission to Prairie
13 Village residents, knowing that this could very
14 well harm one of the largest investments many
15 Prairie Village residents will make in their
16 lifetime?

17 Finally, what would the city get from this
18 deal? My understanding, again, from past
19 information, is approximately \$100,000 of revenue
20 into Prairie Village from a for-profit healthcare
21 provider with a track record -- again, I reference
22 an article from The Pitch -- that's contained some
23 poor ratings of their facilities. In other words,
24 the town will get very little back for this abrupt
25 change to our landscape. And one can't even

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1 rationalize this development with the idea this
2 company will be bettering the lives of hundreds of
3 senior citizens in need of their care out of some
4 altruistic feeling. And again, I have to inject,
5 you know, I have a -- an 80-year old father and I
6 would -- after reading this article, I would not
7 want my father living in this facility. They've
8 proved themselves to be inconsistent and in some
9 cases on the record, according to this article, as
10 negligent to patients in their care.

11 And I understand that, perhaps, they own the
12 property and this horse has already left the barn,
13 but again, I live in Prairie Village, and even if
14 it'd be convenient, I would not want my dad living
15 there. And can -- so can we allow this with a
16 clean conscience?

17 So in summary, as I see it, I don't
18 understand, again, how this proposal got so far in
19 the first place. This is not progress. This is a
20 project that only benefits a handful of people.
21 It should be scrapped for something that will
22 maintain the original footprint of the school,
23 would benefit the residents of Prairie Village and
24 keep our green fields green. So I ask, where do
25 your allegiances lie, with the people of Prairie

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1 Village? If so, your only option is to vote down
2 this development. Thank you.

3 CHAIRMAN VAUGHN: Mary, give us your
4 address.

5 THE SPEAKER: 4402 West 77th Terrace.

6 CHAIRMAN VAUGHN: Thank you. Please,
7 let's not have any applause. I realize you have
8 emotions about things that are being said, but it
9 just takes up time that we'd like to use for
10 deliberation.

11 THE SPEAKER: My name is Bob Schubert,
12 3700 West 83rd Terrace, Prairie Village. I am
13 president of the Corinth Meadows Homes Association
14 directly across the street to the east from the
15 Mission Valley site. I'm shocked at how The
16 Tutera Group has seemed to convince so many people
17 that they have, quote, dealt with the issues that
18 have been brought up by the Mission Valley
19 neighbors who vehemently oppose the massive Tutera
20 proposal for Mission Valley. They continuously
21 say for all to hear that they have continued to
22 meet with the neighbors. And, of course, they
23 acknowledge that there are some minor
24 disagreements that the neighbors have with the
25 Tutera proposal, but they also continue to

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1 proclaim to all that they have, quote, dealt with
2 the issues.

3 Well, I'm here to tell you that to all the
4 Mission Valley Neighbors Association people, their
5 attitude looks a lot different. We see all the
6 neighborhood meetings which we've all attended
7 pretty regularly as nothing more than constant
8 attempts at salesmanship of how wonderful their
9 plans are. Constant declarations that their 10
10 percent reductions are an adequate answer to
11 neighborhood objections. They've thrown the dog a
12 bone and the dog should be happy.

13 There have been constant belittling and
14 ridicule of all of our serious concerns and
15 counterproposal. You've heard the proposals we've
16 had, they've pretty much been ignored by The
17 Tutera Group. These are not serious negotiations.
18 They're attempts at selling their originally fixed
19 proposals combined with ridicule as a technique of
20 counterattack.

21 By the way, the minutes of the July 11th
22 meeting that were prepared by The Tutera Group,
23 when they finally arrived on the website two weeks
24 later, did not begin to do justice to the amount
25 of vehement opposition expressed by all of the

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1 many attendees at that meeting.

2 The -- you -- you've heard the bigness thing,
3 I won't discuss that any more. But Mission Valley
4 Neighbors Association and Corinth Meadows Homes
5 Association are waiting for serious negotiations
6 between The Tutera Group and the neighbors. We
7 haven't seen any yet. The City of Prairie Village
8 told The Tutera Group to negotiate with the
9 neighbors to come to an agreement. They have not.
10 We're still waiting. Let the ridicule be gone and
11 let the negotiations begin.

12 CHAIRMAN VAUGHN: Thank you.

13 THE SPEAKER: My name is Edward Harper,
14 7869 Howe Circle, Prairie Village. Beep, beep,
15 beep, beep, beep, beep. Do you know what that is?
16 That's three years of construction noise in the
17 center of Prairie Village with residential
18 surrounding. This -- this site has one
19 residential street past it. Most of the other
20 sites shown tonight have multiple streets on
21 virtually every side.

22 I would like to talk about Lakeview Village,
23 100 acres -- roughly 100 acres, 96 acres, 800
24 residents. That compares to eight residents per
25 acre. This one tonight, earlier was presented as

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1 340 people -- or units, then it was down to 330 --
2 something, 336, tonight 327. Then we find out
3 that it's going to be, oh, well, with two beds or
4 two-bedroom units in it, we're up to 412 people
5 possibly. That equates to 23 people per acre.
6 Nothing like that has been developed in -- in
7 Prairie Village before.

8 The separation at Lakeview Village between
9 the residential duplexes and the streets appears
10 to be 100 feet to a couple hundred feet. You
11 would note that the site is covered with a multi -
12 - multitude of mature trees out there, also. If
13 you look at Tutera's site plan, it would be less
14 than one-fifth the size of Lakeview's site and
15 would have 17-plus residents per acre compared to
16 8.3 residents per acre at Lakeview. If you take
17 this room and divide it into fourths and put, say,
18 400 people in a fourth of it and compare that with
19 the rest of the room and have 800 in it, that's
20 400 in one-fourth of this room, compared to 800
21 out at Lakeview. And that's quite a -- quite a
22 difference.

23 This facility as proposed is not what Prairie
24 Village needs. If the developer wants to -- wants
25 to develop this type of facility with this

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1 density, take it to the country or to the suburbs.
2 Please, don't build this project here. Thank you.

3 THE SPEAKER: Mr. Chairman, I wanted to
4 provide -- Steve Carman, 8521 Delmar. I wanted to
5 provide an update to the information I provided
6 previously. You will recall I had a Kansas
7 licensed appraiser assess the impact of the
8 previous version of the project on my house. And
9 I asked that same appraiser to update his work
10 based on the July 30 plan that is now before you.

11 I won't read to you all of his opinion, but
12 after describing the changes, he says the
13 following: They do not change the fact that the
14 development remains as a high-density multi-story
15 facility with proximity to single-family
16 residences, such as your property and others on
17 your block. This proposed development, even as
18 currently revised, continues to represent an
19 external obsolescence as defined and analyzed in
20 my previous letter report. It is my opinion that
21 the potential for a negative impact on your market
22 value remains. And he goes on to say, that
23 negative impact would correspond to tens of
24 thousands of dollars when considering the value of
25 your home.

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1 And that's when I can sell my home, but I
2 won't be able to sell my home for three years
3 because there's going to be a construction project
4 that will be the largest construction project in
5 the history of Prairie Village going on in my back
6 yard. I want you to think about that when you
7 vote tonight. Thank you.

8 THE COMMISSIONER: Mr. Carman, is that
9 part of the record, have you submitted your
10 supplement?

11 THE SPEAKER: I forwarded it to Mr.
12 Enslinger.

13 CHAIRMAN VAUGHN: Identify yourself.

14 THE SPEAKER: Yes. Cameron Jones, 3605
15 West 85th Street. I wanted to talk about the
16 skilled nursing unit, because a skilled nursing
17 unit is not a residential area, it's actually
18 commercial. It's usually -- it's a step down from
19 a hospital. I'm a physician and I was a director
20 of a skilled nursing unit at Trinity Lutheran
21 Hospital for a few years.

22 What that is is a facility where people go
23 when they leave the hospital and/or a facility
24 where they need physical therapy, occupational
25 therapy, rehab, for a short period -- period of

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1 time. It's usually something where somebody goes
2 for three weeks, maybe two weeks. It's oftentimes
3 people who are Medicare patients. And what
4 happens is is that they need -- they can't get in
5 a -- stay in a acute care facility, they need
6 another facility to go to to recover for what
7 they're doing.

8 So what they really end up doing is going
9 there for two or three weeks and then they're --
10 go home. So they're not really there for very
11 long, they're there for short-term. Maybe six
12 weeks is a long duration for somebody of that
13 sort. So it's really more of a commercial -- it's
14 a hospital is really what it is, you're running a
15 hospital there, you're not running a -- a
16 residential facility. Those people are there
17 short-term.

18 Also, I wanted to direct to your -- to the
19 boundaries of some of these facilities from the --
20 when they say they've changed the boundaries from
21 how far they are. Well, the street that goes
22 through where these villas are are going to be 12
23 feet from the road. Okay. 12 feet is from here
24 to there. That's how far those vis -- villas are
25 going to be off the road. There's going to have a

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1 back yard of 30 feet. I live across the street on
2 Mission Road, my back yard is about 75 feet. So
3 you're going to be from about here to there to the
4 end of the property on the south side. I don't
5 think people realize that.

6 The next thing is, it's going to be a three-
7 story building. Okay. It's going to be 119 feet
8 off of Mission Road. That's about from -- this
9 room is 150 feet, that's about 119 feet. And
10 believe me, then you have a three-story building.
11 Right now, you have about the same distance to the
12 Mission Valley and there's only one story on the
13 front. This two-story is below that.

14 The other thing is it's a -- the question
15 about guaranteeing the completion of this. Okay.
16 So what happened to West Plaza? That was a great
17 guarantee, also. You know, certainly, that didn't
18 work out. They're still building that thing, I've
19 have been driving by that every day for the last I
20 don't know how many years. The -- but at any
21 rate, basically, those are my things.

22 Oh, and also lifestyle. You know, the -- the
23 change in lifestyle, we have nursing homes and so
24 forth that have lifestyles of this nature and that
25 are much smaller. I don't think most of the

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1 residents around -- I live across the street from
2 this project, and I believe that most of the
3 people would not object to something the size of
4 Benton House or the size of -- something the size
5 of the school, but this is just massive. So
6 that's what I have to say. Thank you.

7 THE SPEAKER: My name is Tom Brill, I
8 live at 68 Le Mans Court in Prairie Village,
9 Kansas. First, let me compliment Mr. Tutera and
10 his group, I think it's a very fine project, but
11 for a another city. He needs -- we need more
12 space, as has been amply mentioned. I have two
13 points. I'm concerned about the staff's
14 Stipulations 10 and 11 about parking. The
15 developer, the applicant says that -- that there
16 are 82 extras spots. Well, that's fine. And he
17 also mentioned, or his counsel, that there are
18 going to be about 412 residents. Well, my wife's
19 had -- had to endure about six or eight years of
20 going to The Sweet Life in Shawnee, Kansas, and
21 she kind of got to know the -- the patterns that -
22 - that happened at a facility like that.

23 If we assume -- let's just take a little
24 lower number, let's take 354 residents, let's
25 assume 90 percent occupancy -- we'll assume 90

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1 percent occupancy at four -- at 412, that's 354
2 residents. If their -- their relatives -- half of
3 those people's relatives come and visit them for
4 an occasion, then that's about 177 people showing
5 up. Where are they going to put them? Well, the
6 -- the neighborhood opposition lawyer said, well,
7 we're 80 -- they're about 89 parking spaces short.
8 Well, that's about right. I mean, if you look
9 what's going on there. So it's very obvious that
10 the parking situation is -- is -- is not
11 adequately addressed.

12 And I want to tell you what's going on
13 because you drive by it every day on Mission Road
14 at Claridge Court. The employees are parking to
15 the north of the library and crossing Mission Road
16 every day to get to their facility, they're not
17 using their off-site parking, which is further
18 away. The employees on the weekends are using the
19 commercial buildings, which are to the west of
20 Mission Road. So I -- I can foresee a situation
21 where the employees, just because it's like water
22 in a stream, it's going to take the shortest point
23 between -- they're going to go the shortest path
24 between two points. They could be easily parking
25 in the neighborhoods to the south. And then

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1 you're going to have to deal with, you know,
2 restrictions on that. So I just -- I think it's a
3 great project, but just in another part of the
4 city. Thank you.

5 THE SPEAKER: My name is Whitney Kerr, I
6 live at 4020 West 86th Street. I wanted to talk -
7 - I had a few comments about what's happened in
8 the last 60 days when -- when we heard from
9 Chairman Vaughn that the project needed to be
10 downsized and that the -- the neighbors needed to
11 be enthused.

12 Since -- since that last -- last meeting,
13 when we had our meeting with the developer, the
14 size of the building that was reduced has actually
15 -- what was proposed here tonight is actually
16 larger. The concern that we have is that even if
17 you all approve this project, the developer could
18 come back in later with the staff -- at the staff
19 level and increase the project without your
20 approval, without the city council approval. So
21 the reductions in size that everybody has been so
22 concerned with could become completely eliminated
23 once this gets into the actual nuts and bolts of
24 final approval. That's a concern.

25 The meeting that we had several weeks ago

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1 with the developer -- and we've had a number of
2 them -- was one of the most contentious meetings
3 that we've had since this has been going on. And
4 I think everybody who was there would agree, I
5 don't think the minutes that you got necessarily
6 reflect that, but we are far from enthused at this
7 point with the status of this project.

8 The other -- the other thing that I'd like to
9 say, first, you know, we are not anti-development.
10 We have made a sincere effort to talk about
11 alternative types of development that could go
12 there. One of things that we would be very much
13 in favor of would be owner-occupied single-family
14 residences or Corinth Downs style zero lot lying
15 homes. We feel that with this site, which is one
16 of the last sites available in Prairie Village, is
17 this the best we can do? We have a concern with a
18 project that is all rental when it's surrounded --
19 63 percent of the adjoining properties are owner-
20 occupied single-family homes. We think it would
21 be a huge mistake to use this opportunity to build
22 a rental project. Rental projects are basically
23 filled with people who are here for a short term,
24 they're not invested in the community long-term,
25 like people who are owner-occupants. So that's --

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1 that's the other thing.

2 The -- the final thing that I have to say,
3 the Benton House project, as our attorney so well
4 said, is the best precedent for this. And if a
5 Benton House scale project were put here, we could
6 still have the green space that's there, we -- we
7 could have actual real lacrosse fields, real
8 soccer fields, not micro parks. I've never heard
9 of micro lacrosse or micro soccer. But this would
10 be something that could be a compromise. So
11 anyway, based on all that we've heard, I think
12 it's -- you know, the neighbors are opposed to it,
13 the size is inappropriate, it's out of character,
14 and we would appreciate it if you would reject the
15 plan. Thank you.

16 CHAIRMAN VAUGHN: Are there questions
17 that any of the can -- commissioners want to ask
18 either of the attorneys? Okay.

19 MS. WALLERSTEIN: I'd -- I'd like to --
20 I'd like to ask a -- a question of staff. We have
21 heard that Benton House is 49,800 square feet.
22 And I want -- my assumption is is that's how it --
23 how big it is right now, is that correct? That is
24 without the additional memory care unit and villas
25 that are supposed to be or could built on site, is

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1 that correct?

2 MR. WILLIAMSON: I think the plans were -
3 - I think -- I think the final -- the plan that we
4 approved, I believe, is for the approximately
5 50,000 square feet, including the 13 units that
6 have not been built.

7 MS. WALLERSTEIN: So there's 13 villas?

8 MR. WILLIAMSON: No, no.

9 MS. WALLERSTEIN: No.

10 MR. WILLIAMSON: 13 -- the 13 memory care
11 units that will be added to the north side of that
12 building.

13 MS. WALLERSTEIN: Existing -- existing
14 building?

15 MR. WILLIAMSON: 59 -- it was approved
16 for 71 units -- I guess it's 12, it -- it was
17 approved for 71, he built 59, so there's 12 more
18 units to be built.

19 MS. WALLERSTEIN: And then there was
20 villas that were going to go around --

21 MS. VENNARD: We've not approved any
22 villas yet.

23 MR. WILLIAMSON: No.

24 MS. WALLERSTEIN: But they were -- they
25 were proposed and -- as a -- as a future

1 development there, right?

2 MR. WILLIAMSON: They proposed that as a
3 long-term thinking, but they haven't come back --

4 MS. WALLERSTEIN: So we don't know what
5 the total --

6 MR. WILLIAMSON: No.

7 MS. WALLERSTEIN: -- potential build-out
8 of that facility would be?

9 MR. WILLIAMSON: Right. Yeah, they --
10 they really -- that particular program is more
11 designed for assisted living memory care.

12 MS. WALLERSTEIN: Right.

13 MR. WILLIAMSON: And the villas would be
14 independent living. And that's not really what
15 they do. So -- so we're not sure what they're
16 putting on -- in.

17 MS. WALLERSTEIN: Yeah, yeah. Okay. I
18 just -- I just was trying to discern what we had
19 actually approved of and have that information and
20 don't have memory of it.

21 CHAIRMAN VAUGHN: Let me interrupt you a
22 second, Nancy. We need to close the public
23 hearing. And there may be questions that you want
24 to listen to, but the commission will do their
25 deliberate -- deliberation, but I think we do

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1 another five-minute recess, too.

2 MR. PETERSON: There -- there was some
3 new items brought up, I'd like two minutes to
4 respond.

5 CHAIRMAN VAUGHN: We'll see. We'll see.
6 (THEREUPON, a recess was taken.)

7 CHAIRMAN VAUGHN: The public hearing is
8 now closed and the commissioners will deliberate,
9 which may involve questions of applicant or
10 others. Are there questions at this point? Ron,
11 do you want to begin at this point?

12 MR. WILLIAMSON: I can. If there are no
13 questions, I will make sure you can hear. What --
14 since --

15 CHAIRMAN VAUGHN: We do have a question.

16 MR. LINDEBLAD: Yes, I've got a question
17 of Ron and the staff on clarification on what the
18 staff's recommendation is. From my reading of the
19 staff report, the -- the staff said that -- that
20 the revised plan is consistent with amended
21 Village Vision and in the opinion of staff, is a
22 workable plan. And then there were some comments.
23 But my understanding from reading that is that the
24 staff is in support of this plan?

25 MR. WILLIAMSON: That is correct.

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1 MR. LINDEBLAD: Thank you.

2 CHAIRMAN VAUGHN: Continue, Ron.

3 MR. WILLIAMSON: What we need to do is
4 we've got two sets of factors that need to be
5 considered. And so I'm going to go through those
6 briefly, I'm not going to read them all. I think
7 everybody here has been in on staff reports and
8 been on the city's website and everybody should
9 have had a chance to look at that that wanted to.
10 So I'd like to go through and see if the
11 commission -- yes, Nancy.

12 MS. WALLERSTEIN: I'm sorry. There was a
13 -- a question that came through staff from the
14 audience. And I know this doesn't have anything
15 really to do with the Golden factor, so I'd like
16 to just get it out of the way and -- and be
17 supportive of the people that are here. There's a
18 question of -- to Mr. Tutera: What is the cost of
19 a typical unit for rental? And they -- they want
20 to know, you know, are they going to be able to
21 afford to be in your facilities. And just as a
22 generalization, we're not going to hold your feet
23 to the fire on it.

24 MR. TUTERA: Generally, a -- a
25 independent living -- the independent living units

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1 range from 650 feet to about 1,250 square feet for
2 a two-bedroom -- two-bedroom. A one-bedroom unit
3 would start in the -- the smallest units in the
4 2,350 range, two-bedroom units would be in the
5 \$3,300 range.

6 MS. WALLERSTEIN: Okay. So let me -- let
7 me repeat that so they can hear it. You're saying
8 a one -- the -- the smallest one-bedroom unit
9 would start at \$2,350 a month, and that would
10 include meals and et cetera, et cetera?

11 MR. TUTERA: Yes.

12 MS. WALLERSTEIN: And -- and
13 transportation and activities, right?

14 MR. TUTERA: Full independent living
15 services.

16 MS. WALLERSTEIN: Full independent living
17 services. And then the two-bedroom would start at
18 like 3,300?

19 MR. TUTERA: Thereabouts, yes.

20 MS. WALLERSTEIN: Okay. And did you have
21 a projection for the villas? I know this is new
22 for you.

23 MR. TUTERA: The villas would be -- would
24 be, you know, high 3,000.

25 MS. WALLERSTEIN: High 3,000. Okay.

1 Thank you. FYI, whoever asked.

2 CHAIRMAN VAUGHN: All right.

3 MR. WILLIAMSON: All right. Let's --
4 let's start out with the ordinance factors that we
5 have in the ordinance relating to special use
6 permits. And the first one is that the proposed
7 special use complies with all applicable
8 provisions of these regulations, including
9 intensity of use regulations, yard regulations and
10 use limitations. And it does meet -- it meets the
11 square footage requirements, it meets the setback
12 requirements, it exceeds those, it -- it meets the
13 area of coverage of 30 percent, it's 22.9 percent,
14 so it really meets all the requirements of parking
15 setback more than 15 feet from the -- the front
16 property line and eight feet on the side property
17 line. So it's -- it does meet those requirements.

18 I -- I do want to clarify one thing. On the
19 special use permit, the ordinance for the special
20 use permit dictates how much that land can be used
21 and -- and what the parking requirements and all
22 that are as part of the special use permit
23 regardless of whether it's on commercial property
24 or resident -- single-family residential or
25 whatever. So anyway. So that -- that's just to

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1 clarify that point. So there's been a lot of
2 discussion about can't compare it to Claridge
3 Court and whatever. That is all controlled, not
4 by the zoning district, but it's controlled by the
5 special use permit as it's set out in the
6 ordinance.

7 Any -- any questions on that? Does any --
8 anybody have any questions on --

9 MR. WOLF: So I have a question. So does
10 that -- do parking requirements fall under Number
11 1? And then, if so --

12 MR. WILLIAMSON: Yes.

13 MR. WOLF: Okay. Tell me this, do they
14 have enough parking spots?

15 MR. WILLIAMSON: They have -- they meet --
16 -- they more than meet the ordinance, yes.

17 MR. WOLF: Okay.

18 MR. WILLIAMSON: And I -- and I compared
19 -- I did -- just to clarify, I took a look at the
20 Lenexa ordinance, the Leawood ordinance and the
21 Overland Park ordinance, and there -- there's more
22 than Leawood and Lenexa and a little less than
23 what Overland Park would -- would have for their
24 parking requirements. So they're -- they're --
25 what they're providing, the 350 spaces that

1 they're providing is well within the range of what
2 other cities require.

3 MR. WOLF: Okay.

4 MS. WALLERSTEIN: What is the requirement
5 for handicapped, Ron?

6 MR. WILLIAMSON: Well, we'll -- we'll --

7 MS. WALLERSTEIN: Get to that?

8 MR. WILLIAMSON: Yeah. We --

9 MS. WALLERSTEIN: Okay.

10 MR. WILLIAMSON: That -- that's -- we --
11 that came -- took -- was taken out of the
12 ordinance and public works will review that when
13 we review the final plans to make sure that there
14 is adequate handicap spaces available.

15 MS. WALLERSTEIN: Okay.

16 MR. WILLIAMSON: That's the way it is on
17 every project. We had it in the ordinance, but it
18 kept changing and all that. So that's done at --
19 at a -- when -- when we get into the plan review.
20 Okay. Second one is the proposed special use at
21 specified location will not adversely affect the
22 welfare or convenience of the public --

23 THE REPORTER: I'm sorry. Slow down.

24 MR. WILLIAMSON: Oh, I'm sorry. Okay.

25 THE REPORTER: The second one is?

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1 MR. WILLIAMSON: Okay. Second one, the
2 proposed special use at the specified location
3 will not adversely affect the welfare or
4 convenience of the public. As far as traffic is
5 concerned, the traffic report said that it would
6 be -- the a.m. peak would be slightly worse than
7 it was as a school, and the p.m. peak would be --
8 I'm sorry -- the a.m. peak would be slightly
9 better and the p.m. peak would be slightly worse;
10 and overall, the traffic would not be an issue.
11 This was -- study was based on the original plan
12 and they have reduced the number of units, so --
13 24 units, and so it'll make it a little better.
14 So that should not be an issue.

15 In terms of the stormwater management study,
16 it was based on the 8.6 acres of hard surface, of
17 impervious surface -- surface, which was greater
18 than what was proposed on the original plan. So
19 this plan now, because of the villas covering more
20 area, actually goes up to 8.616, which is a neg --
21 negligible change, it's not much of a change at
22 all. So stormwater should work out and be
23 adequate as it was designed.

24 Any questions you have on any of this as we
25 go through?

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1 (No response).

2 MR. WILLIAMSON: Okay. The -- as far as
3 the issues that the neighbors raise, for one, you
4 know, it's, obviously, with this development, or
5 actually, with any other development that occurs
6 on that location, a lot of the green space will
7 disappear simply because there's going to be some
8 kind of development that's going to occur there.
9 So that's going to be diminished from their
10 viewpoint.

11 Also, they've raised other questions that
12 they've raised again this evening, that it's a 365
13 day a year operation rather than what it was as a
14 school. So -- but again, any redevelopment other
15 than a school is going to be that way, as well.
16 So that's -- those are issues. There are going to
17 be issues there regardless. There will be some
18 glare now, we -- we will go through the lighting
19 ordinance, and that will be looked at in detail,
20 but we can't do that until they actually design
21 the building so we can see what they're using for
22 external light. And we do have a very restrictive
23 ordinance. There still will be some glow there,
24 but there won't be any glare because the ordinance
25 prohibits to have any glare.

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1 So there will be -- there will be some
2 adverse effects; however, from a community
3 standpoint, this project provides some things that
4 are not in the community, like the nursing home,
5 which really isn't there. And it provides another
6 type of independent living which is not available
7 within the community. So there's some offsetting
8 things that -- that occur there.

9 Okay. The third -- third factor, the
10 proposed special use will not cause substantial
11 injury to the value of other property in the
12 neighborhood in which it is to be located. Well,
13 we're looking at the density. And again, this is
14 a transitional property that we have high-density
15 residential that are to the north and the
16 northwest, we have the low-density residential to
17 the south. And, of course, north of that, we have
18 part of the Corinth Square Center, the south side,
19 there's office buildings and a variety of things.
20 So it is a transition property. The density that
21 they propose is 17.8 units per acre. The high
22 density to the north is 24 units per acre on one
23 of the projects. So it falls easily within the
24 density range.

25 The -- there were two appraisal reports that

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1 were submitted. And you have, I think, both
2 copies of those. Mr. Carman commented again on
3 his this evening. They're both prepared by
4 licensed appraisers. They -- they -- they -- they
5 didn't address the same issues, so you almost kind
6 of have to read them and -- one said that it's
7 going to have a significant adverse impact on the
8 value of the property, and the other one compared
9 other projects and indicated that there was a
10 benefit or a -- a plus to the adjacent single-
11 family properties that were adjacent to this type
12 of use.

13 The -- the key they mentioned, though, about
14 the project was -- and how it affects the values
15 is, one was the design in that it had to be a
16 quality design. And the other thing is that it
17 needed to be heavily landscaped so that it blends
18 well with the neighborhood. And those are two
19 critical factors. And -- and we'll deal with the
20 design part in site plan and the landscape plan
21 will be -- initial proposal was a heavy landscape,
22 but they've made changes to the plan, so that will
23 have to go back for our review. But they do
24 anticipate doing a heavy land -- landscaping.

25 Okay. The fourth item is the location, size

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1 and the special use, the nature and intensity of
2 the operation involved or conducted and location
3 of the site with respect to streets, giving access
4 to, the special use will not dominate the
5 immediate neighborhood so as to hinder development
6 and use of neighboring property. Well, the
7 location and size, again, it will hinder to some -
8 - some extent, it is a major building and
9 everything around it is developed, however. So
10 it's -- it's not going to have a -- I don't think
11 an adverse affect on -- on redevelopment in the
12 area, because there probably will not be any
13 really redevelopment.

14 It is located on a major street, which is
15 Mission Road, so it has access to a major street
16 and it will not have access to adjacent
17 residential streets, so it will be accessed
18 primarily to a major street. It will be one of
19 the largest buildings in the area, of course, so
20 it will have that sort of impact. However, they
21 have come in and reduced the heights of these
22 buildings down so that they're actually going to
23 be somewhat close to what a lot of single-family
24 homes are in terms of their actual height.

25 In terms of their landscaping and screening

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1 on the site, we've recommended that if this is
2 approved, that the applicant work with the
3 residents adjacent to the south and southwest to
4 develop a fence and/or landscape plan that helps
5 work out that -- out that screening.

6 Any -- any comments or any questions on any
7 part?

8 (No response.)

9 Okay. Number 5, off street parking and
10 loading areas be provided in accordance with the
11 standards set forth in the regulations and said
12 areas shall be screened from adjoining residential
13 uses and located so as to protect such residential
14 uses from any injurious effect. Well, the
15 applicant is providing more than the ordinance
16 requires, it's providing 350 spaces, so they are
17 meeting that need. We discussed the loading areas
18 and we've worked out how they can navigate with
19 the trucks and all the deliveries. And so that --
20 they've submitted plans showing how that will
21 work. They do need to work out, and we discussed
22 that earlier this evening, how the overflow
23 parking will happen on holidays and special
24 occasion days so that parking is not on adjacent
25 street -- residential streets. And we made a

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1 requirement to that effect as far as one of the
2 conditions go.

3 And screening the -- the main screen on
4 Mission Road, they're setting back 35 feet from
5 the right-of-way line, and there'll be a 35-foot
6 wide buffer. We normally require 15 feet, and
7 here they're providing 35. It's going to have a
8 berm and a fence and it's going -- it'll be well
9 landscaped, so lighting should not affect the
10 people across the street.

11 Okay. Item Number 6, then, is adequate
12 utility drainage and other necessary utilities
13 have -- utilities have been or will be provided.
14 Utilities are available at the location. It's
15 been a school site, so there are utilities there.
16 There -- they will need to add more water, sewer
17 and storm drainage as needed to accommodate this
18 particular development. And I mentioned earlier
19 that the stormwater management plan adequately
20 covered what is proposed on the revised plan, so
21 that should work adequately. They will need to
22 work with the fire department on locating the
23 hydrants for this particular project.

24 Number 7, adequate access roads for entrance
25 and exit drives will be provided and shall also be

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1 designed to prevent hazards and to minimize
2 traffic congestion in public streets and alleys.
3 Well, the road widths are adequate, the traffic
4 flow and impact study has been prepared by the
5 applicant and it has been reviewed by the city's
6 traffic engineer; and they feel that the -- any
7 questions there have been resolved. There is one
8 final detail on the entrance, we may need to get
9 into the detail when this -- plans are submitted
10 as to a turn -- when -- when the main entrance, to
11 go north with the delivery vehicles, the turning
12 radius might not be adequate, so -- but that's a -
13 - that's a detail that can be worked out. The
14 pedestrian crossing signal on Mission Road may or
15 may not be kept. If it is, it will need to be
16 relocated and applicant has agreed to do that; but
17 the city has not determined as to whether or not
18 that needs to occur.

19 Okay. Item 8, then, adjoining properties and
20 the general public will be adequately protected
21 from any hazardous or toxic materials, hazardous
22 manufacturing processes of noxious odors or
23 unnecessary intrusive noises. The use doesn't
24 have any hazardous materials, processes or orders
25 -- odors. There will be some additional noise

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1 from the vehicles as they arrive and depart at
2 night, which is different. And again, as people
3 mentioned, there'll be some during construction,
4 as well. But there will be noise during
5 construction regardless of whether it's this
6 project or another project, so that's not
7 material. And there will be some emergency
8 responses, of course, that -- that will -- that
9 will happen, but some of these are on sirens and
10 some are not, so there will be a variety of those.

11 Item 9, architectural style and exterior
12 materials are compatible with such styles and
13 materials used in the neighborhood in which the
14 proposed structure is to be built or located. The
15 applicant has used materials and added more brick
16 into the building facades from before. We'll deal
17 more with that on the site plan. Right now, we
18 have basically conceptual drawings and we will
19 have to work out the details, but they have pretty
20 well indicated what the materials are going to be.

21 So are there any comments or questions about
22 any -- any of those factors?

23 MS. WALLERSTEIN: Yeah. At one point,
24 they talked about a total of 80 employees on site
25 per day, is that correct? Is that still -- is it

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1 --

2 MR. WILLIAMSON: 85, I think, is what
3 their count is.

4 MS. WALLERSTEIN: 85. Okay. And at the
5 shift change, that's -- the latest one, if I
6 recall, there was like 20 or 25 on hand at that,
7 so -- and they come on at what time?

8 MR. TUTERA: They -- it's the 3:00 shift
9 change which has the maximum number of employee
10 turnover of 50 employees.

11 MS. WALLERSTEIN: Yeah. But then you
12 have a shift change at 11 o'clock at night then
13 again?

14 MR. TUTERA: And that's a -- a reduction
15 that's -- I think it's 20 employees, I'm thinking
16 from the top of my head.

17 MS. WALLERSTEIN: So there'll be 20
18 employees arriving around 11 o'clock at night?

19 MS. VENNARD: Or leaving.

20 MR. TUTERA: Yes. I believe it's around
21 20 employees would leave at the 11:00 shift.

22 MS. WALLERSTEIN: Okay.

23 MR. TUTERA: Yes, that is correct, 20
24 employees.

25 MR. WILLIAMSON: Okay.

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1 CHAIRMAN VAUGHN: Would you talk again a
2 little bit about the density of development and
3 the loss of green space?

4 MR. WILLIAMSON: Okay. Well, density --
5 and again, we don't -- when we look at density in
6 terms of units per acre, and that's traditionally
7 how -- as planners, we look at density. And so
8 the density is -- it's -- it's higher than Benton
9 House, but it's less than -- than Claridge Court
10 and Brighton Gardens. So it kind of falls -- the
11 density that they're proposing falls in what we
12 would consider a reasonable area for that size of
13 tract of ground. Now, they are going to -- let's
14 see, there -- there are going to be about 23
15 percent of building coverage there; but it's going
16 to be, I don't know, I can't remember, 46 percent
17 with like parking and impervious surface or
18 something like that, but they're still going to
19 have nine-plus acres that's going to be green
20 space, whether it's usable green space or open
21 green space, it still will be green space.

22 CHAIRMAN VAUGHN: Thank you.

23 MS. WALLERSTEIN: I have a question about
24 the -- the lining of 84th Terrace and 85th Street.
25 You'll have cars turning on to Mission Road making

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1 -- making left-hand and right-hand turns. Is
2 there going to be any time where it would be like
3 a right turn only, or would -- what I'm -- what
4 I'm worried about is that there'll eventually be a
5 -- a stoplight there. And I'm trying not to think
6 that direction, but -- Keith?

7 MR. BREDEHOEFT: No, we don't -- we don't
8 anticipate there ever needing to be any sort of a
9 signal at those -- those intersections. You know,
10 we aligned those intersections across from each
11 other so when they're making their movements, they
12 can see the vehicles across from them and making
13 safe movements. So I don't anticipate those
14 becoming any sort of a traffic problem as far as
15 interacting with Mission Road.

16 MS. WALLERSTEIN: Okay. But like for
17 delivery trucks, would they be like making a right
18 turn only rather than making a left turn?

19 MR. BREDEHOEFT: It would --

20 MS. WALLERSTEIN: I mean, these are some
21 questions that I --

22 MR. BREDEHOEFT: -- at this point in time
23 they haven't specified anything like that. I
24 mean, if -- it would just depend upon -- I don't
25 anticipate that being a problem even with delivery

1 trucks.

2 MS. WALLERSTEIN: Do we have any idea how
3 -- how many trucks might be delivering a day or
4 moving in and out of there a day, food and et
5 cetera?

6 MR. BREDEHOEFT: I don't know the answer
7 to that exactly.

8 MS. WALLERSTEIN: Mr. Tutera, do you have
9 any comment?

10 MR. TUTERA: I don't know. Doctor Bloom
11 could maybe speak to that.

12 MR. BLOOM: We would get food deliveries
13 probably twice a week.

14 MS. WALLERSTEIN: Food -- I'm going to
15 repeat what he said so that everybody can hear it.
16 Food deliveries twice a week.

17 MR. BLOOM: We would have maybe medical
18 supply deliveries once a week.

19 MS. WALLERSTEIN: Medical supplies
20 deliveries once a week.

21 MR. BLOOM: And we have small vehicles
22 that would come, single car vehicle that would
23 come and deliver prescriptions, medications,
24 probably every day.

25 MS. WALLERSTEIN: So like a Bruce Smith

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1 car --

2 MR. BLOOM: Right.

3 MS. WALLERSTEIN: -- who delivers to
4 homes and at residences for private delivery of
5 medications?

6 MR. BLOOM: Yes.

7 MS. WALLERSTEIN: Okay. And then most
8 the other traffic would be personal residential
9 guests of -- of the facility and any maybe
10 additional medical personnel that might be helping
11 with physical therapy or something like that,
12 right?

13 MR. BLOOM: Correct.

14 MS. WALLERSTEIN: Okay.

15 MR. WILLIAMSON: Should we move on with
16 the Golden factors then?

17 CHAIRMAN VAUGHN: Yes.

18 MS. WALLERSTEIN: No. I have one more
19 question.

20 MR. WILLIAMSON: Okay.

21 MS. WALLERSTEIN: Sorry, it's going to be
22 a long night, folks. Mr. Peterson, you had a --
23 offered up an -- a report on the potential
24 appraisal and loss of revenue -- or loss of value
25 of houses surrounding the area. And it was -- it

1 was completely -- it -- they didn't mesh, the two
2 did not -- they weren't -- they weren't -- the
3 criteria -- criteria wasn't the same. And last --
4 when -- when we had the work session with Mr.
5 Tutera last month, he didn't have it in front of
6 him and we only got it on a flash drive just a
7 little bit ago. And I know that that's a real
8 concern of the neighbors. And I think that your
9 report had some, you know, different thoughts. So
10 do you want to address that just a little bit for
11 me?

12 MR. PETERSON: I will.

13 MS. WALLERSTEIN: And I'm sorry. This is
14 not exactly what we're looking at, but I think
15 it's important that everybody -- we -- we haven't
16 addressed it as a group.

17 MR. PETERSON: I will. And I will
18 reiterate one thing staff said to make it fair and
19 to the point. And that is that both sides of the
20 equation had a certified real estate appraiser
21 that rendered an opinion on their behalf. And we
22 heard, I think -- and this goes to the comparison
23 -- Mr. Carman came back up and essentially, it is
24 a real estate appraiser -- and I'm not trying to
25 get in a fight, but you asked for the difference

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1 between the two.

2 MS. WALLERSTEIN: Yeah, I -- I --

3 MR. PETERSON: I'm just saying --

4 MS. WALLERSTEIN: -- I think we need to
5 hear both sides.

6 MR. PETERSON: -- I see your house, I
7 understand there's going to be villas for rent
8 here and that many feet away, there will be a
9 building of so many height. And based on those
10 circumstances and based on my experience, I will
11 speculate that your house will drop ten percent, I
12 heard at one time, or tens of thousands of
13 dollars. What we decided to do, which I have done
14 with clients that I think is more relevant and
15 specific, is to do actual case studies, which is
16 what the Todd appraisal did. It took the three of
17 the closest we could find in terms of the
18 circumstances that would be equivalent to our
19 project, same type of use, relatively the same
20 type of setbacks, same type of landscaping, same
21 type of impact from all the elements that staff
22 just went through the report. And then we asked
23 him to go the first tier street and really the --
24 really the most clear, because it's probably the
25 clearest comparison we have, which is the project

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1 at 71st and Mission. And that's the one that's
2 the clearest.

3 Look at the homes that are -- are immediately
4 adjacent to that structure. Its setback and its
5 size to a good portion of the single-family houses
6 to the south is really more imposing. But look at
7 the sales. What happened to the sales of those
8 homes? Then go one -- across the street away, one
9 block away, same -- same subdivision, same type of
10 houses, same part generally of Prairie Village,
11 and look at the sales history there. And what the
12 conclusion was on that one, because I -- I think
13 it is most relevant circumstance to what ours is -
14 - it's not just that, oh, the fact that you have a
15 senior living community, well designed, well
16 landscaped, the staff has indicated is the
17 standard, has no impact, it actually showed that
18 those living next to it, their values -- they sell
19 their homes for more. And I will say -- and then
20 I'll close, because you asked me to be brief --
21 that's exactly historically what we have found
22 doing these, because they don't have people right
23 in their back yard, they've got landscaping and
24 they've got a nice transition and it's well
25 designed. And that is the conclusion of this

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1 report. And we submitted it, I think staff
2 alluded to the fact they drew the distinction in
3 the staff report, they looked at both of them.
4 And that's the basis of staff finding that there
5 is no -- in their opinion, no overt diminution of
6 value or negative impact on the property owners to
7 the south. So that -- that's the distinction.
8 I'm sorry --

9 MS. WALLERSTEIN: Thank you. I'm -- I'm
10 sorry. I -- I only found that on the flash drive
11 about 5 o'clock tonight and we had to be here by
12 6:30. I did not have to time to read -- I -- I
13 perused it, but I didn't have time to read it.

14 MR. PETERSON: I've got a copy too here.

15 MS. WALLERSTEIN: And -- and so I --
16 well, I've got a copy on flash drive. But, you
17 know, I wanted to make sure I understood what the
18 overview of your report is. I certainly
19 understand the report from Mr. Carman. So just
20 trying to weigh the factors. I'm sorry, Ron. I'm
21 derailing your -- your --

22 MR. PETERSON: I just looked back at the
23 minutes and the -- the gentleman hired by Mr.
24 Carman states that he is -- experience was based
25 upon like situations, like being next to an

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1 amphitheater, fire station training academy and
2 office building.

3 MS. WALLERSTEIN: Okay.

4 MR. WILLIAMSON: Okay. Why don't we go
5 to the Golden factors. And the first one is the
6 character of the neighborhood. I think we've
7 discussed that adequately. And here it's -- we
8 have the higher density residential and the
9 commercial and office to the north and we have the
10 low-density single-family residence to the south
11 and we have -- on the east side of Mission, we
12 have low-density residential, as well. So it's --
13 it's a transition area, there's a lot of different
14 things in the neighborhood. So it goes from very
15 low-density single-family to fairly high-density
16 condos. So it's a -- it's -- it's a -- it's in
17 the middle of a -- an area that's -- has a lot of
18 different types of uses around it.

19 And the second point, then, on the zoning and
20 uses nearby property, that's just simply a fact of
21 what's -- of what's there. What's -- it's --
22 what's -- what the zoning is, it's R-3 to the
23 north, Garden Apartments. It's R-3 to the west
24 Garden Apartments. South is R-1a single-family.
25 East is R-1a single-family. And then -- and in

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1 Leawood portion, it's R-1 single-family, as well.
2 And those are just simply the facts of what's --
3 what's in the area.

4 The third point, then, is the suitability of
5 the property for the uses to which it has been
6 restricted under the existing zoning. The
7 property would allow single-family dwellings,
8 parks, churches, public buildings, schools.
9 There's a list of uses in the single-family
10 district, plus those uses that are permitted as
11 special use permits and conditional use permits.
12 So there's a wide variety of uses. And again, one
13 of those in that group is nursing homes, and
14 another one is senior housing. So those are all
15 items that are available, provided they are
16 approved. We did -- we did comment also, of
17 course, that its highest, best use for an
18 abandoned school is a school, but that's a very
19 limited market. So -- and that's not what this
20 particular developer proposes to do.

21 Item 4 is the extent that the change will
22 detrimentally affect the neighboring property. We
23 talked about that before, traffic and storm
24 drainage issues have been technically resolved.
25 The primary thing that is of concern is the view

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1 from the neighbors to the south and southwest, and
2 they're concerned about the mass of the buildings.
3 The double row of villas will help provide that
4 transition, plus landscaping will also assist.
5 And the buildings have been reduced in height so
6 that the height will be less of a problem in terms
7 of the view of the mass of these buildings.

8 MR. KRONBLAD: Ron, I have a question.

9 MR. WILLIAMSON: Yes.

10 MR. KRONBLAD: If we can go back to
11 Number 3 again, I just want to -- for my own
12 clarity, I just want to make sure I understand.
13 In the R-1a, single-family, public parks,
14 churches, public buildings, schools condition --
15 and conditional and special use permits. So by
16 the special use permits, then that opens it up to
17 those items that are listed further on down, which
18 is country clubs, hospitals, nursing homes,
19 assembly halls, senior housing and private
20 schools?

21 MR. WILLIAMSON: That's correct.

22 MR. KRONBLAD: Okay. So once the -- in
23 the R-1a, it's -- it's those specific things plus
24 special use permits and then that opens it up to
25 those -- to the additional uses?

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1 MR. WILLIAMSON: Right, that's correct.

2 MR. KRONBLAD: Okay.

3 MR. WILLIAMSON: Okay. Do we -- anybody
4 have anything on Number 4? We're -- we've kind of
5 covered that in the earlier factors, so we're kind
6 of duplicating several of these.

7 Item 5 is the length of time of any vacancy
8 of the property. And this is just simply a fact,
9 it's been vacant for two years, a little over two
10 years now since it has been acquired. And it --
11 that really doesn't draw any conclusions other
12 than the fact that it's been vacant. And know --
13 and I know, though, as properties become vacant
14 for longer periods of time, they do become
15 deteriorated and -- and that could be an adverse
16 effect on a neighborhood in the future.

17 Number 6, the relative gain to the public
18 health, safety and welfare by destruction of value
19 of the applicant's property as compared to the
20 hardship on other individual landowners. Well,
21 there -- we stated here there's no gain to the
22 public safety, health and welfare by the property
23 not being redeveloped. It's located in the middle
24 of a mixed residential developed area, and the
25 depreciation in value would have a depreciation --

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1 depreciating effect on surrounding properties. So
2 redevelopment of this property at some point in
3 time is important to preserve and protect the
4 neighborhood. The hardship on the neighbors will
5 be the loss of the open space and green space.
6 However, if this all developed to single-family
7 residence, as somebody has suggested, that's going
8 to be lost anyhow. You'll probably lose more
9 under that kind of scenario than you would under
10 the scenario as proposed.

11 Item 7 is city staff recommendations. Again,
12 we've reviewed the plan. We think that it is a
13 workable plan. And we've had several comments
14 underneath in that as -- as our comments. Traffic
15 study has been adequately dealt with, storm
16 management plan has been adequately dealt with.
17 The density is 17.8 units per acre, which we think
18 fits in terms of transitioning with -- between the
19 north. And again, we're going from low-density --
20 low-density duplexes, villas on the south, to a
21 higher density to the north. So most of the
22 density is going to be on the north part of the
23 site, according to the site plan that they've
24 prepared and submitted. And that should provide a
25 -- a -- a transition between the uses.

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1 The major building's set back a minimum of
2 163 feet from the southwest property line, 255
3 feet from the south property line, and 119 feet
4 from Mission Road. So the building -- the major
5 building's set back an adequate distance. The
6 design of the buildings as they proposed them is
7 conceptual. Details will need to be worked out
8 and we talked about that more on the site plan.
9 But in terms of the concept that they have
10 proposed, we think the materials and all they use
11 are compatible.

12 There will be open space provided, 9.78 acres
13 of the site will be open space. Not all of it
14 will be usable open space, but it will be open
15 space. The bulk of the buildings will be, of
16 course, much greater than the existing school, but
17 the floor area ratio is only .45, which is low for
18 urban type development. And this is an urban --
19 really, an urban area. It's -- so it's -- that
20 fits well. The maximum peak of the buildings will
21 be 40 feet, which is approximately the same height
22 as the gymnasium, but that's only in a few
23 locations. They have varied those roof -- and
24 most of the roofs and the maximum at the three-
25 story would be 36 feet. So they've reduced the

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1 heights so that those buildings will fit better
2 into the -- the site.

3 The applicant needs to submit a time schedule
4 on phasing and we've -- we have a condition on
5 that. So we -- we put something together and
6 they've agreed to that. The proposed senior
7 housing provides a good transition between the
8 low-density and is a residential use. There are
9 other uses that others have talked about before.
10 We think that this use being a residential use is
11 good.

12 The other thing is is that this particular
13 location is located near Corinth Square Shopping
14 Center, so the types of things that people live in
15 this area need are fairly close by. You've got a
16 grocery store, you've got the CVS hard -- or CVS
17 store, you've got a hardware store, you have all
18 kinds of things in there. They have a cleaners,
19 all type -- types of uses that are very -- very
20 convenient. Some, they could be walked to, some
21 people would need to use the transportation
22 provided.

23 And the last thing was that the buffer that's
24 being provided along Mission Road, we think, is
25 important, because that's going to set this

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1 building back and it's going to have a -- a buffer
2 -- a berm there and it's going to protect from
3 lights and all that would -- would affect people
4 on the east side.

5 Conformance with the comprehensive plan, we
6 feel that it does conform to the comprehensive
7 plan. The -- we -- the plan was amended. The
8 senior housing was set out as a potential use, and
9 the development has been proposed in a design that
10 we think is -- is compatible; so we think that it
11 does meet the comprehensive plan.

12 Any questions on any of the -- any of the
13 factors, any of those factors?

14 (No response.)

15 Well, our recommendation is that, you know,
16 if you find favorable on the factors and recommend
17 approval, you -- well, actually, you've got -- you
18 can find not favorable on the factors and
19 recommend that it be denied, or you can recommend
20 favorably. And if you do that, finding favorable
21 on the factors, then we have a list of 13
22 conditions that we think need to be attached to
23 that.

24 Yes, Bob.

25 MR. LINDEBLAD: Clarification on -- these

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1 are considerate -- these factors are to be
2 considered, it's not every one has to be met or
3 not met. Some may be more important than others,
4 some may not be applicable, is that correct?

5 MR. WILLIAMSON: That's correct, yes.

6 MR. WATERS: That's -- that's correct to
7 the extent it's different than the variance that
8 you considered earlier where you have to make a
9 specific finding of fact as to each one of those
10 factors. These are factors that do need to be
11 considered. It's recommended certainly that, you
12 know, either way that -- as you discuss this, that
13 you, you know, make comments as to whether you --
14 you know, these factors, you see them one way or
15 another, so that the city council has a chance to
16 see, you know, why you came to the decisions that
17 you did. But you're right, you do not need to
18 make specific findings of fact as to each
19 particular one.

20 MR. WOLF: Mr. Chair -- Counsel, can you
21 walk me through the argument. I don't have your
22 opinion in front of me on the use argument that
23 we've heard some debate about.

24 MR. WATERS: As to the accessory --

25 MR. WOLF: Yes.

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1 MR. WATERS: --- use? The -- the
2 argument was posited that the -- that you always
3 hear the tail wagging the dog with this
4 application, that -- and that they're going to
5 build the -- is it the -- the skilled nursing
6 center was going to be the -- that that would be
7 an accessory use to the assisted living center,
8 but since that was going to be constructed first,
9 that that is actually a primary use, and
10 therefore, is not permitted under this. We've
11 reviewed that and we believe that -- that's not
12 necessarily the case, that -- that you can
13 consider that as an accessory use even if it is
14 constructed first, provided that you have
15 reasonable assurances that the primary use is
16 going to be constructed. And we believe that
17 we've stipulated that in the conditions I have
18 presented to you.

19 This is your zoning ordinance, of course.
20 And even though we think -- it is our opinion that
21 it's a reasonable interpretation that you could
22 find that way, you could make the determination
23 certainly that an accessory use cannot be
24 constructed first. That is within your purview,
25 as well, and that the other one could be done. So

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1 we think that you have -- you have that option to
2 interpret your code in that way, but we think the
3 plan as -- as presented is a -- is a reasonable
4 interpretation of your code and would allow that
5 to be done.

6 MR. WOLF: I still don't understand the -
7 - the difference -- what -- what -- what's
8 accessory and what's not accessory use?

9 MR. WATERS: I believe the --

10 MR. WOLF: What -- and what is allowed
11 and what isn't allowed? I -- I haven't understood
12 that argument yet.

13 MR. WATERS: -- well, I believe both --
14 both are allowed. I believe that the -- the
15 skilled nursing is a -- is in your code as an
16 accessory use to the -- to the assisted living.

17 MR. WOLF: So assisted living is allowed?

18 MR. WATERS: Assisted living is listed in
19 the code as the allowed.

20 MR. WOLF: So if they want to build a
21 skilled nursing facility, they couldn't do that,
22 is that what you're telling me now?

23 MR. TUTERA: No, we could do that.

24 MR. WILLIAMSON: Skilled nursing is also
25 a special use permit.

1 MR. WATERS: That would be the same
2 point.

3 MR. WOLF: No, I don't understand. So
4 tell me why --

5 MS. WALLERSTEIN: They're only requesting
6 one special use permit, which is to include all of
7 this.

8 MR. WILLIAMSON: Right. All of this.

9 MR. WOLF: Got it.

10 MR. WILLIAMSON: So it's -- it's the
11 whole project. And the nursing home is just one
12 portion of that project the way this is being
13 proposed.

14 MR. ENSLINGER: Similar to the other
15 facilities that we might have like --

16 MR. WOLF: Okay. So arguably, the other
17 side of the argument should be a special use
18 permit for both facilities, is that what you're
19 telling me?

20 MR. WATERS: I don't believe they've
21 necessarily argued that. I believe that they've --
22 -- they've made the argument -- and I don't -- I
23 don't want to speak for them -- but I believe
24 they've made the argument that -- that as
25 presented, that since this was an application for

1 the assisted living, that we can -- that you
2 cannot consider it this way, that you would have
3 to go through another process to have that other
4 special use permit. I believe that that's how
5 they presented their argument, that since this is
6 -- has been presented as an assisted living with
7 an accessory skilled nursing, that that is not
8 appropriate, that they would have to do both.

9 MS. VENNARD: Or that they would have to
10 build the living --

11 MR. WATERS: Or build -- or build that
12 one.

13 MS. VENNARD: -- the independent living
14 and -- building first.

15 MR. WATERS: First. Right.

16 MR. WOLF: And it's this body's opinion
17 as to whether that is an accessory use or not that
18 matters, is that what you're telling me?

19 MR. WATERS: Yeah. I believe that you
20 have the ability to interpret your code that way.

21 MR. WOLF: Okay.

22 MR. WATERS: Okay. But -- that -- that --
23 - I guess that would be correct. I guess if you
24 wanted a formal -- this is if you wanted a formal
25 interpretation of what the code would -- yeah,

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1 it's definitely in the purview of the board of
2 zoning appeals. When I say we, I mean the city
3 generally has the ability to interpret its own --
4 its own ordinances how it's should be. And if you
5 want a formal interpretation and what that -- then
6 go -- go to the board of zoning appeals, which,
7 you know, is you, as well. But there's -- there's
8 a process for that. But -- but what I was stating
9 you, I mean -- I was speaking generally as the
10 city has the authority to interpret its own codes.

11 CHAIRMAN VAUGHN: We have another
12 question down here.

13 MR. LINDEBLAD: So since skilled nursing
14 is a permitted use under special use permits in
15 this district, and senior housing -- if the
16 application had said, for senior housing and
17 skilled nursing we wouldn't be discussing this at
18 all, right? If -- if -- if the special use permit
19 application didn't just say for a senior housing
20 project, it would've said senior housing and
21 skilled nursing, because they're both --

22 MR. WATERS: I think that's correct.

23 MR. LINDEBLAD: -- they're both uses
24 under -- permitted under special use permits.

25 MR. WATERS: Correct.

1 MR. ENSLINGER: Right. The approach is
2 this is a combined development that they -- you
3 are asking for approval of all three phases and
4 all three types of facilities. Therefore, it's
5 one project. You can't separate out the project,
6 that wasn't what was proposed.

7 MR. KRONBLAD: And that was the purpose
8 of my question earlier is I wanted clarification
9 that it was, in fact, covered under the special
10 use permit.

11 MR. ENSLINGER: Correct.

12 MR. LINDEBLAD: It's pretty much
13 semantics, they're all -- I mean, they're all
14 permitted uses under a special use permit.
15 They've been on the plan, that's what they have
16 wanted to do and we've known that interpretations
17 of the staff that it all included it under the
18 senior housing versus other interpretations that
19 then you needed to have an accessory use for
20 skilled nursing, which is already listed under
21 there. So I guess I don't have a problem with it
22 and I'm fine with the stipulation.

23 MR. WILLIAMSON: Well, we have one
24 comment on stipulations based on the input that we
25 had this evening. And on Number 1, we'd like to

1 add that senior dwelling projects -- add senior
2 dwelling in there and then at the end, senior is
3 defined as 55 years of age or older.

4 MR. TUTERA: Okay.

5 MR. WILLIAMSON: That -- that question
6 came up. We don't have a definition of -- in our
7 ordinance for what is considered to be senior. So
8 I think if I could include that as a part of that.
9 And it's kind of what the applicant indicated
10 anyway.

11 MR. WOLF: Explain to me why that's
12 significant.

13 MR. WILLIAMSON: Well, I think the
14 question brought up is that, can they rent it to
15 anybody, you know? So -- so a senior -- but we
16 don't have a definition of what --

17 MR. WOLF: Okay.

18 MR. WILLIAMSON: -- constitutes senior in
19 our ordinance. So -- so we think we ought to
20 define that and ought to indicate that here.

21 MR. WOLF: So a person who has brain
22 trauma, but is 45 years old can't go to memory
23 care, is that what -- is that what you're telling
24 me?

25 MR. WILLIAMSON: Yes.

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1 MR. WOLF: Okay.

2 MR. WILLIAMSON: Uh-huh. Well, that --
3 that's what -- I'm offering that as to -- if you,
4 you know -- if you decide you want to do that or
5 not.

6 MR. WOLF: Right.

7 MS. VENNARD: I -- I mean, I -- I see
8 that that would restrict the skilled nursing units
9 too sometimes, but I think that there are plenty
10 other ones in the area that probably don't have
11 that restriction because they're not part of a
12 campus situation, so that this might not be a
13 problem. Mr. Tutera, do you see that that would
14 be a problem with your clientele or your residents
15 as you call them?

16 MR. PETERSON: If I could speak, Mr.
17 Chairman, may I respond?

18 CHAIRMAN VAUGHN: Go ahead.

19 MR. PETERSON: On behalf of the
20 applicant, we -- we would accept that additional
21 restriction.

22 MR. WILLIAMSON: And the other 12 -- the
23 other 12 stipulations are as we have outlined
24 them.

25 MR. LINDEBLAD: One comment and maybe a

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1 suggestion. There has been some concern that once
2 a -- this preliminary plan is approved, that there
3 will be square footage creep in the buildings, get
4 a little bigger and bigger as they come in with
5 their plans. Could there be consideration that we
6 have a limit on maximum square footage build-out
7 on either -- whether it's each portion of -- of
8 the facilities, so we don't get that extra 5,000
9 or 4,000?

10 MR. WILLIAMSON: Yeah. We -- we -- you
11 could add that stipulation, that's not a problem.

12 MR. LINDEBLAD: Are we at the point where
13 we know what those --

14 MR. WILLIAMSON: Yeah, they've got them
15 on the plans.

16 MR. LINDEBLAD: On the --

17 MR. WILLIAMSON: Yeah.

18 MR. LINDEBLAD: -- latest plans with
19 those square footages on --

20 MR. ENSLINGER: Staff would suggest that
21 you go with what's on the plan. We have not
22 particularly done that.

23 MR. LINDEBLAD: I think in this case, it
24 would be good to put it in the -- in a condition,
25 that those are the maximum square footages to be

1 built.

2 MR. WOLF: I have a -- Mr. Chair, I've
3 got a question for my fellow commissioners.

4 CHAIRMAN VAUGHN: Go ahead.

5 MR. WOLF: I'm curious, does anybody else
6 still think this project is still too big? I need
7 some input here from what you all are thinking,
8 because I still have some concerns based upon
9 everything that the neighbors have said, what
10 their counsel has presented. And I'm -- you know,
11 I'm not a -- I don't live in the real estate
12 development world, I litigate for a living, and
13 some of you do. And I'm curious what your
14 opinions are.

15 CHAIRMAN VAUGHN: Well, I'm concerned
16 just because it does use up some more green space,
17 yes, there's no doubt about it. But I think that
18 staff has indicated that there's a logical
19 argument to be made for this being reasonable. I
20 don't like it, but I think you can say it's
21 reasonable.

22 MR. WOLF: And this is my novice
23 question. Is that what we're -- is that what
24 we're supposed to approve, reasonable?

25 MR. LINDEBLAD: If I may, we're supposed

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1 to review a proposal that is submitted to us under
2 the conditions, the nine conditions and the eight
3 conditions, to see if it meets those criteria.
4 And as for the -- the green space, we all love
5 green space and we love the soccer fields and
6 lacrosse fields, but this site is going to be re -
7 - redeveloped at some point. And I don't know
8 that we can't -- unless we buy the property, we're
9 going to be able to keep soccer fields there
10 unless somebody buys it and turns them into
11 private soccer fields or public. And so we have
12 to deal with a plan that has been submitted to us
13 and review it under the rules that we have to
14 review for rezoning. So that's what we're doing.

15 MR. KRONBLAD: As staff pointed out a
16 moment ago, I believe if it went to all single-
17 family, we would have less green space than we --
18 then is currently proposed. Because I don't think
19 they would put in a park or any -- anywhere near
20 the amount of green space that's there now. You -
21 - you couldn't financially, it would have to be
22 all --

23 MR. LINDEBLAD: Mr. Chairman.

24 CHAIRMAN VAUGHN: Bob.

25 MR. LINDEBLAD: Yes. Another comment to

1 the -- the way I look at this, start looking at
2 the master plan. And we've -- many of us worked
3 on the Village Vision for several years, and we
4 talked about how -- how -- how we want to see
5 Prairie Village and the limited opportunities for
6 development and redevelopment. And we talked
7 about that we're going to be more urban, we need
8 to have more density, we need to have more
9 different styles of residential in the city. And
10 this plan -- many, many aspects of this plan
11 follow what this does. We've got to be denser.
12 If -- we need to encourage more residents here.
13 We need to -- and to keep the city viable, we need
14 -- we can't keep losing the families and losing
15 residents. Build -- excuse me, please. Please,
16 give us some respect.

17 CHAIRMAN VAUGHN: Please.

18 MR. LINDEBLAD: We build senior housing,
19 there are many folks and I've got many on my
20 street in their 80s and 90s, and this place is a -
21 - you know, a half mile from my house. And if
22 they want to relocate to a more appropriate
23 location that allows more younger families to have
24 opportunities in the larger houses. And that's
25 one of the discussion points we had during the

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1 Village Vision of a more diversified housing stock
2 and including more for senior housing. So I know
3 it's an emotional issue, but we need to look at
4 the facts and go down from the master plan and to
5 what we believe are the most important criteria.

6 And -- and, obviously, the im -- the impact
7 on the surrounding property appears to me to be
8 the most important one that needs to be centered
9 on. And the value, we heard many times, you know,
10 the property value's going to go down. And I read
11 the -- the housing -- or the appraisal study, the
12 Todd appraisal study and the other one; and, I
13 guess, I was -- I'm -- I'm not convinced there's
14 going to be a devaluation of properties -- values
15 from the construction of this, from what I have
16 read and from the evidence that's been submitted.

17 There's going to be -- in the residential
18 neighborhoods, there's not going to be no
19 additional traffic, the street -- the traffic from
20 this project is all going to go out of Mission
21 Road. And this is probably your lowest traffic
22 generator development that you can have of any
23 development. This is substantially lower than
24 almost any other kind of development.

25 And I think that with the revisions of the

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1 plan with -- I was concerned about the transition
2 from the single-family to the more intense
3 buildings and the adding -- the moving back of the
4 villas and the adding of the second row of villas.
5 And at the last meeting, I said that that had
6 satisfied my concerns on that transition. So I'm
7 pretty pleased with the revisions that were made
8 and the -- the biggest concerns that I had, again,
9 master plan, and then the impacts on the
10 surrounding properties.

11 CHAIRMAN VAUGHN: Whatever this group
12 decides, the issue will go to the governing body,
13 the city council with or without our
14 recommendation for approval.

15 MR. WOLF: So are -- are we supposed to
16 consider whether we think Prairie Village needs
17 another retirement facility, is that -- is that a
18 valid factor?

19 MR. LINDEBLAD: That's not a part of the
20 factor.

21 MR. WOLF: Okay.

22 CHAIRMAN VAUGHN: Anything else, Ron?

23 MR. WILLIAMSON: Well, based on what Bob
24 mentioned, if -- if you recommend favorably, a
25 14th condition would be the maximum square footage

1 shall be as shown on the plans dated 7/30/13,
2 which is the plans that have been submitted. So
3 we will go by those -- that -- that sufficient set
4 of documents that we're looking at at this point
5 in time.

6 MS. VENNARD: We already have it in the
7 recommendation Number 1, the amount of units.

8 MR. WILLIAMSON: Right. We covered that.
9 His concern was common spaces.

10 MS. VENNARD: The common spaces get
11 bigger.

12 CHAIRMAN VAUGHN: Other questions?

13 MS. WALLERSTEIN: I don't know, I'm still
14 having a little bit of a problem with the two to
15 three-year build-out. And I -- I -- I just -- I
16 know this is a fairly big project, but I think it
17 can be done in a little bit shorter time than
18 three years. I mean, that's why I really asked
19 you to drill down on that to -- to be sure that
20 what is the minimum amount of time that could --
21 could be -- it could be built. And so that's -- I
22 think it's Recommendation Number 3 that I'm
23 looking at. You know, it's not -- it's like
24 nothing started, I understand, on -- on 24 months,
25 but we still haven't -- we still haven't addressed

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1 that.

2 MR. BREDEHOEFT: Well, we can't -- I
3 don't think we can -- we can't tell the
4 construction -- how long it takes to construct
5 their building.

6 MS. WALLERSTEIN: Well, I know that
7 there's been some other projects in other cities,
8 not specifically senior housing, but they start it
9 and then it just stops. And so we need to --

10 MR. BREDEHOEFT: That's -- the planning
11 commission can't deal with that.

12 MS. WALLERSTEIN: Well, we can if we try
13 to --

14 MR. BREDEHOEFT: It's not in our purview.

15 MS. WALLERSTEIN: Well, maybe we should
16 make it our purview.

17 MR. BREDEHOEFT: Maybe we should ask our
18 city attorney if that should be dealt with, and if
19 so, how.

20 MR. WATERS: I think it would probably be
21 pretty difficult to do any kind of stipulation on
22 that. Generally, I believe that would be a -- you
23 know, handled through your -- your codes process,
24 your permitting process and codes enforcement as
25 far as, you know, construct -- construction is

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1 abandoned or not completed or not covered or
2 unsecured, for -- for matters like that, that's
3 typically the purview of your codes enforcement
4 department. You know, I can't tell you how long
5 construction takes. You know, it's certainly --
6 this summer has been wetter than last summer, so I
7 know projects are taking longer this summer than
8 last. But -- but I think traditionally, that is --
9 -- that is the responsibility of the codes
10 department to enforce timely construction,
11 securing of the property, making sure it's clean,
12 that rubbish and material are removed. But I -- I
13 don't know that the -- the planning commission can
14 make any promises as far as any completion dates
15 or such.

16 MS. VENNARD: Nancy, I think if this was
17 built out as single-family homes, your
18 construction could go on for years as people
19 bought lots and things.

20 MS. WALLERSTEIN: And if you -- I'm going
21 to -- I'm going to talk --

22 MS. VENNARD: You're thinking of Mission
23 Mall that --

24 MS. WALLERSTEIN: No, I'm taking --
25 thinking of Mission Mall. I'm talking about 103rd

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1 and Nall, that -- that -- that there was a school
2 there and it was an Overland Park issue, and they
3 started building those villas there and then it
4 just stopped and the city had to sue the developer
5 to go back and get it finished. And I'm -- I'm
6 not saying that's going to happen. I mean, I --
7 I'm a -- I really do believe that -- that he'll
8 have the financing in hand, and -- but I -- I want
9 to just make sure something like that doesn't
10 happen, that we don't get started and then all of
11 a sudden, oh, wait a minute, the financing
12 disappeared for, you know -- because we have a --
13 a blip in the stock market or something. I -- I
14 want to make sure that we keep this thing rolling.
15 Because it's a disruption to all of the neighbors.
16 I mean, even for me driving down Mission Road, I
17 know there's going to be construction vehicles
18 going in and out. And we just need to keep this
19 rolling if this is -- if this is going to move
20 forward, I want to see it compacted in -- as a --
21 you know, finite amount of time.

22 MR. WILLIAMSON: Yeah. I don't want to
23 speak for the developer, but if they've got
24 financing in place, they don't get any revenue
25 until they get this thing built and open. So it's

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1 going to be to their advantage to get it built as
2 fast as they possibly can.

3 MS. WALLERSTEIN: I -- I do understand
4 that. But I'm -- I'm trying to also give comfort
5 -- aid and comfort to the -- the neighbors to let
6 them know that we -- we are mindful that we want -
7 - if this is -- if this moves forward, that --
8 that we have a -- a solid plan moving forward.
9 And I don't know how you define it, but that's my
10 suggestion.

11 CHAIRMAN VAUGHN: It doesn't sound like
12 there's any way that we can accomplish that.

13 THE COMMISSIONER: No.

14 MS. WALLERSTEIN: I've got to think up
15 something real fast here.

16 CHAIRMAN VAUGHN: Yeah, you do.

17 MS. WALLERSTEIN: I'm not on my best game
18 at 11:00 at night.

19 MR. ENSLINGER: Typically, though, that
20 issue would be a council issue, if a project has
21 stopped and becomes a nuisance for the community,
22 that is a council issue. There's a public hearing
23 and there's a process to either abate the nuisance
24 or complete the nuisance. That typically hasn't
25 been an issue that has come before the planning

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1 commission. Building permits are valid for six
2 months without activity. They need to show
3 activity; otherwise, they have to re-apply for the
4 building permit. Or if it becomes a nuisance,
5 then the council can deal with it at that level is
6 typically how it's been dealt with in most -- in
7 most communities. It's -- it's very difficult for
8 staff to come up with a condition based on rain
9 days, snow days --

10 MS. WALLERSTEIN: Right.

11 MR. ENSLINGER: -- sleet, freezing
12 temperatures, and to stick with that. So that's
13 probably why there hasn't been --

14 MS. WALLERSTEIN: Well, I think that's a
15 -- that's a comforting thought, that if there is
16 no movement within six months, then they -- they
17 are brought up.

18 MR. ENSLINGER: Yeah, we follow projects
19 --

20 MS. WALLERSTEIN: I think that's
21 something that -- oops -- is -- is helpful for
22 everyone to know that it's going to keep moving
23 then.

24 CHAIRMAN VAUGHN: Anything else, Ron?

25 MR. WILLIAMSON: That's it on the special

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1 use permit.

2 CHAIRMAN VAUGHN: Yeah. If you have any
3 more questions, now is the time to be bringing
4 them up; because there will be a motion here
5 shortly, I suspect.

6 MR. ENSLINGER: While we have a lull, I
7 will remind the public that the planning
8 commission does have other items after this, so if
9 you do exit, please exit quietly. We will try to
10 finish the agenda, so we actually have one more
11 public hearing after this. So --

12 CHAIRMAN VAUGHN: They're going to be
13 happy.

14 MR. ENSLINGER: I believe they're still
15 here.

16 (THEREUPON, a discussion was had off the
17 record.)

18 CHAIRMAN VAUGHN: All right. The chair
19 is ready for a motion.

20 MS. VENNARD: The only hold, I think, a
21 lot of us had was the size of the building. And I
22 feel that a lot of that has been answered by the
23 changes that have been made in the last month with
24 reducing some of the sizes and repositioning it on
25 the lot. So I feel a little bit more comfortable.

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1 It's still big, but there's -- I think that it can
2 work for the neighborhood for all the other
3 reasons that we have under Golden factor. So I
4 propose that we -- that the commission approve the
5 special use permit for adult senior dwellings,
6 PC2013-05 with the stipulations, recommendations
7 by the staff of 14 -- the amended Number 1 and the
8 addition 14 on the maximum size as per the
9 drawings of July 17th.

10 MR. KRONBLAD: I would second that.

11 CHAIRMAN VAUGHN: It's been moved and
12 seconded that the planning commission recommend
13 approval of the special use permit to the
14 governing body with the conditions that were
15 discussed and shown in the document, plus the
16 addition of Number 14, which related to square
17 footage of the development. Is that correct?

18 MS. VENNARD: Uh-huh.

19 MS. WALLERSTEIN: Clarification.

20 CHAIRMAN VAUGHN: Discussion?

21 MS. WALLERSTEIN: Where did we add in 55
22 years of age?

23 MS. VENNARD: Number 1.

24 MS. WALLERSTEIN: Was it Number 1? Okay.
25 Okay.

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1 MR. ENSLINGER: Would you like staff to
2 read that again?

3 CHAIRMAN VAUGHN: Yes.

4 MR. WILLIAMSON: Okay. Number 1 would be
5 revised to read as, that the senior dwelling
6 project be approved for a maximum of 84 skilled
7 nursing units, 36 memory units, 136 independent
8 living units, 54 assisted living units and 17
9 villas. The maximum number of residents shall not
10 exceed 412. Senior is defined as age 55 years or
11 more.

12 MS. WALLERSTEIN: Okay.

13 CHAIRMAN VAUGHN: Any further discussion,
14 questions?

15 MR. KRONBLAD: I would like to say that I
16 basically concur with Commissioner Lindeblad and
17 Vennard in that the neighbors were asking for
18 quite a reduction, and I think the developer has
19 made some considerable concessions. I think the
20 last design, the one we came back and saw the last
21 time around, I think they had done a very good job
22 at buffering the south side with the villas and --
23 and they reduced square footage. And I think the
24 project has improved immensely from the first go-
25 around. And unfortunately, we can't please all

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1 the people all the time, but I think this is -- I
2 think it's a step in the right direction. And I
3 took the time this weekend to actually -- and I'm
4 not an attorney, but I tried to read the case law
5 of Golden versus the City of Overland Park in
6 1966. And I think that was a very telling thing
7 to read and understand what we've been asked to do
8 as far as the factors we were asked to consider
9 and how that case law played out versus what the
10 city was denying versus what the courts turned
11 around and actually granted to the developer. So
12 in that sense, I'm comfortable with seconding the
13 motion.

14 CHAIRMAN VAUGHN: Further discussion?

15 MR. WOLF: Mr. Chair.

16 CHAIRMAN VAUGHN: Yes, Greg.

17 MR. WOLF: Mr. Tutera, I want to
18 compliment you on what you've designed, but I am
19 just not comfortable with the size, I'm not
20 comfortable with -- with the -- I'm just not
21 comfortable that with the opposition I'm hearing,
22 I can vote for this. I don't think the factors
23 are met for many of the reasons that the counsel
24 for some of the adjacent homeowners has
25 articulated. I think I'm in the minority, but I

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1 just feel I had to say that.

2 CHAIRMAN VAUGHN: Anyone else?

3 MS. WALLERSTEIN: Are we going through
4 each of the factors and voting on them
5 individually or is the motion for the --

6 CHAIRMAN VAUGHN: No, the motion includes
7 that.

8 MS. WALLERSTEIN: Okay.

9 CHAIRMAN VAUGHN: Based on staff
10 recommendation. Okay. No further discussion?
11 Those in favor of the motion, raise your hand
12 (indicating). Those opposed? Okay. I've got --
13 five votes.

14 MS. WALLERSTEIN: I think we need to
15 point out that this is merely a recommendation to
16 the city council, and the city council will be
17 making the final decision.

18 MR. ENSLINGER: For those members of the
19 public, this item will likely come forward to the
20 city council on September 3rd, which is actually a
21 Tuesday, not a Monday.

22 CHAIRMAN VAUGHN: Please leave quietly if
23 you can, we're going to continue on with our --

24 MR. WILLIAMSON: Mr. Chairman --

25 CHAIRMAN VAUGHN: -- consideration.

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1 MR. WILLIAMSON: Mr. Chairman, I -- I
2 think since we've been going through all this, we
3 ought to deal with the site plan. I know it's out
4 of order because it's later on, but I think -- and
5 then go to that last public hearing --

6 CHAIRMAN VAUGHN: Right.

7 MR. WILLIAMSON: -- because we've been
8 through all this. And so --

9 CHAIRMAN VAUGHN: Yes.

10 MR. WILLIAMSON: -- you've indicated it
11 would be good to clean it up at one time.

12 CHAIRMAN VAUGHN: This is a non-public
13 hearing, PC2013-114, site plan approval for
14 Mission Chateau.

15 MR. WILLIAMSON: Mr. Chairman, do you
16 want me to go ahead and --

17 MR. PETERSON: I'll be very -- very
18 brief, Mr. Chairman. John Peterson appearing on
19 behalf of the -- of the developer in regard to the
20 pending application for the site plan. Same
21 principals are here on behalf of the proposed
22 developer. I think we have gone through --
23 because really, the SUP consideration was so
24 closely tied with the site plan in terms of the
25 dimension specifics. We have had an opportunity

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1 to review the 17 conditions that staff has pro --
2 proposed that would be conditions to a
3 recommendation -- or for your approval of the site
4 plan. And we -- we have read them, acknowledge
5 them and support them. With that, I'd be -- or
6 any member of the team would be happy to answer a
7 question.

8 CHAIRMAN VAUGHN: Without modification?

9 MR. PETERSON: Without modification.

10 CHAIRMAN VAUGHN: Any questions from the
11 commission? Anything you want to add, Ron?

12 MR. WILLIAMSON: Yeah. Mr. Chairman, on
13 page 7, I didn't catch -- as we were changing the
14 number of units and all, in that second paragraph,
15 the 351 units should be 327 and the density should
16 be 17.8 instead of 19.1. It's just -- didn't
17 catch it when we were going through, so I just
18 need to correct that.

19 MR. PETERSON: And -- and we agree with
20 their correction, that is accurate.

21 MS. VENNARD: Mr. Chairman, I have a
22 suggestion. On Number 6, I'd like to see that all
23 the trash bins and dumpsters are not only
24 screened, but they're away from the property line.
25 And I know that right now, you have them designed

1 as sort of an internal to the building, but I want
2 that stated here so that we don't have dumpsters
3 backing up and beeping at the property line by the
4 apartments. So I don't know how you want to word
5 that.

6 MR. WILLIAMSON: We can say as shown on
7 the plans.

8 MS. VENNARD: As shown on the plans.
9 There you go. As location shown on the plans.

10 MR. WILLIAMSON: Agreed.

11 CHAIRMAN VAUGHN: Anything else?

12 MS. VENNARD: We -- we were pointing out
13 the -- Number 8 mentioned use -- using lead
14 principles, which I know this is really very
15 important for the demolition, but also as much as
16 you can, in the design of -- of the facility in
17 the materials that are being used. But it also
18 says to install a sprinkler system, which is
19 actually contrary to lead principles. So we, you
20 know -- I know that tradition and everybody loves
21 to see the big green lawns, but if -- and I know
22 you're having the water -- the rain gardens and
23 things, but just as a -- an aside, as -- as much
24 as possible, to use natural -- or vegetation that
25 is typical of the Kansas area that don't need as

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1 much water would be a lot more appreciated than a
2 lot of sprinkler systems running. And, of course,
3 it keeps down your water costs, too.

4 CHAIRMAN VAUGHN: I think a good ear -- a
5 good change for that would be to call it
6 irrigation rather than sprinkler system.

7 MS. VENNARD: Yeah.

8 CHAIRMAN VAUGHN: Because there are lots
9 of more environmentally acceptable underground
10 systems that you might want to use rather than
11 just sprinkle or less water and do a better job.

12 MR. PETERSON: Mr. Chair, a point of
13 inquiry on that. We're not re -- and -- and --
14 and I'm not trying to dance here, I want to make
15 sure we're not restricted from using irrigation,
16 but we'd work with staff to substitute, we'll call
17 it traditional irrigation, with more environmental
18 sensitive elements. Because I don't -- and -- and
19 I'm not being dismissive. I don't necessarily
20 want to be the one to tell the neighbors we're not
21 going to land --

22 MS. VENNARD: Yeah.

23 MR. PETERSON: -- to water the
24 landscaping on our buffering and our perimeters if
25 that's the only way we can ensure, which we're

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1 required to do by code, that they -- that they
2 stay alive.

3 MS. VENNARD: Right.

4 MR. PETERSON: We will work in good faith
5 and bring back a final plan, green elements that
6 we've attempted to incorporate, but I don't want
7 an outright prohibition that we can't ask for.

8 MS. VENNARD: Well, I -- I hadn't looked
9 at your stormwater plan really carefully, but I
10 know that there's a lot of ways like the islands
11 where --

12 MR. PETERSON: Exactly.

13 MS. VENNARD: -- that the water from the
14 sidewalks and the driveways actually flows in to
15 those spots instead of just down drains. So, you
16 know, you -- there's a lot of different ways of
17 doing it.

18 MR. PETERSON: May -- may I suggest a
19 stipulation that a final plan will bring back an
20 analysis working with staff to see from green to
21 more traditional irrigation, we'll bring back a
22 plan for you to look at.

23 MS. VENNARD: Prairie grass instead of
24 roses.

25 MR. KRONBLAD: This is on a side to that

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1 somewhat. Back to the lead, Mr. Tutera, have you
2 given any thought to actually pursuing lead on
3 this?

4 MR. TUTERA: We -- it -- it came -- the --
5 -- this comment came up with the staff about --
6 well, about ten days ago or so when the report was
7 submitted. We are -- we do, obviously, plan to
8 demolish and handle the site in environmentally
9 sensitive ways. We will be recycling the bulk of
10 the materials within the building, donating the --
11 as much as we can to Habitat for Humanity and the
12 reuse of the other equipment and -- and fixtures
13 within the building. With respect to the building
14 itself, we clearly want it to be efficient, highly
15 insulated, environmentally friendly, but we
16 haven't gotten that far through the plan to figure
17 out -- as -- as a matter of fact, this concept
18 relative to the landscaping makes perfect sense,
19 but it's something we haven't -- we're just
20 getting up to speed on right now on what all that
21 means.

22 MS. VENNARD: It's like, you know,
23 grinding up the concrete and reusing it someplace
24 else.

25 MR. PETERSON: The -- the -- the

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1 challenge of it is, in my experience, based on
2 cities requiring that or that you commit that
3 you'll do it, is that we know you don't know if
4 you've done it until after the building is built.
5 And so --

6 MS. VENNARD: That's not true. You keep
7 track along the way.

8 MR. PETERSON: Well, we can use real lead
9 principles, but you can not guarantee
10 certification to a lead level. And so I think
11 we've got a statement of good faith saying we've
12 agreed to the stipulation, and I think we have to
13 come back with a final plan; so I don't think
14 we're going to just say it and not attempt to
15 deliver.

16 MR. KRONBLAD: Thank you.

17 THE SPEAKER: We feel 25 green and gold
18 and even platinum buildings and our specs are
19 sustainable and -- and it's normal practice --

20 MS. VENNARD: You know all of that.

21 MR. KRONBLAD: You can probably get
22 certified pretty easily.

23 MS. VENNARD: Not -- maybe not platinum,
24 but --

25 CHAIRMAN VAUGHN: Any other comments or

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1 questions? Then we're ready for a motion.

2 MR. LINDEBLAD: Mr. Chairman, I move for
3 approval of site plan approval for Mission
4 Chateau, 8500 Mission Road, with staff conditions
5 1 through 17, with amended by staff on Number 6.

6 CHAIRMAN VAUGHN: Is there a second?

7 MS. VENNARD: Seconded.

8 CHAIRMAN VAUGHN: Any discussion?

9 MR. WOLF: Mr. Chair, I should be
10 consistent. I -- I think I'm going to have to
11 vote against this, because I don't agree with
12 Section A at a minimum. I don't believe the
13 site's capable of a building this -- this
14 development. I think it's a very good
15 development, I just think it should be on a bigger
16 plot of land. And I just want to make that clear
17 for the record.

18 CHAIRMAN VAUGHN: Any other comments?
19 Those in favor of the motion, raise your hand.

20 THE COMMISSION: (Indicating.)

21 CHAIRMAN VAUGHN: Those opposed?

22 THE COMMISSION: (Indicating.)

23 CHAIRMAN VAUGHN: Okay. Six total, five
24 in favor. All right.

25 MR. PETERSON: Thank you for your time.

1 (THEREUPON, the meeting concluded at
2 11:35 p.m.)
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2 STATE OF KANSAS

3 SS:

4 COUNTY OF SHAWNEE

5 I, Cameron L. Gooden, a Certified
6 Shorthand Reporter, Commissioned as such by
7 the Supreme Court of the State of Kansas,
8 and authorized to take depositions and
9 administer oaths within said State pursuant
10 to K.S.A. 60-228, certify that the foregoing
11 was reported by stenographic means, which
12 matter was held on the date, and the time
13 and place set out on the title page hereof
14 and that the foregoing constitutes a true
15 and accurate transcript of the same.

16 I further certify that I am not related
17 to any of the parties, nor am I an employee
18 of or related to any of the attorneys
19 representing the parties, and I have no
20 financial interest in the outcome of this
21 matter.

22 Given under my hand and seal this
23 _____ day of _____, 2013.

24

25 Cameron L. Gooden, C.C.R. No. 1335

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TO: Prairie Village Planning Commission
cc: Catherine Logan, Esq.

FROM: John D. Petersen

SUBJECT: Application of MVS, LLC for Special Use Permit

DATE: August 2, 2013

As the Commission is aware, our office represents MVS, LLC ("MVS") in regard to its Applications for a Special Use Permit and Site Plan to construct the Mission Chateau Development. In that capacity, we provide the following comments to the Staff Reports dated August 6, 2013 that have been submitted to the Planning Commission for its consideration.

I. Project Overview - Background

We believe that the Mission Chateau will be a significant enhancement to the City of Prairie Village both in terms of services provided and the quality of the development. Plans for Mission Chateau have been continually modified to take into consideration comments from the public and from the City's Professional Planning Staff in an effort to strike a balance between the necessary Project components and the need for appropriate transitional design concepts. A particular focus has been to provide buffering to adjoining property owners, including the single family homes to the south and southwest of the development. The result is that Mission Chateau will be a \$50 million asset that adds value to the City and the neighborhood.

The Mission Chateau plans are the result of almost a year's work and numerous meetings with interested parties. The instructions of MVS to its architects and engineers were straight forward: Provide a plan that:

- A. provide a self-contained senior living community that sets the standard for senior lifestyle in the region—including independent villas, independent living apartments, assisted living with memory care facility and a skilled nursing care facility;
- B. create substantial open spaces so residents and visitors will enjoy a park-like atmosphere;
- C. comply with Village Vision and all its elements;
- D. comply with all R-1A zoning regulations;
- E. meet and/or exceed all Prairie Village development standards including height, setback, traffic, parking, stormwater and runoff so that no variances would be required;
- F. include substantial buffer of residential borders to the south and southwest;
- G. reduce the presence off of Mission Road through the use of berm and building elevations;
- H. provide access only off Mission Road and provide a service road to the north;

- I. conform to City traffic requirements; and
- J. match the building design, character and scale to complement surrounding neighborhood and highlight the unique character of the City.

It is our opinion that these goals have been accomplished and the resulting project components and transitional development concepts allow for a viable development that adheres to all design requirements of City and adequately protects the interests of surrounding property owners.

II. Public Input

We have been pleased with the significant public support that has been expressed for the Project. However, we acknowledge that some members of the Mission Valley Neighborhood Association ("MVNA") remain in opposition. Some members of MVNA live near or adjacent to the subject site, many do not. Although we have attempted to be responsive to all concerns raised as we have moved through the design process, we have paid particular attention to issues involving adjacent properties.

MVS is sensitive to the complaints of MVNA. MVS understands that the Mission Valley Junior High School was a long-standing fixture in this neighborhood. While the closing of the School by the School District was hotly debated--the School was closed. The reality of the situation is that a change in use of the former School property is inevitable.

III. Kansas Law

It is not unusual in land use matters for there to be neighborhood opposition. Many times this is caused by fear of the unknown and a resistance to change. However, Kansas law requires that land use decisions be considered within a broader context and be based upon the benefit or harm to the community at large. The Kansas Supreme Court has made this point very clearly stating that "Zoning is not to be based upon a plebiscite of the neighbors, and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large." Waterstradt v. Board of Commissioners, 203 Kan. 317, Syl. p. 3 (1969).

When the Planning Commission and, ultimately, the City Council acts on the Application, the City acts in a "quasi-judicial" capacity—the City hears evidence on the Application and will take action based upon certain criteria approved by the Kansas Supreme Court in Golden v. City of Overland Park, Kansas, 224 Kan. 591 (1978) ("Golden Factors"). In addition, the City of Prairie Village has followed the recommendation of the Court and promulgated its own set of factors to be utilized in determining the acceptability of Special Use Permit requests (Section 19.28.035) ("City Factors"). Both the Golden Factors and the City Factors serve as the basis of the Staff Report and their professional opinions expressed therein.

IV. Golden Factors

Generally stated, we concur with Staff's analysis of our Application within the context of the eight Factors advanced by the Kansas Supreme Court in the Golden case. There are two of the

eight, however, that are so foundational to any land use decision they are worthy of further comment:

1. The conformance of the requested change to the adopted or recognized master plan being utilized by the City.

The use provided by the Mission Chateau Application comports with the City's Comprehensive Plan. City Staff points out that Village Vision was amended in 2012—after an exhaustive process that included significant input from neighbors at public hearings--to specifically address this Property. The Plan Amendment—adopted by the Governing Body on May 21, 2012--specified that use of the Property be restricted to R-1A—which specifically allows senior living development with a Special Use Permit.

If the City intended not to allow redevelopment of the former School property with senior living—that would have been reflected in the 2012 amendment. Instead, all interested parties understood in May 2012 that a senior living development was a distinct possibility for this Property and the pending application came as no surprise. Further, the action to amend the Plan was premised on a market study that indicated such a senior living development would be of the size and scope being proposed by the Applicant.

In addition, the City Staff Report states, “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.” Attempting to limit redevelopment of the former School property to single-family development will be contrary to Village Vision and the Plan Amendment.

2. The recommendations of permanent or professional staff.

As the Kansas Supreme Court has stated, the recommendation of a professional City Staff is an important factor in the process for approval of a Special Use Permit.

In regard to the MVS Applications for the subject Special Use Permit and related Site Plan, the Prairie Village Professional Staff has concluded;

“The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The revised plan is consistent with Amended Village Vision and in the opinion of Staff it is a workable plan....”

(Page 6 of Staff Report)

MVS concurs with Staff’s Finding.

V. City Factors and City Site Plan Criteria

City Staff has reviewed the factual basis of both the Special Use Permit and Site Plan Applications and has, as part of its recommendation, evaluated the Applications compliance with both the City Factors and City Site Plan Criteria.

MVS concurs with the Staff's factual review and Findings as to compliance.

VI. Conditions of Approval

Staff has proposed Conditions 1-13 to the Approval of the Special Use Permit Application and Conditions 1-17 to the Approval of the proposed Site Plan.

MVS has reviewed these proposed Conditions and finds them acceptable.

In closing, we respectfully submit that MVS has more than carried the burden of proof in regard to the pending Applications and would ask for the Commission's Recommendation For Approval.

Thomas	Anderson	<p>Sent: Saturday, June 29, 2013 8:13 AM To: Joyce Hagen Mundy Subject: Mission Chataeu</p> <p>I am in support of the Mission Chateau 100 percent.</p> <p>Thomas L. Anderson DDS 8543 Roe Avenue Prairie Village KS 66207</p>
Byron	Baker	<p>Sent: Saturday, June 29, 2013 8:35 AM To: Joyce Hagen Mundy Subject: Mission Chateau</p> <p>Dear Madam</p> <p>By this letter we support the developers plans for the old Mission Valley School site. It is an attractive utilization of the site, provides attractive job opportunities for our citizens, lets our citizens who use it be close to friends and neighbors and should generate income for the village.</p> <p>Byron N. Baker 2313 W. 71st Street PVKS 66208</p>
Barbara and Dick	Barr	<p>Sent: Friday, June 28, 2013 7:08 PM To: Joyce Hagen Mundy Subject: mlsion chateau</p> <p>As elderly members of the community we are extremely interested in the proposed Mission Chateau. From the plans it appears it will be an attribute to the community. We hope you will carefully consider the project. Barbara and Dick Barr</p>
Jo Dee	Berger	<p>Date: June 25, 2013, 2:16:21 PM CDT To: "awang@pvkansas.com", "mayor@pvkansas.com", "mkelly@pvkansas.com", "aweaver@pvkansas.com", "snoll@pvkansas.com" Subject: Tutera development from Jo Dee Berger</p> <p>Andy: I am very opposed to the Tutera development. It is not going to benefit Prairie Village in the short term or in the long run. We need affordable residential housing in that space. No to low-skill low-wage jobs and increasing the demographic of older citizens. It is not a joke that Prairie Village is the home of the " newly wed and nearly dead".</p> <p>Sincerely, Jo Dee Berger</p>
Deb	Beyer	<p>Sent: Sunday, July 28, 2013 9:21 AM To: Joyce Hagen Mundy Subject: Mission Chateau</p>

		<p>Dear Sir:</p> <p>I am writing in support of the Mission Chateau project. I have read the updated project plans following the changes requested by the homes association and council....it seems to me that the Tutera Group has made the changes requested and I am hopeful that the project will be accepted at the next planning meeting.</p> <p>I am a Prairie Village resident and am VERY interested in having this retirement housing option available to me and others so that we may stay in this wonderful area of Kansas City we love so much.</p> <p>Thank you very much. Deb Beyer 7315 Rosewood</p>
Peter	Beyer	<p>Sent: Friday, June 28, 2013 5:27 PM To: Joyce Hagen Mundy Subject: Support of the Mission Valley Project</p> <p>I am a senior who has lived in Prairie Village for over 33 years and would like to see the retirement community developed. I've attended the meetings, heard the opposition but I've seen little objective evidence for the objections made. The retirement community would be a wonderful asset to our city.</p> <p>Peter L. Beyer, Prairie Village, Kansas</p>
MVNA	Board	<p>Dear MVNA Community,</p> <p>The June 4th Planning Commission meeting was critical to our cause. It was long and contentious, but it is now clear to the Commission why we are so opposed to MASSIVE DEVELOPMENT.</p> <p>MVNA proposed that the Benton House facility (which this planning commission previously approved) set the precedent for size and scale in Prairie Village for a similarly zoned redevelopment. MVNA proposed that similar standards per acre be set for Mission Chateau. This would place the Mission Chateau project at approximately 130,000 square feet, as opposed to 387,000 square feet as proposed by the developer. In turn, there would be relatively greater availability for green space, and parking.</p> <ul style="list-style-type: none"> • Tutera's current proposal was compared to other "like" retirement facilities. "Like" facilities have 4.6-10 residents per acre. Mission Chateau is proposed for 25 residents per acre. It stands out as TOO LARGE AND TOO DENSE- with too many residents. • Tutera's proposal offers too little parking. It is estimated to be 40 spaces short using ratios existing at comparable facilities. In addition, there is too little green space and minimal setbacks. • Tutera's proposal violates the goals of the 2007 Village Vision (which is the City's master plan by which all zoning, building and future development must comply). • Tutera's proposal does not meet the Eight Golden Factors outlined by

		<p>the Kansas Supreme Court as necessary for changes in land use.</p> <ul style="list-style-type: none"> • Tintera's proposal is strongly opposed by former Mayor Monroe Taliaferro. • Tintera;s proposal relies on a storm water detention basin across the street from Corinth Grade School and next to an apartment complex. We asked that it be underground to eliminate drowning risk. • Tintera legal council contended that they have addressed all the neighbors' concerns, however a former City Councilman vehemently reminded the group that the MASSIVE size has not been addressed at all, after numerous neighbor meetings asking for downward size revision <p>After the MVNA presentation several planning commissioners expressed their concerns:</p> <ul style="list-style-type: none"> • Mr. Vaughn added that he hoped the applicant would get a large number of the neighbors in support. He stated he was concerned with the intensity, density and narrow streets. "We can't -- we don't take a vote of the neighbors to determine whether this does or does not happen. But we're really concerned about the neighborhood and they need to-- they need to be enthused about the project." • Nancy Vennard noted that when the property was first sold, she heard comments on building something like the Corinth Downs development. The construction of villas would provide revenue to the city and create a better buffer zone while being very marketable. • 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, noting the facility is well designed but does it have to be so big. • 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. • 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. • 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. <p>The Planning Commission knows MVNA has a legitimate concern. They have seen we are informed prepared and resolute. WE NEED YOU to attend the Tuesday, July 2nd Planning Commission work session at Village Presbyterian Church, 6641 Mission Road, 7:00 pm. Public Comment is not allowed, however there is strength in numbers. We must remain vigilant!</p> <p>Sincerely,</p> <p>The MVNA Board</p>
Tina	Bower	<p>Sent: Friday, June 28, 2013 5:46 PM To: Joyce Hagen Mundy Subject:</p> <p>I sincerely support the building of a retirement facility in Prairie Village. I look forward to when it is completed and available to move. It is a lovely facility and</p>

		<p>is much more attractive than Claridge Court which hasn't caused any problems. Just by having Corinth so near, it fits right in to the location. Please, vote "yes".</p> <p>Tina Bower 6661 Woodson Dr. Mission, Ks.</p>
Allen	Collier	<p>Sent: Friday, June 28, 2013 10:46 PM To: Joyce Hagen Mundy Subject: Proposed Mission Chateat</p> <p>Dear Sir, I am a resident of Prairie Village and reside among several apartment complexes. None of them have in any way hurt the area. In fact I believe that they have helped the area thrive. The new proposed Mission Chateau is to replace the vacant school and should indeed be a welcome site. The proposal, as I understand it, will be a complex of high grade apartments and the green space will be over 50% which should make the complex have a park like atmosphere. The proposed tenants are those who will be able to afford the rentals and the complex will offer the variety offered by no other complex in the area or in the surrounding areas. When the school was in operation the traffic flow was heavy several times per day. The new complex will cut that traffic flow in half and it will flow sporadically during the day rather than jamming up the road all at the same time several times per day. That is a plus. I can remember the complaints when 51 years ago the Kenilworth Apartments were to be built. The end result was that Kenilworth Apartments improved and enhanced the area. In addition, the property taxes should help the area if the new complex is approved. All of the signs around the area opposing the Mission Chateau proposal are not, in my opinion, warranted at all. Whenever change is proposed many oppose it because it is a bit different than what they are used to. If we all felt the same way, there would be no progress at all regardless of what was being proposed. I vote a hardy yes for approval.</p> <p>Respectfully submitted, Allen H Collier, 9412 Alhambra Street.</p>
Kendrick	Davidson	<p>Sent: Tuesday, June 25, 2013 8:09 AM To: Joyce Hagen Mundy Subject: proposed development of Mission Chateau</p> <p>From: <Kendrick C Davidson MD @ 8:00 AM 6/29/2013></p> <p>Dear Council Member;</p> <p>Approximately 3 weeks ago I heard a presentation regarding possible development of the Mission Chateau plan at the men's Vanguard Club by the Tutera Group which I and others in the audience were very impressed by the apparent thoroughness of preparation and well thought out overall planning.</p> <p>My feeling is that this facility would be a positive development for the residents of Prairie Village and would help meet the needs of its seniors at a time when other such comprehensive developments are not now available in the city.</p> <p>It is apparent to me and other residents of Prairie Village I've talked to, that this is a very worthwhile project that is hoped the city will approve for development.</p>

		<p>Sincerely Yours, Kendrick C Davidson, MD 8409 Ensley Place, Leawood KS 66202-1464</p>
Louise	Davis	<p>Sent: Sunday, June 30, 2013 3:30 PM To: Joyce Hagen Mundy Cc: Ashley Weaver; Dale Warman Subject: Mission Chateau is needed</p> <p>To: City of Prairie Village Re: Mission Chateau Development</p> <p>I have been a homeowner in Prairie Village for many years and am now retired. I'm writing to express my hope that the city will approve the development of Tutera Group's Mission Chateau because I would like to be able to live there instead of moving to another city.</p> <p>Mission Chateau offers Prairie Village a rare combination to address the unique housing needs of senior citizens:</p> <ul style="list-style-type: none"> • Month-to-month rental in a senior-oriented social setting without an inflexible expensive contractual "buy-in". • Potential for an independent living resident to remain in the same location for assisted living or skilled nursing if/when those needs arise. <p>I have been looking for a suitable senior living residence where I could be free from home "moaner-ship" and also have social contact with others in my age group. I have investigated several in Johnson County. Although Claridge Court and a few other facilities exist in Prairie Village, they are expensive, inflexible, or don't offer the same type of living services planned by Mission Chateau.</p> <p>It is well known that the health care business is a future oriented business. Prairie Village has often looked to the retail sector of our economy to provide city revenue and jobs, but now there are retail (and office) locations which are under-productive. <i>I believe it is time for our city to embrace the potential of the health care industry for our burgeoning senior population.</i></p> <p>Louise Davis 5301 W. 64th Terrace Prairie Village, KS 66208</p>
Wanda	Doerr	<p>Sent: Friday, July 05, 2013 9:58 AM To: Joyce Hagen Mundy Subject: mission valley project</p> <p>In regards to the Mission Valley project, I urge you to not allow a senior living complex to be built on the Mission Valley grounds. It would not enable Prairie Village to grow, only be known as an "old folks" area. There are enough senior living complexes in the surrounding area. Please do not let it happen!!!! Wanda Doerr</p>

Barbara	Dooley	<p>Sent: Tuesday, July 16, 2013 12:37 PM To: Joyce Hagen Mundy Subject: Addendum to letter for Planning Commission on Mission Valley project</p> <p>Addendum to July 16th letter I have read the Mission Valley Homes Association letter of July 2nd on the Prairie Village website. I would like to comment on their position on need and density:</p> <ol style="list-style-type: none"> 1) The number of current and projected seniors in Prairie Village is not the only basis to project the needs for the Tutera project. MANY families who live in Prairie Village have to care for elderly relatives who do not live in this area at all. It would be easier and better for these families to have the option of having their loved ones very close, allowing more contact, easier access, and better oversight. 2) It is obvious that the project would attract seniors who would prefer to be closer to midtown and downtown Kansas City, rather than in southern Johnson County, where most of the existing facilities are located. 3) The revised plan reduced the scale of the project, as well as the number of independent living units by 30, a significant number if one is trying to build a lifestyle community. Mr. Tutera made the point that below a certain number of residents, it is impossible to create "community." It seems that there must be an intersection between creating a sustainable community and a sustainable business plan so that project is successful in both areas. <p>Barbara Dooley 5301 W 69th St. Prairie Village, KS 66208</p>
Barbara	Dooley	<p>5301 W 69th St. Prairie Village, KS 66208 b.a.dooley@att.net</p> <p>July 16, 2013</p> <p>Planning Commission City of Prairie Village 7700 Mission Road Prairie Village, KS 66208</p> <p>To the Planning Commission:</p> <p>My family has lived in Prairie Village at the same address for more than 50 years. I returned home in order to help my family. I now plan to spend my retirement here. Because of my age and my work with seniors, I am well aware of the needs for continuing care as we age.</p> <p>I strongly support the proposed Senior Continuing Care Community to be built on the Mission Valley site. I attended the Q & A offered by the Tutera Group at Shawnee Mission East High School on July 11th. It was my impression that this was more or less the same kind of meeting held many times previously. There were few substantive questions about the project; mostly this was a time for close neighbors of the project to express again their disapproval, often in rude</p>

		<p>and disparaging ways. The modifications made by the Tutera Group were dismissed as unacceptable. In fact, it did not appear to me that mediation or negotiation was possible because the negotiating position of the neighbors is simply "anywhere by my backyard."</p> <p>It is not clear to me why landscaping or privacy fences cannot be utilized to advantage if the near residents find the development unsightly.</p> <p>It seems to me that the facility offers many advantages for our city--an expanded tax base, employment opportunities, added revenue for the Corinth Square retail development, and potential new clients for other kinds of services and small businesses. The opponents at the meeting frequently cited their fears of lowered property values. The only study I could find that somewhat addressed this issue, a Harvard University study from 2007, suggests the opposite.</p> <p>But to me, the most important reason to have the facility is that it offers an excellent and, in fact, better lifestyle for those seniors who cannot maintain their properties without great difficulty. And the need for a continuing care facility, rather than simply "independent living apartments," is obvious to those who care for the elderly and see the stresses when couples are separated, or contact with friends must end because of the need for skilled nursing.</p> <p>I am not a Tutera employee but it is possible, if the project is approved, that I or my parents will someday become members of that community in Praire Village.</p> <p>Please approve this project for our city.</p> <p>Barbara A. Dooley</p>
Susan	Forrest	<p>Sent: Monday, July 01, 2013 9:01 AM To: Joyce Hagen Mundy Subject: FW: planning commission</p> <p>For the record.</p> <p>Dennis</p> <p>Dennis J. Enslinger, AICP Assistant City Administrator Municipal Building 7700 Mission Road Prairie Village, Kansas 66208 913-385-4603 (office) 913-381-7755 (fax) denslinger@pvkansas.com</p> <p>From: susan forrest [mailto:skforrest1@hotmail.com] Sent: Monday, July 01, 2013 8:49 AM To: Dennis Enslinger Subject: planning commission</p> <p>Hi Dennis,</p>

		<p>Would you please forward this message to the planning commission?</p> <p>Dear Commissioners,</p> <p>This message is in regard your June meeting at the Village Presbyterian Church. I wish to clarify the statement made by my fellow Director, Jori Nelson. Aside from her opening remarks regarding our desire for the Golden Factors to be considered, the rest of her statement was her personal opinion and not the opinion of the Board of Directors of the Prairie Village Homes Assoc. As a board, we are neither opposed to nor in favor of the Mission Chateau proposal. We do not have an opinion as to how the Golden Factors or the Village Vision should be applied. Unfortunately, Jori failed to make clear where our Board's opinion ended and her personal opinion began.</p> <p>The following is my personal opinion. In general, I hope that this project is built. I have no problem with the size or composition of the campus. Although, there does seem to be a lack of surface parking. I'm wondering if incorporating basement level parking for the independent living units would easy that problem. I trust that you will be able to work out this and all the other concerns.</p> <p>Good luck to you and thanks for you time.</p> <p>Sincerely, Susan Forrest, Director Prairie Village Homes Assoc.</p>
Teresa	Granacher	<p>Sent: Tuesday, July 16, 2013 1:01 PM To: Joyce Hagen Mundy Cc: averyfish@aol.com Subject: Tutura Proposal</p> <p>To whom it may concern. We bought our house 6 years ago with the hope of retiring in this house and enjoying the nice peaceful, quiet, family oriented feeling of our neighborhood. We live just across from the proposed project at 3600 W. 85th St. I know that officially we are in Leawood, although part of our backyard is considered Prairie Village.</p> <p>What is planned for this sight is so far from what we intended to invest our future in and are sad to say that if this project goes through we will be listing our house. Do you not concern yourself about property values going down? Traffic increasing and putting our chidden at risk? Noise level going up? I simply ask that you and the fellow councilmen and women vote like this is their home across the street or behind this property or adjacent to it.</p> <p>Thank you,</p> <p>Teresa Granacher</p>
Elise and Allan	Hall	<p>Sent: Monday, July 01, 2013 6:23 AM To: Joyce Hagen Mundy Subject: To Whom It May Concern Regarding Mission Chateau Project:</p>

		<p>My husband and I have been residents of Prairie Village about 40 years and have wanted to stay in the area for the remainder of our lives. Because our home has become too much to take care of now, we have been forced to look outside the area for a villa that will still give us some space. We are disappointed that the members of our community cannot see the advantages of staying in their "comfort zone" when they, too, grow older and are faced with health problems that force them to move.</p> <p>We pray that you will consider us, your loyal senior citizens, as useful citizens and let us stay in our beloved Prairie Village!</p> <p>Sincerely, Elise and Allan Hall 8801 Alhambra Prairie Village, KS. 66207</p>
Milburn and Evalyn	Hobson	<p>Sent: Sunday, June 30, 2013 9:57 PM To: Joyce Hagen Mundy Subject: Mission Chateau</p> <p>I have previously written in support of the Mission Chateau project to my city councilman. My wife and I live at 5467 W. 85 Ter. and have lived there for 46 yrs. Our three children went to Briarwood, Mission Valley and SME. I am a retired physician and my wife and I would like to remain in P.V. I am 82 and would appreciate the opportunity to move into a senior living facility of quality in a couple of years. The only somewhat comparable facility in P.V. is Claridge Ct. and this facility does not appeal to us. It is possible that Mission Chateau may need to relieve some of the density. As presently configured, the streets may be too narrow and the main building too large for the acreage, but if this is corrected it should be an attractive and very desirable facility. Sincerely, Milburn and Evalyn Hobson</p>
John	Houts	<p>Sent: Tuesday, June 25, 2013 11:53 AM To: Joyce Hagen Mundy Subject: Mission Chateau Project</p> <p>Please submit into the record and send to city council members the attached addendum to my letter of June 20, 2013. I would appreciate your posting both on the website under correspondence received.</p> <p>Sincerely,</p> <p>John M. Houts 8008 Granada Prairie Village, KS 66208</p>
Debbie	Jones	<p>Sent: Monday, July 22, 2013 8:46 AM To: Joyce Hagen Mundy Subject: Mission Chateau Citizen Comment</p> <p>Members of the Prairie Village Planning Commission</p>

I am writing to you today regarding the Tutera groups proposed use of the Mission Valley site. While many citizens attended the July 2nd meeting, I feel our voices were not heard. The Tutera group presented their plan to the entire planning commission, yet not one member attended the community meeting.

Mr. Tutera spoke at length about the changes that were made to address neighborhood concerns. We were overwhelmed with meaningless numbers fired at us in rapid succession. It was impossible to make sense of them in this format. In the end I feel that it was all smoke and mirrors with no meaningful change.

Mr. Tutera stated that the frontage on mission road is now reduced from 520 ft to 150 ft, 75ft on the north and south ends of the property. However these facades are still connected by a three story structure that faces Mission. In addition there will be a berm separating the property from the street. From the sidewalk view this may be significant but from the perspective of neighbors to the east it makes little difference. He claims to have made changes that lower the architectural elements and use different materials on individual levels. These are Cosmetic changes that fail to address the big issues that is the size of this proposed development.

In the end it appears that they have only decreased the square footage and the number of residents by 9%, which still makes it the second largest nursing home facility in JoCo on a site considerably smaller than comparable retirement communities. Mr. Tutera claims that this is the number required to support groups and activities and if only two people show up that is not enough. What number is needed? For arguments sake let's just say 25 would be sufficient. That would mean with a population of 250 you would only need 10% participation to meet that number. I can't help but believe these numbers are purely profit driven.

I am also concerned about the increase of emergency response traffic. In 2006 the city added school zones to Mission Road to protect children walking to and from school. How many "lights and sirens" calls do you expect there will be to this facility and how will that impact the safety of our children? What will be the expense to the city to provide these additional services? I think these things should be taken into account. I live on 85th street, and we have many young children living on this block. As it is a cut through street to Lee Blvd. we already see an increased amount of vehicular traffic, often traveling at unsafe speeds. I fear that this will only be exacerbated with the number of staff required for a facility of the size being proposed.

As a neighbor to the east I am concerned about my property values decreasing. This is primarily a single family neighborhood and a development such as the one the Tutera group is proposing simply does not fit regardless of how much landscaping and berms you add to hide it. Yes, there are existing multi unit structures but none so massive as the Mission Chateau. Mr. Tutera even had the audacity to suggest that a school with its twice a day traffic patterns decreased property values and his development would enhance them. I have never heard of anyone who would not purchase a home because it was located near a school. I fear few would choose to live next to a project such as the Mission Chateau.

		<p>In closing I would like to say that Mr. Tutera did not answer our questions or make any serious effort to address our concerns. His attitude was not at all collaborative and he spent fully 15 minutes lecturing to rather than listening to the audience. It is my hope that you will look at this project through the lens of the community and see that it is not something that the neighbors are enthused about and does not meet the standards of the Village Vision.</p> <p>Sincerely,</p> <p>Debbie Jones</p> <p>3605 West6 85th St.</p>
Debbie	Jones	<p>Date: July 22, 2013, 8:46:11 CDT To: "cityclerk@pvkansas.com" <cityclerk@pvkansas.com> Subject: Mission Chateau Citizen Comment</p> <p>Members of the Prairie Village Planning Commission</p> <p>I am writing to you today regarding the Tutera groups proposed use of the Mission Valley site. While many citizens attended the July 2nd meeting, I feel our voices were not heard. The Tutera group presented their plan to the entire planning commission, yet not one member attended the community meeting.</p> <p>Mr. Tutera spoke at length about the changes that were made to address neighborhood concerns. We were overwhelmed with meaningless numbers fired at us in rapid succession. It was impossible to make sense of them in this format. In the end I feel that it was all smoke and mirrors with no meaningful change.</p> <p>Mr. Tutera stated that the frontage on mission road is now reduced from 520 ft to 150 ft, 75ft on the north and south ends of the property. However these facades are still connected by a three story structure that faces Mission. In addition their will be a berm separating the property from the street. From the sidewalk view this may be significant but from the perspective of neighbors to the east it makes little difference. He claims to have made changes that lower the architectural elements and use different materials on individual levels. These are Cosmetic changes that fail to address the big issues that is the size of this proposed development.</p> <p>In the end it appears that they have only decreased the square footage and the number of residents by 9%, which still makes it the second largest nursing home facility in JoCo on a site considerably smaller than comparable retirement communities. Mr. Tutera claims that this is the number required to support groups and activities and if only two people show up that is not enough. What number is needed? For arguments sake let's just say 25 would be sufficient. That would mean with a population of 250 you would only need 10% participation to meet that number. I can't help but believe these numbers are purely profit driven.</p> <p>I am also concerned about the increase of emergency response traffic. In 2006 the city added school zones to Mission Road to protect children walking to and from school. How many "lights and sirens" calls do you expect there will be to</p>

		<p>this facility and how will that impact the safety of our children? What will be the expense to the city to provide these additional services? I think these things should be taken into account. I live on 85th street, and we have many young children living on this block. As it is a cut through street to Lee Blvd. we already see an increased amount of vehicular traffic, often traveling at unsafe speeds. I fear that this will only be acerbated with the number of staff required for a facility of the size being proposed.</p> <p>As a neighbor to the east I am concerned about my property values decreasing. This is primarily a single family neighborhood and a development such as the one the Tutera group is proposing simply does not fit regardless of how much landscaping and berms you add to hide it. Yes, there are existing multi unit structures but none so massive as the Mission Chateau. Mr. Tutera even had the audacity to suggest that a school with its twice a day traffic patterns decreased property values and his development would enhance them. I have never heard of anyone who would not purchase a home because it was located near a school. I fear few would choose to live next to a project such as the Mission Chateau.</p> <p>In closing I would like to say that Mr. Tutera did not answer our questions or make any serious effort to address our concerns. His attitude was not at all collaborative and he spent fully 15 minutes lecturing to rather than listening to the audience. It is my hope that you will look at this project through the lens of the community and see that it is not something that the neighbors are enthused about and does not meet the standards of the Village Vision.</p> <p>Sincerely,</p> <p>Debbie Jones</p> <p>3605 West6 85th St.</p>
Pat	Kaufman	<p>Sent: Saturday, July 13, 2013 8:00 PM To: Joyce Hagen Mundy Subject: 9% reduction</p> <p>Hello, My name is Pat Kaufman and I live at 6307 West 63rd Terrace. Clearly, Mr. Tutera's development is not in "my backyard", but Prairie Village is a small down and Mission Road is a road I use almost every day. I am totally against Mr. Tutera's plan, even the scaled down plan by "9%" plan. I don't see that it will bring much revenue to the city and I feel the congestion is not worth the added revenue. Also, I don't want Prairie Village to become known as Retirement Village. We already have plenty of "retirement homes" in Prairie Village. I don't believe that this plan is in line with Village Vision.</p> <p>Sincerely, Pat Kaufman</p>
Deborah	Kerr	<p>Sent: Wednesday, July 17, 2013 7:26 PM To: Joyce Hagen Mundy Subject: Mission Chateau Proposal</p> <p>Dear Commissioners,</p>

		<p>I am writing to oppose the recent plan that the Tutera Group has proposed for the old Mission Valley school. I have been following the developments / stages of this proposal for two years! I am also a member of the MVNA group who has consistently, from the beginning, been concerned with the largess of the project as well as the density! Mr. Tutera has made two attempts to downsize the project, the most recently only a net of 9%! Which is very minor in the scope of the large project. The developer also submitted plans which stated that he has increased the setback to the southern exposure to approximately 300'. This is extremely misleading. If you look at their plans, the measurements go from the back of the Doer's house (southern house) to the Independent Living structure that is closest to the Doer's home! What is most important is not to measure from the back of someone's home, but rather from the property line, then to the actual closest structure on the proposed site! They refer to this area as a buffer zone.... I don't think so. The definition of a buffer zone is: an open area free of any structures or improvements. This is a form of deception!</p> <p>This development, if approved, would be one of the largest rental projects in Johnson County, right in the heart of Prairie Village which is surrounded by predominately single family neighborhoods!</p> <p>The Planning Commission needs to step up and realize that this project is still "an elephant in the room" and not to recommend approval of the project.</p> <p>Deborah R. Kerr 4020 W 86th Street Prairie Village, KS. 66207</p> <p>Sent from my iPad</p>
Dorothy	May	<p>Sent: Saturday, July 20, 2013 11:07 AM To: Joyce Hagen Mundy Subject: Mission Valley project</p> <p>As per the notice on the City's home page, I am putting my thoughts into writing regarding the proposed senior living facility where the empty Mission Valley Middle School now sits.</p> <p>My husband and I attended the meeting on July 11 where Mr. Tutera showed his revised plans for the facility. The only thing good I can say about it is that he kept his cool while receiving acrid criticism from the audience.</p> <p>I sympathize with the audience. As a long-time resident of Prairie Village (since 1968) I am appalled that the Planning Commission even entertained the idea of a special use permit for that property. Our green space is precious. The idea that he "must" have more than 350 residents in order that they can have "an acceptable lifestyle" is pure rubbish. This total of 350, as I understand it, would be about half in the independent/assisted living, and half in the special care facility. I think what I hear is that he needs that many residents in order that <u>he</u> can have an acceptable lifestyle.</p> <p>Also the idea that residents will stay at the facility as their needs change is unlikely. I speak from experience. My father was in assisted living from March</p>

		<p>1998 to December 2001, when he died. We moved him 5 times as his needs changed. A move is a move, and to go across town is not much more trouble for the resident, who has few belongings, than to go to a new building. To be able to be all things to all aging people is a pipe dream. I am against multilevel care concept at this particular address. The lot is too small to accommodate that many people.</p> <p>I would much rather see the land used as a park or other public use. But if he must build a senior living facility, he needs to cut the size down to about 1/3 of what he proposes.</p> <p>Sincerely yours, Dorothy G. May 8005 Fontana</p>
Joellen	Messerli	<p>Sent: Friday, June 21, 2013 11:13 AM To: Joyce Hagen Mundy Subject: Mission Chateau project</p> <p>I am writing on behalf of my mother, Mary Jo O'Byrne, regarding the Tutura Group project, Mission Chateau. My mother has lived in Prairie Village for the past 12 years and is a strong supporter of the area businesses and their growth. She was recently widowed and is beginning to think about moving out of her large home and into a location that she could remain in for the remainder of her life. She is very interested in Mission Chateau and has a strong desire to live there, should the project be built.</p> <p>Thank you for your continued service to Prairie Village and your continued consideration of this project.</p> <p>Joellen Messerli Prairie Village resident</p> <p>Joellen Messerli jmesserli1@gmail.com</p>
Robert	Myers	<p>Sent: Monday, July 01, 2013 11:13 AM To: Joyce Hagen Mundy Cc: Dale Warman; Ashley Weaver; jamied@tutura.com Subject: Mission Chateau Project Affirmation</p> <p>To: City of Prairie Village Subj: Mission Chateau Project [www.facebook.com/MissionChateauPV]</p> <p>Prairie Village has aged gracefully (for the most part) and many property owners/residents are now pensioners. On my street, nearly 50% of us are retired. We pensioners are certainly candidates for moving from our present "home-moanership" duties to a local retirement community to enjoy our "golden years," shedding those chores we've proudly done to keep our neighborhoods viable and valuable. Property tax revenues rising over the years have made our city government's job easier to supply affordable services. Commercial properties have struggled to attract more customers, and now must use CID-</p>

		<p>taxes to help renew and renovate their properties. With the former middle-school property availability, we have a timely opportunity to see a much-needed retirement community added to the sparse inventory of elder housing in Prairie Village. This location is bordered by both commercial and residential properties, making it a prime candidate for a quiet, comfortable, and close-in location for retirees to spend their later years in close proximity to their shopping, banking, and other services, while continuing to live in their chosen community of Prairie Village.</p> <p>Please consider that we would rather stay in "our town," and not have to look to Lenexa, Olathe, or other retirement community locations that take us away from our present much-loved hometown - Prairie Village.</p> <p>Thank you for your consideration,</p> <p>Robert B. Myers / 5304 West 64th Terrace / Prairie Village, KS 66208-1348</p>
Jori	Nelson	<p>Sent: Friday, July 12, 2013 11:38 AM To: Joyce Hagen Mundy Subject: Latest Tutera Proposal Meeting Review</p> <p>Dear Planning Commission,</p> <p>Last night I attended the eighth neighborhood meeting given by Joe Tutera for his latest proposal for Mission Chateau at Shawnee Mission East. There were approximately 100+ residents in attendance.</p> <p>The overwhelming sentiment (with the exception of one person) was the same as it has been since the beginning. This project was and currently is simply too big for this 18 acre site. His attempt to reduce the size only 9% and 18 people is simply not enough. How many times does the same message need to be given? One resident asked if he was trying to wear the residents down with the same basic plan over and over again.</p> <p>This project is the second largest senior living facility in all of Johnson County behind Lakeview which sits on 100 acres! It would be the LARGEST R1a senior living facility in Johnson County. When asked by residents, "why does it have to be so big?" He stated that he wanted to be offering his residents a "lifestyle". That goal can be achieved with a smaller facility. He has discussed being the owner of several facilities. That goal is somehow able to be achieved at those facilities without being so big. How can you think that something this big, with this many people, traffic, parking, deliveries, staff, and water run-off would somehow not affect and compromise the integrity of the neighborhood?</p> <p>Many residents brought up the lack of green space that would be lost with this massive development. This would be a huge loss to all of the children that currently use this space as a park for their various sports practices. His response was that he was adding .15 acres to some green space and a fourth micropark. A micropark takes place in an urban city like New York or San Francisco. It does not take place in a suburban neighborhood. These are not parks. Whatever green space that would remain is not a park. This green space certainly does not live up to the standards our City has worked so hard to</p>

		<p>achieve through the Parks Master Plan.</p> <p>Several residents brought up the detention pond. The same safety issues keep presenting themselves at every meeting. When asked if he was willing to place it underground. His response was “no”. My question is, why not? If it can be made safer, why not require him to do just that? It is a very real and dangerous situation waiting to happen. Just because it wasn't done in another facility, doesn't mean it couldn't be done at this proposed one.</p> <p>You asked him to in June to meet with the neighborhood residents so that we can be “enthused”. Well, he did and we are not enthused at all. Please do not send this proposal to City Council with a vote of your approval. It goes against the Village Vision, Parks Master Plan, and the Golden Factors.</p> <p>Thank you for your service, Jori Nelson</p>
Martha and Randolph	Oliver	<p>Sent: Sunday, July 14, 2013 9:53 AM To: Joyce Hagen Mundy Subject: Development Plan</p> <p>The plan for development is grossly oversized the the existing space. As Corinth Hills residence,we are opposed to the "reduced by 9 percent" plan. Martha and Randolph Oliver</p> <p>Sent from my iPhone</p>
Carol and Edward	Price	<p>Sent: Tuesday, July 16, 2013 2:49 PM To: Joyce Hagen Mundy Subject: Mission Chateau revised plans</p> <p>Attn: Prairie Village Planning Commission</p> <p>Please note as part of the record, that we are strongly opposed to the revised plan of the Tuteras for the Mission Chateau project. It is still much too large and invasive to the neighborhood. Very little has been done to protect this neighborhood in any direction you choose from a project that is enveloping the entire area.</p> <p>Prairie Village is becoming the home of senior care in all fashions. Just minutes (3-5 min)from this proposed area are 4 such places. Honestly, if we want to draw families to the area, we need things that are inviting to them. We have had many young families move to the area, but we are going to lose them and others will decide on different areas if this project is completed. It is a fact. Just talk to some of the young families opposed to this project.</p> <p>Also, we have no guarantee that this project will remain viable in the future. Healthcare is changing so quickly that Mission Chateau may not be able to support itself in the future. We need to look at this very carefully. I don't want Prairie Village</p>

		<p>to be saddled with this concern. We do not need or want this burden upon us as citizens of this great city.</p> <p>The plan itself brings a wide variety of problems with it. The fire department, ambulances, police among a few that will be entering this area on a regular basis. The noise of those with sirens all night long is a constant concern of the neighborhood. The traffic from shift changes, visitors and residences will increase to an unsafe level for children that need or want to walk to Corinth to school. My granddaughter is one of those children that will not be allowed to walk along Mission Rd to school because of the danger - not just after the project is completed but during the length of the construction. During the time of construction there will be a wide variety of people on the job that are not from Prairie Village and not as concerned with the safety of our children as we are.</p> <p>I have many more reasons to deny the request for zoning changes for this project but I am sure that you are aware of all of them. If you are not, you should be by now. Please deny this project for the citizens of Prairie Village and for its future as a wonderful place for families to live and grow up.</p> <p>Respectfully,</p> <p>Carol and Edward Price 5506 W 82nd Place Prairie Village, KS 66208</p>
Polly	Revare	<p>Sent: Saturday, June 29, 2013 11:43 AM To: Joyce Hagen Mundy Subject: Mission Chateau</p> <p>Please pass on to my councilmen, David Morrison and Charles Clark, that I support the construction of Mission Chateau. It is a big decision for the city but that land has been sold and I think the owners have made huge efforts to accommodate our concerns. Of course, it would be nice if it could be a park, but it can't. Even residential would be disruptive on some level, and that is an unlikely outcome in this market.</p> <p>People tend to freak out over any proposed change, eg the Tillotson building on Mission Rd. and the "highway bridge" in Fairway. I think we should let them build this facility, so long as they continue to address the concerns of PV citizens.</p> <p>Respectfully, Polly T. Revare 8727 Catalina PV KS 66207</p>
Mary	Russo	<p>Sent: Tuesday, July 23, 2013 7:55 AM To: Joyce Hagen Mundy Subject: Mission Valley Development</p> <p>July 23, 2013</p>

		<p>Re: Mission Valley Development</p> <p>To: Prairie Village Planning Commission Members</p> <p>As a longtime resident of Prairie Village my interest in the Mission Valley Development comes from a neighbors' point of view. I have followed this development since May 2012. I have only missed one meeting since that time. Unless it was mentioned at the one meeting I missed, I have never heard anyone challenge Mr. Tutera's ability to own or operate senior living facilities nor complain about the brick or stone or roofing material he intends to use in his development. Mr. Tutera claims he has met or exceeded all of the issues that have resulted from these endless meetings. His focus seems to be xxx feet here, xxx feet there. However – from the beginning the one issue he has not addressed is the number of "residents/patients" who will be residing there. Reducing by 30 units in a development this size doesn't show good faith.</p> <p>I ask you to close your eyes, imagine you live within one block of this development and think about the fact that construction of this property is proposed to last 2 ½ years. The time line speaks for itself. Please limit the size this development will have on this area.</p> <p>Thank you for your service to Prairie Village on this committee.</p> <p>Respectfully,</p> <p>Mary Russo 8348 Somerset Drive Prairie Village, KS 66207</p>
Bob	Schubert	<p>From: Charles Clark Sent: Tuesday, July 09, 2013 7:52 AM To: Joyce Hagen Mundy Subject: Fwd: MVNA-July 2nd Summary and meeting notice for July 11th!</p> <p>From: "Bob Schubert" <Bob@reschubert.com> Sender: "Bob Schubert" <mailer_response@emailcounts.com> To: <chasc@list-clark.com> Subject: MVNA-July 2nd Summary and meeting notice for July 11th!</p> <p>Dear Members of MVNA,</p> <p>Tuesday, July 2nd at the Planning Commission work session the Tutera Group presented a revised plan. The minor modifications to the proposed plan included:</p> <ol style="list-style-type: none"> 1) Changing the main building orientation from north-south to east-west. 2) Adding six villas (three rental duplexes) facing the existing villas on either side of a street. 3) Including some minor architectural changes.

4) Only decreasing square footage from to **387,244 to 351,240 square feet (9% reduction)** i.e. not much.

5) Only decreasing the number of residents from 450 to approx. 432.

6) Decreasing the number of parking spaces by 16 (when more are needed, especially on holidays or special occasions).

7) Expectations that the construction will take at least 2.5 years! This thing is still MASSIVE!

The Tutera group did not address:

1) The size of the Skilled Nursing Unit/Memory Unit -**136 beds** compared to (St Luke's South Hospital is 120 beds). This is still too massive to be a subordinate accessory to the principle Independent/Assisted living building.

2) The exact phasing of the construction is incomplete as they want to build the SNF/Memory Unit first. The subordinate structure cannot be built before the principle building.

3) Safety Issues regarding the detention pond across from Corinth Grade School and next to the Corinth Gardens Apartment Homes. (We asked that it be placed underground to reduce the risk of childhood drowning. Dry detention facilities can reduce the adjacent property values 3-10%.)

4) Maintaining usable green space as written in the Village Vision, 2007.

MVNA's Concerns:

1) **As currently proposed it would be the 2nd largest retirement community in Johnson County. (on 18 acres).**

a) **The largest is on 100 acres.**

b) **The third largest is on 65 acres.**

2) **The Mission Valley site is zoned R-1a (the lowest density zoning). Most existing retirement facilities are zoned higher-density.**

At the Previous Planning Commission meeting one of the commissioners stated that the "elephant in the room was the size of the proposal". **An elephant that is 9% smaller is still an elephant.**

There is a neighborhood meeting with the developer THIS THURSDAY:

July 11th at 7:00PM at Shawnee Mission East High School Cafeteria.

The planning commission has expressed a desire for the neighbors to be "enthused" about the plan. It is very important to attend and vocally

		<p>express your dissatisfaction/concerns with the proposed plan.</p> <p>For more information visit the pvkansas website with the MVNA responses to Tutera's letter: http://pvkansas.com/Modules/ShowDocument.aspx?documentid=3071</p> <p>MVNA BOARD</p> <p>Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Bob	Schubert	<p>Sent: Sunday, June 30, 2013 9:28 PM To: Joyce Hagen Mundy Subject: Fwd: MVNA update on last meeting & upcoming 7/2/2013 meeting!</p> <p>Dear MVNA Community,</p> <p>The June 4th Planning Commission meeting was critical to our cause. It was long and contentious, but it is now clear to the Commission why we are so opposed to MASSIVE DEVELOPMENT.</p> <p>MVNA proposed that the Benton House facility (which this planning commission previously approved) set the precedent for size and scale in Prairie Village for a similarly zoned redevelopment. MVNA proposed that similar standards per acre be set for Mission Chateau. This would place the Mission Chateau project at approximately 130,000 square feet, as opposed to 387,000 square feet as proposed by the developer. In turn, there would be relatively greater availability for green space, and parking.</p> <ul style="list-style-type: none"> • Tutera's current proposal was compared to other "like" retirement facilities. "Like" facilities have 4.6-10 residents per acre. Mission Chateau is proposed for 25 residents per acre. It stands out as TOO LARGE AND TOO DENSE- with too many residents. • Tutera's proposal offers too little parking. It is estimated to be 40 spaces short using ratios existing at comparable facilities. In addition, there is too little green space and minimal setbacks. • Tutera's proposal violates the goals of the 2007 Village Vision (which is the City's master plan by which all zoning, building and future development must comply). • Tutera's proposal does not meet the Eight Golden Factors outlined by the Kansas Supreme Court as necessary for changes in land use. • Tutera's proposal is strongly opposed by former Mayor Monroe Taliaferro. • Tutera;s proposal relies on a storm water detention basin across the street from Corinth Grade School and next to an apartment complex. We asked that it be underground to eliminate drowning risk. • Tutera legal council contended that they have addressed all the neighbors' concerns, however a former City Councilman vehemently reminded the group that the MASSIVE size has not been addressed at all, after numerous neighbor meetings asking for downward size revision <p>After the MVNA presentation several planning commissioners expressed their concerns:</p>

		<ul style="list-style-type: none"> • Mr. Vaughn added that he hoped the applicant would get a large number of the neighbors in support. He stated he was concerned with the intensity, density and narrow streets. "We can't -- we don't take a vote of the neighbors to determine whether this does or does not happen. But we're really concerned about the neighborhood and they need to-- they need to be enthused about the project." • Nancy Vennard noted that when the property was first sold, she heard comments on building something like the Corinth Downs development. The construction of villas would provide revenue to the city and create a better buffer zone while being very marketable. • 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, noting the facility is well designed but does it have to be so big. • 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. • 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. • 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. <p>The Planning Commission knows MVNA has a legitimate concern. They have seen we are informed prepared and resolute. WE NEED YOU to attend the Tuesday, July 2nd Planning Commission work session at Village Presbyterian Church, 6641 Mission Road, 7:00 pm. Public Comment is not allowed, however there is strength in numbers. We must remain vigilant!</p> <p>Sincerely,</p> <p>The MVNA Board</p> <p>Bob Schubert, 3700 W 83 Terr, Prairie Village, KS 66206</p>
Bob	Schubert	<p>Sent: Monday, July 15, 2013 4:49 PM To: Joyce Hagen Mundy Subject: ATTENTION: PRAIRIE VILLAGE CITY PLANNING COMMISSION</p> <p>I vehemently oppose the revised plan being submitted by the Tutera group for the Mission Valley School site. I heartily support the alternative proposal of the MVNA (Mission Valley Neighbors Association).</p> <p>I was astounded to learn that the party designated to TAKE MINUTES of the Tutera group with the neighborhood meeting on July 11th was THE TUTERA GROUP, and not a neutral party. If you have heard many of the Tutera Group's presentations and their rebuttals of the MVNA's opposing positions, it is very clear that their one and only attitude toward the neighbors is to ridicule and belittle anything we come up with. They absolutely refuse to give ANY CREDENCE to our firm and prudent and consistent position that the Tutera Group's proposal (even as revised!) is obscenely excessive, far out of</p>

		<p>proportion to the surrounding neighborhood and far out of proportion relative to most all other facilities of a similar nature.</p> <p>We have fairly consistently told them that a development that matched the footprint of the Mission Valley School (100 to 150,000 square feet) would be acceptable, just as the Benton House footprint is acceptable because it matches the footprint of the Somerset School it replaced. (But Mr. Peterson had the gall, after having that proposal carefully explained in his presence,...he had the gall to ask, "Big, in what way?").</p> <p>Just because the Tutera group has reduced their original DESIRE by 10% does not mean that their revision is any more acceptable to the neighbors than their original DESIRE! I call it a "desire" because the Tutera group absolutely refuses to believe that anything the MVNA says is worthy of any consideration whatsoever. I guess they think they can RAILROAD the PRAIRIE VILLAGE PLANNING COMMISSION and the PRAIRIE VILLAGE CITY COUNCIL!</p> <p>Mr. Tutera had the audacity to state that (as opposed to our view that a nursing home business such as this will reduce our property values), "it is a fact that being close to a school reduces property values"!!! exclamation points are mine! This, among many other statements, simply shows that the Tutera Group are not at all willing to negotiate something that is acceptable to the neighborhood, but that they simply want to do what they want to do (the neighborhood be damned)!</p> <p>It is my understanding that the Planning Commission charged the Tutera Group with sitting down with the MVNA (the neighbors) and coming up with a plan that the neighbors could be "enthused" about. Let me tell you, it is clear to me that NOT ONLY IS THE NEIGHBORHOOD NOT "ENTHUSED", THE NEIGHBORHOOD IS SCEPTICAL THAT TUTERA WILL MAKE ANY SENSIBLE CHANGES, AND IT IS SCEPTICAL THAT THE PLANNING COMMISSION WILL MAKE ANY SERIOUS ATTEMPT TO PREVENT A GROSS OVERBUILDING OF THIS ONCE WONDERFUL SITE.</p> <p>The Tutera group, on July 11th, also tried to imply that there was an objective study showing that 384 patients would fit comfortably in the site. They did so by saying, "the city has on file..." when in fact the study was one the TUTERA GROUP DID ITSELF! How objective is that?? Totally biased, in my humble opinion!</p> <p>Please do the sensible and prudent thing: REJECT THIS PROPOSAL!</p> <p>Bob</p> <p>Bob Schubert Computer Training and Maintenance (816) 456-7644 Bob@reschubert.com</p>
Tom	Scott	<p>Sent: Wednesday, July 17, 2013 3:21 PM To: Joyce Hagen Mundy Subject: Mission Chateau Project</p>

		<p>For the past 50 years, my wife, Betty, and I (along with our pets) have lived in Mission Hills, KS which I feel is an exceptional location in which to live and enjoy the multitude of amenities available. Now we have reached a point in our lives where we need to consider changes which will best serve our needs in the future. This is why we are so delighted to see that Prairie Village is considering the Mission Chateau development. To us it appears it is a living community which could meet our immediate needs, as well as those in the coming years.</p> <p>Tutera Group has made a very conscientious effort to meet the needs of residents and also comply with the community surrounding this location. For these reasons, we hope that the city council will pass the zoning requirements, thereby making this dream a reality.</p> <p>Sincerely,</p> <p>Tom</p> <p>Thomas M. Scott, Ph.D. 3020 West 69th Mission Hills, KS 66208</p>
Robbie	Smart	<p>Sent: Wednesday, July 17, 2013 10:59 AM To: Joyce Hagen Mundy Subject: Mission Chateau</p> <p>My name is Robbie Smart, a resident of Prairie Village at 23 Compton Court. I am all for the project, I think they have bent over backwards to try to accommodate the public. It is a tremendous use of the property, and a big asset to the City of Prairie Village. It will be a first class operation as I have known the Tutera family for 30 years.</p> <p>Robbie Smart Better Homes and Gardens Kansas City Homes smart@kansascityhomes.com robbiesmart.com</p>
Pat	Stratton	<p>Sent: Fri, Jul 5, 2013 3:10 pm Subject: Mission Chateau concerns</p> <p>Dear Mr. Shaffer,</p> <p>I am writing you in regards to the plans for the former Mission Valley Middle School. The property is currently designated as a residential area, and I would very much like to see it remain an area for homes and families. More homes and families can mean not only tax dollars but increased income to the wonderful shops in Corinth as well as Prairie Village. I am hoping there will be no special use permit given to Mr. Tutera's group. There are so many things wrong with the whole concept, I don't quite know where to begin. As has already been pointed out, the project just does not fit into the community primarily because of its size and proposed density.</p> <p>I am particularly concerned with issues with the problems of water control during heavy rains. We, personally already have had problems with problems due to the fact that the water drainage system is not adequate. I worry that the water retention plan will be a attractive nuisance and a danger for the</p>

		<p>elementary school students in the area. I worry that the increased traffic flow when there are shift changes will occur about the same time the kids are being released from school. I, also, worry about parking on the streets in Corinth Meadows. The current plan does not provide adequate parking for employees not to mention when there are events planned.</p> <p>I have just given you a few of my main concerns. Please vote to oppose the special use permit.</p> <p>Sincerely, Pat Stratton, 8400 Reinhardt St. Prairie Village, KS 66206</p>
Marian	Wood	<p>Please know that I strongly support the project, Mission Chateau. I do not live in Prairie Village, but would like to live in a nice development like this when I retire.</p> <p>Thank you,</p> <p>Marian Wood 2002 West 69th Terrace Mission Hills, KS</p>

Dear Council Members

I am writing you to affirm what many people besides myself are in favor of the facility on Mission Road. In fact, I plan to move there when it is completed.

It makes no sense to me why the neighbors are not in favor of the building. There was no such concern of the neighbors when Clariton Ct. was planning to build and it doesn't have nearly the street appeal as the drawing for Mission Chateau.

Also, just a few blocks from that location is the large Corinth development. That isn't exactly an ideal area which could be seen as street appeal.

There is a great need for these facilities as we age and want a good location near where we have lived for so many years and have the amenities that we are accustomed to. I urge you to consider the advantages to this facility for the area and for Johnson Co. residents. There is a very great need for another such place and others as well.

Sincerely,



Tina Bower

6661 Woodson Dr.

Mission, Kansas 66201

R. LEE HARRIS
3815 West 84th Terrace
Prairie Village, Kansas 66206

July 28, 2013


TO: Prairie Village Planning Commission
Prairie Village City Council

RE: *Mission Chateau Project*

Our home is situated on the Mission Road crosswalk east of the proposed Mission Chateau project at the corner of 84th Terrace and Mission Road. We have lived in our home for the past 35 years. There has been a lot of discussion over the past few months regarding this project and I would like to offer our perspective.

After reviewing the revised plans we would like to be on record as supporting this project. It seems to us that the developer has been sensitive to the concerns of our neighbors and scaled the project accordingly. We believe that Prairie Village will be well-served with the addition of a continuing care retirement community of the quality that has been proposed. We certainly respect the opinions of our neighbors who are opposed to this development but we don't share their views. Thank you.

Sincerely,



R. Lee Harris

MISSION CHATEAU PROJECT

Questions for City Council Members

Submitted by John Houts
 (8008 Granada, Prairie Village, KS 66208)
 June 20, 2013

Topic	Discussion Questions
<ul style="list-style-type: none"> • Market Analysis 	<ul style="list-style-type: none"> • In addition to a market study provided by the developer, should the city require the developer to pay for a review by an independent analyst? • How well served is the metropolitan area in providing senior living rental property? What is the anticipated need for additional senior rental housing over the next 10-20 years? • What would be the economic effect on existing senior living properties with the addition of the Mission Chateau project? How does over-building of senior housing affect the economic profitability of competing properties? Will this project contribute to over-building in the market and sub-market? • What will be the impact of multiple shift changes through the day and night? Will traffic noise become a nuisance to neighbors? Will noisy trash and delivery trucks be constantly running day and night? • Have commission members toured area nursing home properties to evaluate the property condition? • Are there instances of blight or site problems surrounding any of these properties?
<ul style="list-style-type: none"> • Development Process 	<ul style="list-style-type: none"> • In what ways does the Mission Chateau project vary from city's comprehensive plan? • Have commission members visited comparable properties in other cities to evaluate their impact on the market and neighborhood. • Are there pending reports from city departments not yet complete? What added public services, manpower, equipment, etc. will the city need to provide with the addition of the Mission Chateau project? • What will be required in providing water, sewer and storm drainage to the site? Will the development require extensive tear-out to connect with storm and sewer over long distances? • Has the developer provided city with development costs and financial statement, including source of financing for the project?
<ul style="list-style-type: none"> • Community 	<ul style="list-style-type: none"> • Has there been an out-cry by residents for rental apartments, assisted living units and nursing home beds in Prairie Village and the metropolitan area? • Are there concerns the community will be unable to meet the needs of seniors in the next 10 - 20 years? • What is more important to a community, quality of schools or the number nursing home beds or apartment units? • Has the city thoroughly studied the impact of the loss of class rooms with the closure of Shawnee Mission schools? Has this resulted in over-crowding in the remaining schools? Is the school district planning on expansion of the remaining schools to make up the loss from those closed? What say does the city have with the school district in making

	<p>these decisions? Should the city approve expansion of these sites?</p> <ul style="list-style-type: none"> • Would the city benefit in reputation for quality education by attracting private schools, such as Kansas City Christian School? • What impact on community life will result from the loss of ball diamonds, soccer fields where children practice and have games? • Will Prairie Village be a better place to live because we have more nursing homes or quality education?
<ul style="list-style-type: none"> • Transactional 	<ul style="list-style-type: none"> • Have questions been raised about the handling of the sale by Shawnee Mission School District and RED Development Co.? Were promises made to developers that they could expect approval for commercial use of the property? Is it true that the school could not sell the property to a private school due to a restrictive policy? Is there truth to the rumor that RED Development Co. promised to sell the property to Kansas City Christian School but reneged on its word? • Has Prairie Village city council researched the market to know the number of pending nursing home projects in the metropolitan area? What is the permitting activity over the last 5 - 10 years for nursing home and assisted living units? • Has Prairie Village city council visited nursing homes in the area? In particular, has it seen Villa St. Joseph located at 119th & Nall? Does the city understand that over-building leads to future blighted, dilapidated buildings? Is the city willing to accept construction of more apartment rental units that spell death to neighborhoods? • Has Prairie Village city council received comments from existing nursing home and assisted living owners in the marketplace? What in their opinion will be the economic impact on their property? • Is there concern that Prairie Village is experiencing any loss of tax base? Is the city in good financial shape and able to meet budgetary requirements in the future? • When a city such as Prairie Village is fully developed, how critical is a decision to make a radical change to land use of a track along a major thoroughfare? Should this require a popular vote? Should the developer be required to pay for the cost of such vote? • Should the city take steps to insure that this property remain a school and not allow the commercialization of one of the largest tracks of land in the city? • Will the developer at some point ask for incentives, such as TIF, tax abatement or creation of a special benefit district?
<ul style="list-style-type: none"> • Conclusion 	<ul style="list-style-type: none"> • It is unlikely that truthful answers to the above questions will render a case to support approval of a rental senior housing, assisted living and nursing home development. This is the wrong project for one of the most prominent sites in the entire city and metropolitan area. Extraordinary care needs to be taken by the city in making any decisions affecting the site and not leave it to developers or high paid lawyers for their personal gain. • The city needs to take an active role in the planning and future use of the Mission Valley site. • Our greatest priority is to protect the existence of our excellent schools and national reputation.

ADDENDUM 1

MISSION CHATEAU PROJECT

QUESTIONS FOR CITY COUNCIL MEMBERS

See photos below of Villa St. Joseph nursing home located at 119th and Nall as example of blight resulting from over-building in the marketplace.

Lacking a need for additional senior housing, properties are likely to suffer from disrepair and financial loss. The city council is urged to reject the Mission Chateau project as the wrong usage of the Mission Valley site.

John Houts
8008 Granada
Prairie Village, KS 66208







To the Mayor and City Council Members of Prairie Village.

June 10, 2013

Re: Mission Chateau - 84th and Mission Rd.

I'm writing in favor of the proposed retirement community for the City of Prairie Village. This is a needed amenity for many people of Prairie Village today and even more so in the future.

Prairie Village needs more than just residential and parks as some would advocate, even though they use and love the need and convenience of the many useful commercial projects now in our city. And, from what I read, the City needs the added tax revenue to continue the asked for and needed City services.

My wife and I are in our 80's and are ready to move to a retirement community. We have looked at several in Overland Park and Leawood but would prefer to continue living in this community where we have been for over 35 years (partly in Mission Hills). We presently live at 80th and Mission Rd. We would love to continue our present life style of friends, shopping, groceries, post office, library, etc rather than moving to another community.

Mission Chateau will be the only one with two important amenities in the same location – Alzheimer services and a rental rather than a buy-in facility. Claridge Court is expensive and does not have Alzheimer care which means that in some cases one spouse lives at Claridge and the other must live in another distant project. That is not desirable for elderly couples. Many like the idea of renting rather than using a large amount of their retirement funds to buy-in.

Mission Chateau will be an attractive residential, basically apartments, addition to Prairie Village. I see no valid reason for there to be any objection to this project. The immediate neighbors all bought when there was a noisy school with added traffic difficulties on this site, and this project will not create either of these objections. What other, than fear of change as many of us have, could be their valid objection. And you know, many of them will be future residents of this project when they arrive at the proper age to need these amenities. If we listened only to the neighbors supposed objections to any commercial project, Prairie Village wouldn't have any shopping centers, office buildings, or apartments and we know how important these are to our community. They enhance rather than detract from the value of the neighbor's houses.

I would hope that each Council Person and the Mayor will vote for what is best for Prairie Village, and not be swayed by an organized effort by a few, most of whom live up to miles away from the site. The City cannot grow in the future except by making the proper use of the few remaining sites as they become available to create useful amenities for all of the citizens who live in Prairie Village.

Thank you for your consideration.

7/18/13
I understand that
the City Clerk must
have a copy of this
letter.

Thank you.

Russell Jones

Sincerely,

Russell and Joy Jones

Russell and Joy Jones

22 Coventry Ct., Prairie Village, Ks.

Sent: Tuesday, July 30, 2013 6:59 PM

To: Joyce Hagen Mundy

Subject: Letter to the Planning and Zoning commission regarding the proposed Mission Chateau

Members of the Planning and Zoning Commission,

I attended the May and June public meetings regarding the Mission Chateau project. It was very clear at the end of these two meetings that the commission's consensus regarding the proposed plan was it was too big, too tall and not consistent with the ranch-style neighborhoods surrounding the project. "The elephant in the room" was the massive size of the project. I understood that the developer was to listen and work with the neighborhood and come back with a plan that the neighborhood could be enthused about.

Next, I attended a July work session where the proposal square footage dropped a mere 9%. I was shocked as some of the Commissioners appeared pleased with this token effort. Following the work session there was a neighborhood meeting during which Mr. Tutera presented his plan. The response was overwhelming negative. We were not pleased with the 9% reduction as it leaves the plan two to three times larger in density than the average CCRC in Johnson County. It would still be the second largest CCRC in Johnson County- the largest is on 100 acres and this is on only 18 acres.

Mr. Tutera said his plan has to be so big so that he can offer a certain "lifestyle" for his residents. I commented that this statement is untrue when you consider that out of seven CCRC's in Johnson County only one is larger. There are six other CCRC's smaller in square footage and only two are on smaller acreages than the proposed Mission Chateau site. It appears he wants it this big so that he can increase his profits (not the cities') at the expense of the Prairie Village neighbors.

After the neighborhood meeting, Mr. Tutera submitted a new plan that actually increased the square footage by almost 7,000 square feet. He disregarded the neighborhood input! Now the reduction is only 7.5% not 9%. Furthermore, a few weeks ago I had a conversation with Mr. Enslinger about Benton House's phase-two square footage which was approved for an additional 8,000 square feet. Mr. Enslinger told me it would probably end up being 10,000 square feet. I asked him if a 5% increase can go through without an approval of the Planning and Zoning commission and he said "Yes! - as long as the staff, in their opinion, found it to be reasonable".

So, in reality, could we really be talking about only a 2.5% reduction in square footage on Mission Chateau? We are not against any redevelopment. It just needs to be appropriate in size, character, and safety. We must maintain Prairie Village's green space, not "patches" of green. Additionally, the developer needs to provide abundant parking on the site to assure that overflow parking does not end up in the adjacent neighborhood. For example, off-site parking is provided by Claridge Court and it is not working. I purposely observed two shift changes in the last two weeks and counted fifteen to twenty employees parking in the nearby library and shopping center. In other words, the employees ignored the offsite parking-for whatever reason.

The obvious disregard of the developer for the obvious underlying problem with "Mission" Chateau is disconcerting. The project is too big.

Thank You for Attention to this matter,
Brenda Satterlee

8600 Mission Road
Prairie Village, Kansas

July 30, 2013

City Clerk
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Dear City Clerk:

I am submitting my comments made at the July 11, 2013 meeting Mr. Tutera held with neighbors to get input on the changes they made to their proposal for Mission Chateau.

Mr. Tutera often referred to his vision of continuum of care for the development when addressing comments or questions about why the proposed development is so large.

I made comments that no one is really challenging his vision of continuum of care. I respect his vision. However, you can have a continuum of care and still not have it at the massive scale he is proposing for that size of a lot. It is simply too big.

I also commented that it doesn't make sense why he didn't propose further reductions in the scale of the project based on his vision for continuum of care. For example, if he is already reducing approximately 40,000 square feet (independent living areas offered) wouldn't there be other square footage reductions or less capacity needed in other sections of the proposed development. So, potentially when you make reductions across the continuum of care and may realize more of a 100,000 square foot reduction, versus just cutting the number of beds in the proposed independent living facility.

I asked Mr. Tutera what was the bottom line in terms of what he really could reduce in terms of total scale of the project that would result in common ground and agreement with the neighbors. He did not have an answer.

I am unclear on what would even ensure the proposed 40,000 square foot reduction would happen once construction began. Is there a percentage or variance that the developer can go with regards to square footage without even getting any approval from anyone from the city? This project could be even larger than proposed if that were the case.

Sincerely,

Janine Smiley
3608 W. 84th Terrace

July 26, 2013

TO: Mayor Ron Shaffer and City Council Members, City of Prairie Village

SUBJECT: Letter of Support of the Mission Chateau Development

Dear Mayor Shaffer and Council Members:

My parents, Jack & Marian Ratchford, built a home in 1946 at 71st & Granada Road. My husband's family (Oliver & Janet Starcke) moved into their home at 71st & Cherokee in 1950 where my husband Robert lived until we married in 1967. While he was in Viet Nam, I lived in the Deauville Apartments at 75th & Mission Road with our young daughter. When he returned we rented a house on 71st Street for two years and then bought our first home on 74th Street. As you can see, Prairie Village was definitely our hometown for most of the first 45 years of life and it will always be.

We have relocated to Lenexa, but nothing would please us more in our senior retirement years than to return to life in Prairie Village. The problem is there just aren't many choices for us, especially since we are currently in good health and want to be actively involved in the life of the larger community, not just in the facility where we might live. It is clear there isn't enough senior housing with the options we, as well as many aging residents who wish to stay in Prairie Village, are seeking. We strongly believe the Mission Chateau Development would be a highly desirable, beautiful addition to Prairie Village. We have already inquired about being added to a waiting list because it is the kind of community we and many seniors who love Prairie Village desire. What a huge disappointment it would be not to have the opportunity to return to the city where we lived for 45 years – the city that where we grew up, went to school from kindergarten through high school graduation (as did our siblings and children), raised our family, worked and still attend church and have many friends.

We strongly support approval of the Mission Chateau project and believe that it will be an asset to the prosperity and desirability of Prairie Village both in the present and for many years to come, and we hope that you will lend your support to the Mission Chateau Development.

Sincerely,

Dianne R. Starcke

Former addresses in Prairie Village: 7100 Granada Road, 4414 W. 71st Street, 3900 W. 71st Street, 4500 W. 71st Street and 3801 W. 74th Street. (Lived in Prairie Village from 1946 (Dianne) and 1950 (Robert) until 1980.

Current address: 12628 W. 77th Street, Lenexa, KS 66216

E-mail address: rstarcke@kc.rr.com

HUBBARD
RUZICKA
KREAMER &
KINCAID L.C.

ATTORNEYS AT LAW

130 North Cherry
P.O. Box 550
Olathe, Kansas 66051

Telephone
913-782-2350

Facsimile
913-782-2012

Internet
www.hrkklaw.com

July 18, 2013

City of Prairie Village, KS
Planning and Zoning Commission
c/o City Clerk
7700 Mission Road
Prairie Village, KS 66208

RE: *Mission Chateau*

Dear Members of the Planning Commission:

We have owned a home at the southwest corner of Somerset and Delmar since 1977 and the location of our residence is across the street from the homes that border the proposed Mission Chateau property. Our children attended Mission Valley Middle School and we were obviously very disappointed when the school district decided to sell the property to Mr. Tutera for development of the property.

We've attended all the neighborhood meetings with Mr. Tutera and the City Planning Commission meetings and are very dissatisfied with the plan that Mr. Tutera has presented to the City.

There are numerous factors under the Golden Criteria that a Planning Commission and City Council will consider in any request for rezoning and/or the issuance of a special use permit for property within the City. Several of those factors, including but not limited to, are the character of the neighborhood, the zoning and uses of the properties nearby, the suitability of the subject property for the uses to which it has been restricted, the extent of which removal of the restrictions will detrimentally affect nearby property and conformance with the master/comprehensive plan. For many years, the property was used as a school with open green space which was very compatible and supportive of the high quality residential properties that border or are near the school site. In addition, the City's comprehensive/master plan never contemplated that this property would be used for a high rise, high density, commercial development. The Planning Commission, utilizing those Golden Criteria in considering the effect that Mr. Tutera's project will have on the neighboring property, will have to logically conclude that the plan violates a number of the Golden Criteria and it will have a very negative effect on the value of that property and the quality of life that those residents have enjoyed for many years.

It's fairly obvious that Mr. Tutera was the highest bidder and paid a substantial price for the property which now requires him to create as much density as possible on the tract in order to make it economically viable for himself and his company. To

James R. Hubbard
Thomas E. Ruzicka
Scott Harrison Kreamer
Gregory D. Kincaid
L. Franklin Taylor
Frank W. Lipsman
Dana L. Parks
Allan E. Coon
D. Todd Arney
Kevin D. Wait
Peggy S. Bisping
Thomas (Ted) Ruzicka
Erica N. Perkin

Of Counsel:
Joseph S. Davis, Jr.

Joe L. Norton (1942-2008)

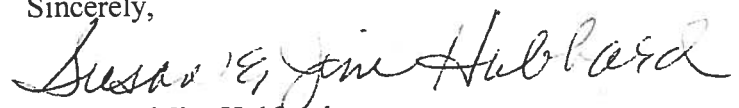
construct a 3-story building with over 327 units, with 36 memory care and 100 skilled nursing units along with duplexes, creates a density far exceeding the density of any other project of this type in a high quality residential neighborhood in Johnson County. Mr. Tutera is trying to force the Planning Commission and the City Council into an approval of his project by arguing that he needs this amount of density to make the project viable and, in his terms, have a "lifestyle" that makes it a financial success for himself and his company. That is not an acceptable reason for overlooking the Golden Criteria which the Planning Commission and the City Council will consider in deciding the outcome of this proposed project. It is our understanding that Mr. Tutera had the opportunity to sell the property to Kansas City Christian School for a profit but declined to do so. Therefore, any argument by Mr. Tutera that he needs the increased density to make this project economically viable is a problem he has created for himself.

The mere fact that Mr. Tutera is proposing a 36-bed memory care and 100-bed skilled nursing facility is a clear indication that this facility is not meant to merely support the residents from the independent living portion of the project. In fact, it is a separate revenue stream to Mr. Tutera and his company similar to any other freestanding rehabilitation and skilled nursing facility which are typically associated with and located on one of the hospital tracts in the metropolitan area. A skilled nursing facility to support merely the residents of the Chateau project would be much smaller than the one proposed by Mr. Tutera. The number of family members, vehicles, ambulances and other emergency vehicles coming to this skilled nursing facility will be substantially out of proportion to a typical independent living facility.

In fairness to the surrounding neighbors of this proposed project, the City Council cannot use as one of their criteria the fact that this project may bring tax revenues to the City from a site that was previously a school and exempt from such taxation. The potential revenue stream to the City is not the issue that should decide the outcome of this proposed project.

We would respectfully request that the Planning Commission reject in its entirety Mr. Tutera's proposed project and make that recommendation to the City Council.

Sincerely,



Susan and Jim Hubbard
4301 Somerset Drive
Prairie Village, KS 66207

E mail

city clerk @ P U R S . c o m

Regarding mission chateau
development:

Parking is a great concern.

The mission chateau should
provide parking for all staff
and employees within the
 confines of the chateau.

and include parking for

Volvo's, the memory care center,

for independent living, and the

skilled nursing unit.

while constructing the chateau

they must also provide parking

for delivery vehicles, construction

vehicles, and construction workers

vehicles in the confines of the chateau

all this parking must be
supervised by the chateau
owners. or it will not be done
satisfactorily.

Sincerely
Peggy Rhoads
3605 W. 84th St
P.O. Box 66206

Thank you.

In regard
to you



July 16, 2013

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

Re: Mission Valley Development

Dear Sirs:

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.

I attended the recent July 11, 2013 neighborhood meeting and I expressed my concerns to Mr. Tuter regarding the negative impact this proposed development would have on our property and our residents. These concerns are as follows:

- 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 is massive in scope and 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, I asked Mr. Tuter why a large parking lot would be placed in such close proximity to our residences when it could be located in the interior of his development. He was not able to answer this question. I then asked him to revise the proposed plan by relocating the parking lot and delivery entry adjacent to our property to the interior of his development so that it is not bordering a residential area of the project. Again, he did not respond to this suggestion.

Due to the above concerns, we request that this development not be approved.

Thank you for your assistance with the above.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald J. Seuferling", with a long, sweeping underline.

Ronald J. Seuferling
President